

Responses to Questions on Notice or further information agreed to be supplied at the hearings

Witness	CEO WorkSafe
Committee member	Jade Benham
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Question:

Jade BENHAM: Thank you, Chair. Good morning, Minister and officials. You would be familiar now with the story last week from Nick McKenzie and Lachlan Abbott reporting on the alarming story about violent men cashing in on Allan’s pro-women policy on government infrastructure projects. The company was owned by a male serial domestic violence abuser who had links to drug trafficking, bikies and criminals. Had WorkSafe investigated this company prior to this report?

Cathy HENDERSON: Thank you. Ms Benham, I am not myself aware that we previously investigated that organisation, but I might not be aware, so we can see if there is further information that we can provide to you on that.

Answer:

WorkSafe have not investigated an entity called ‘Women in Construction’.

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Committee member	Jade Benham
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Question:

Jade BENHAM: How many of those are government construction sites?

Cathy HENDERSON: I do not have that information before me of how many visits.

Jade BENHAM: Are you able to provide that?

Ben CARROLL: We can have a look at that. Government construction sites are public–private partnership construction sites as well.

Answer:

For the financial year 2024/25, WorkSafe conducted 1,273 visits across all duty holders listed on the Victorian Government’s Big Build website. This may include Big Build and non-Big Build sites.

Construction is a priority industry for WorkSafe due to the significant number of fatalities and injuries each year.

Witness	CEO WorkSafe
Committee member	John Pesutto
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Question:

John PESUTTO: Are there any prosecutions at all, Ms Henderson, in relation to any Big Build project, prosecuting an individual or entity for intimidation, violence or other improper behaviour on worksites at the moment? Are you aware of any prosecutions by your organisation?

Cathy HENDERSON: We have got a number of prosecutions on foot. I will have to check as to whether there are any Big Build prosecutions at the moment.

Answer:

Criminal and unlawful behaviour has no place in Victoria’s construction industry.

WorkSafe has a dedicated inspector team that oversees Victorian Government major infrastructure projects, and some joint State/Federal infrastructure projects.

This team undertakes proactive inspections on a regular basis to ensure compliance with occupational health and safety legislation and uses all available enforcement tools.

There are no current prosecutions pursuant to the Occupational Health and Safety Act 2004 involving risks of violence on Big Build projects.

Witness	CEO WorkSafe
Committee member	John Pesutto
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Question:

John PESUTTO: Can I put it to you this way. What I was hoping to get to and establish is: does WorkSafe have a policy of seeking to recover, as it can under the Act, amounts of compensation that it has paid out to a legitimate worker from the person who perpetrated that, if you like, stress or violence towards that person? Does WorkSafe have a policy of recovering that money?

Cathy HENDERSON: I am not aware that we routinely seek to recover costs from individuals in the case of the WorkCover compensation scheme. The scheme is set up under legislation to fund claims for mental injury as well as claims for physical injury. I can see if there is further information we have for you on that.

Answer:

WorkSafe may seek to recover compensation costs from a person responsible for bullying, intimidation or violence under the *Workplace Injury Rehabilitation and Compensation Act 2013*. This can include seeking a contribution towards common law damages or recovering statutory compensation paid to an injured worker. Decisions to pursue recovery are considered on a case-by-case basis, having regard to factors such as the circumstances of the matter, including the individual's capacity to pay the costs.

Witness	CEO WorkSafe
Committee member	Aiv Puglielli
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Question:

Aiv PUGLIELLI: Thank you, Chair. Good morning, Minister and officials. My question is for the CEO of WorkSafe. I understand following the passage of the Workcover reforms from this term of Parliament, there was a plan that WorkSafe would develop guidelines that provide that workers who have an unstable whole-person impairment of 20 per cent will remain in receipt of weekly payments, including beyond 130 weeks. I understand that instability in that context is defined as a worker who has received impairment assessments that differ by 3 per cent in a 12-month period and that under this plan all interim decisions will be reviewed again when the injury has stabilised and the decision can be finalised. CEO, are you aware of these guidelines having been developed?

Cathy HENDERSON: Mr Puglielli, I am aware that that was an action that was identified, and I believe I am going to have to see what further information we have got for you on that.

Aiv PUGLIELLI: Okay, thank you. To your awareness, have these guidelines been used in practice?

Cathy HENDERSON: I will need to see what information we have got for you on that.

Aiv PUGLIELLI: Okay, thank you. If you are following that up, if you could see where they are published for public review, that would be appreciated.

Answer:

The *Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Act 2024* introduced a new requirement for whole person impairment (WPI) for workers to continue to receive weekly payments after the 130-week entitlement period. To continue receiving weekly payments after 130 weeks, workers must have a WPI of 21% or more and meet the existing capacity test requirement. Where an injury is unstable, such as a progressive disease, the agent may decide to issue an interim determination given a WPI assessment cannot be made until the injury is stable.

The operational expectation and guidance provided to agents and self-insurers are detailed in the Claims Manual and through the Practice directive on the WorkSafe Victoria website – www.worksafe.vic.gov.au/practice-directive-whole-person-impairment-ongoing-entitlement-weekly-payments.

More information is available on the information sheet relating to Whole Person Impairment on the WorkSafe Victoria website - www.worksafe.vic.gov.au/resources/information-sheet-whole-person-impairment.