

TRANSCRIPT OF PROCEEDINGS



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INDEPENDENT COMMISSIONER AGAINST CORRUPTION

COMMISSIONER LANDER

PUBLIC HEARING - EVALUATION OF SAFEWORK SA

ADELAIDE

10.31 AM, THURSDAY, 5 JULY 2018

Continued from 4/7/18

MS H. STANLEY appeared as counsel assisting

COMMISSIONER: Chief Officer Crossman?

CHIEF OFFICER CROSSMAN: Commissioner.

5 COMMISSIONER: Thank you very much for attending today.

CHIEF OFFICER CROSSMAN: My pleasure.

10 COMMISSIONER: I'm grateful for the submission that you made and for making yourself available to participate in this evaluation.

CHIEF OFFICER CROSSMAN: Thank you.

15 COMMISSIONER: In a moment I'll invite you to make your submission.

CHIEF OFFICER CROSSMAN: Yes.

20 COMMISSIONER: During that submission I'll be asking you some questions, and it's likely that Ms Stanley, who's sitting to your right, will also ask questions of you.

CHIEF OFFICER CROSSMAN: Yes.

25 COMMISSIONER: You'll bear in mind, of course, the scope of the evaluation, which is into the practices, policies and procedures of the regulatory arm of SafeWork SA, and it is not an investigation into the conduct of any particular person. You should also be aware that, in answering questions, there's no absolute immunity from a civil suit in relation to anything you say.

30 I am able to authorise the publication of the identity of persons who appear in this evaluation and I authorise the publication of your identity, Chief Officer Greg Crossman, as a person who's made a submission during this evaluation.

35 CHIEF OFFICER CROSSMAN: Thank you.

40 COMMISSIONER: In your submission, which I received, you mentioned that you'd had a very good professional working relationship with SafeWork SA - - -

CHIEF OFFICER CROSSMAN: That's correct.

45 COMMISSIONER: - - - and that your organisation was of the opinion that SafeWork SA have regularly provided appropriate and timely advice - - -

CHIEF OFFICER CROSSMAN: That's correct.

COMMISSIONER: - - - duly considered all relevant information prior to making a determination in response to MFS practices - - -

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CHIEF OFFICER CROSSMAN: That's correct.

COMMISSIONER: - - - and provided sound advice and proposed suggestions for improvement in regards to the safety and wellbeing of your staff and the broader community.

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CHIEF OFFICER CROSSMAN: That's correct.

COMMISSIONER: You expect that you'll continue to receive professional advice and assistance from SafeWork SA into the future.

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CHIEF OFFICER CROSSMAN: Yes.

COMMISSIONER: Would you describe MFS as being an organisation with high risks in relation to safety?

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CHIEF OFFICER CROSSMAN: The organisation - just by virtue of the nature of the roles and tasks that we're required to provide for the safety of the community, there is a degree and element of high risk in our operations.

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COMMISSIONER: Yes.

CHIEF OFFICER CROSSMAN: There are a lot of procedural guidelines and assistance to provide advice and procedures to ensure the safety of firefighters and firefighting crews. However, I agree with the commissioner that it is a high-risk environment.

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COMMISSIONER: Yes, and particularly high risk for work health and safety of fire officers.

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CHIEF OFFICER CROSSMAN: That's correct, yes.

COMMISSIONER: What sort of risks have you identified as being risks of that kind to work health and safety?

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CHIEF OFFICER CROSSMAN: All the procedures that we have regarding operational guidelines are to provide our officers and firefighters with a framework to be able to perform their tasks safely and effectively by attempting to perform high-risk activities - rescue activities, firefighting activities, road crash rescue activities and other similar activities alike.

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5 So the organisation has in place numerous efforts to be able to ensure the safety of its crews, and when and if an incident - either a near miss or an incident that causes an injury, we rely heavily on SafeWork SA to provide oversight and guidance to the MFS on whether those procedures are in fact relevant and appropriate.

COMMISSIONER: Can I just unpack that a little bit, if I can.

10 CHIEF OFFICER CROSSMAN: Sure.

COMMISSIONER: Have you identified high risks at the fire station itself?

15 CHIEF OFFICER CROSSMAN: Risk at the fire station is - predominantly our highest risk around the fire station is in our response phase. So when we're requiring crews to stop tasks immediately, either tasks and then move with pace to a responding appliance, there's an element of risk at station.

20 The other risks at station involve training. The philosophy of fire services throughout the world is, you need to train as you play. In a training context there can be higher degrees of control, obviously, because we can control the environment, and so there is^(?) a high element of risk in the training activities that we do take at station level.

25 COMMISSIONER: In relation to training and within the station itself, do you have policies and procedures in place in relation to the safety of fire officers?

CHIEF OFFICER CROSSMAN: Yes. Yes, we do.

30 COMMISSIONER: Have you consulted with SafeWork SA about those policies?

35 CHIEF OFFICER CROSSMAN: Not specifically safety policies at station level. The interactions we've had with SafeWork SA during my tenure as chief officer have normally been as a result of either a near miss or an injury resulting from an incident at a fire scene.

40 COMMISSIONER: Have you had interaction with SafeWork SA in relation to incidents at the fire station?

45 CHIEF OFFICER CROSSMAN: To my knowledge, Commissioner, I'm not aware that we've specifically had - at the fire station. There is a context that we have recently engaged with SafeWork SA in regards to a promotional process which we've conducted, which is conducted on fire station premises. So we've used SafeWork SA as an oversight and adviser on some of the practices that

were being assessed within that process.

COMMISSIONER: I take it that the risks are heightened after you're notified of the existence of a fire - - -

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CHIEF OFFICER CROSSMAN: Yes.

COMMISSIONER: - - - and the fire officers have to go to the trucks that are going to take them to the fire.

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CHIEF OFFICER CROSSMAN: Yes, absolutely. Yes, that's that response phase I was talking about, sir, when we're - - -

COMMISSIONER: Yes. Then of course the next set of risks would be in relation to travelling to the fire?

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CHIEF OFFICER CROSSMAN: Absolutely, yes. The management of road traffic and the proceeding, processing and moving the appliances to the incident is also seen as a significant risk to the - - -

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COMMISSIONER: Have you had an interaction with SafeWork SA in relation to the movement from the station to the fire?

CHIEF OFFICER CROSSMAN: Not to my knowledge. The only interaction we've had with SafeWork SA regarding appliances is around our articulated aerial appliances or the hydraulic platforms. We've been speaking to them regarding regulatory and licensing, but not any specific issues, to my knowledge, around vehicle movements.

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COMMISSIONER: And that's at the fire then? You're talking about risks at the fire then, are you?

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CHIEF OFFICER CROSSMAN: No, the risks with regards to our licensing for a hydraulic platform is a separate issue from an operational response. This is around - we were seeking advice and also - advice around the correct procedure for training and licensing qualified aerial operators and trainers for aerial operators to be qualified. So it's non-operational training context.

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COMMISSIONER: Do you have safety officers within MFS?

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CHIEF OFFICER CROSSMAN: Yes, we do. We have a safety officer appointed at a corporate level to oversee the work health and safety system. At every incident we go the officers, incident controllers, are required to dynamically assess the risks that they're attending to and that they will - if the risks are identified as being extraordinary, we will - the incident controllers

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will appoint a safety officer.

5 However, in our regulations all of our station officers conduct the role of a safety officer - a responsibility - by assessing the incident controllers' decisions and directions and putting another lens and a view on whether that could have an impact on safety.

10 COMMISSIONER: Are the safety officers asked to cooperate with SafeWork SA in relation to any inspection?

15 CHIEF OFFICER CROSSMAN: They could very well be involved in inquiries, and that's where our interaction with SafeWork SA has been, because we ask that a safety officer prepare a report if there is an incident. We actually ask the safety officer to prepare a report on any major multiple alarm fires that we conduct. So if anything comes out of that report that requires either mandatory reporting or an interaction with SafeWork SA, we would do it from that perspective.

20 COMMISSIONER: Right. On how many occasions have you had interaction with SafeWork SA over the last, say, five years?

25 CHIEF OFFICER CROSSMAN: Look, I would suggest it would not be more than 10, but I would say it would be more than five. There are five incidents that I can recall quite specifically, one resulting in a fire which caused injuries to two firefighters at Beverley, and that was probably just outside that five-year time frame. SafeWork SA provided oversight and governance and advice on our safety procedures in that, which formed a corrective action for the service to implement. Similarly, there was an incident at Port Augusta where a firefighter was injured, and again we notified SafeWork SA to conduct an investigation and they provided advice and direction as to appropriateness of procedures.

35 As I mentioned before, the licensing of our aerial appliances - there have been several near miss inquiries, where we weren't required to mandatorily notify. However, we used that as a process to say, "Look, if it hadn't have been a near miss, we would have seen a significant injury," so we've used that. And there have been other mandatory reportings regarding the size and complexities where we got SafeWork SA involved into our - reviewing our operational responses.

40 The last one I think was the - we had them involved in the Mulhern's oil fire at - where's that? - Wingfield. That's probably within that time frame, and also we did engage with SafeWork SA with regards to the abattoir fire at Murray Bridge.

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COMMISSIONER: In all of those interactions with SafeWork SA, did you find SafeWork SA of assistance?

5 CHIEF OFFICER CROSSMAN: Yes, very much so.

COMMISSIONER: Considerable assistance?

10 CHIEF OFFICER CROSSMAN: Yes, very much so. Yes, yes. We rely on an independent body like SafeWork SA to be able to tease apart and pick apart the incidents and the resulting injuries or the resulting activities that caused - the causes concerned to provide us with independent advice and guidance as to our safe work practices, and we find that extremely valuable.

15 COMMISSIONER: Were they professional?

CHIEF OFFICER CROSSMAN: Very much so, yes.

COMMISSIONER: Was their response timely?

20 CHIEF OFFICER CROSSMAN: Yes, yes. I have recently chatted to our work health and safety coordinator, who's indicated to me that at all times when we do engage with SafeWork SA there has been a timely response.

25 COMMISSIONER: Do you know of your own knowledge whether on each occasion you're dealing with the same inspector?

CHIEF OFFICER CROSSMAN: No, I believe they are different people involved.

30 COMMISSIONER: Right.

35 CHIEF OFFICER CROSSMAN: I can't personally say that they are. I'm not aware, but my indications from the work health and safety coordinator is that they may be different people.

COMMISSIONER: Are the firefighters within your organisation members of a union?

40 CHIEF OFFICER CROSSMAN: Yes.

COMMISSIONER: The union being?

45 CHIEF OFFICER CROSSMAN: The United Firefighters Union of South Australia.

COMMISSIONER: Does the union become involved in relation to SafeWork SA's involvement with MFS?

5 CHIEF OFFICER CROSSMAN: We notify the union that there is an investigation into our operations. We notify the union initially if there is an incident and/or injury nearly at the same time that we are engaging with SafeWork SA. It's one of the primary things that we do if that occurs.

10 COMMISSIONER: Does the union involve itself in SafeWork SA's investigation or inspection in relation to any incident?

15 CHIEF OFFICER CROSSMAN: Not to my knowledge that the union actually engage individually with SafeWork SA. That has always been a management responsibility. Where the union do get involved is that we report the findings of the SafeWork SA investigations or recommendations through our work health and safety committee, which is a standing committee with (indistinct) representatives.

20 COMMISSIONER: You'd be aware that under the Work Health and Safety Act SafeWork SA can issue improvement notices - - -

CHIEF OFFICER CROSSMAN: Yes.

25 COMMISSIONER: - - - and prohibition notices.

CHIEF OFFICER CROSSMAN: Yes.

COMMISSIONER: Has MFS received any improvement notices?

30 CHIEF OFFICER CROSSMAN: Not to my knowledge, Commissioner.

COMMISSIONER: And obviously no prohibition notices either.

35 CHIEF OFFICER CROSSMAN: Not to my knowledge, Commissioner.

COMMISSIONER: Are you aware that SafeWork SA offers an educative service?

40 CHIEF OFFICER CROSSMAN: Yes.

COMMISSIONER: Has MFS used that?

45 CHIEF OFFICER CROSSMAN: Not within the last five years. My understanding is that the work health safety system is independent from SafeWork SA and we haven't engaged the educative services, no.

5 COMMISSIONER: Would it be fair to say that MFS's involvement over the last five or so years with SafeWork SA has been when there has been an incident and SafeWork SA has been called upon to react to that incident?

CHIEF OFFICER CROSSMAN: That's correct.

COMMISSIONER: In that respect, you found them quite professional?

10 CHIEF OFFICER CROSSMAN: That's correct.

COMMISSIONER: Do I understand then, from what you say, you've not received any unannounced visits from SafeWork SA?

15 CHIEF OFFICER CROSSMAN: Not to my knowledge, Commissioner.

COMMISSIONER: Would you encourage that?

20 CHIEF OFFICER CROSSMAN: Certainly. My vision for the service is that we should be transparent in all the actions that we conduct - - -

COMMISSIONER: Yes.

25 CHIEF OFFICER CROSSMAN: - - - and I welcome any investigative approach or any visits to assess our safe work systems and our safety systems in total.

COMMISSIONER: Would you see unannounced visits being helpful in terms of your ability to address work health and safety?

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CHIEF OFFICER CROSSMAN: I'd have to get my head around an unannounced visit. An audit I certainly would recommend. I think a planned audit, where we could be openly and honestly talking with members of the service - but if you're talking about like a knock on the door and, "I want to have a look around," I'm not sure whether that would be as helpful as a planned audit.

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COMMISSIONER: Because your greater risks are outside the station?

40 CHIEF OFFICER CROSSMAN: Exactly. Exactly; not to say there aren't risks at station level, but the challenge that we have is that we need to provide a safe workplace for employees, and that workplace is - it moves, and so we need to be cognisant of all the elements and the steps within that - within forming a workplace that's safe. There are safety elements within the station, so I can understand that a visit or an audit at station level would be beneficial.

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COMMISSIONER: Has MFS got a good safety record for its workers?

5 CHIEF OFFICER CROSSMAN: Commissioner, that's always a vexed question, because no sooner I say something like that we'll - you know, I'm nervous that - I'm always nervous for the safety of our firefighters because of the risks we take.

10 COMMISSIONER: Yes.

CHIEF OFFICER CROSSMAN: As far as line of duty deaths, there has been one in recent history and that was in 1977. There have been significant injuries on duty as a result of complex issues. I would personally say the effort that we put into safety is extremely high and is extremely important. I'm not saying we're lucky but I'm saying that the statistics show we hurt more people in a gymnasium or on a basketball court than we do on a fire ground. That indicates to me that there's some solid foundation and basis for our safety systems.

20 COMMISSIONER: Yes. Chief Officer, is there anything else you want to tell me that I haven't asked you? I encourage you to do so.

25 CHIEF OFFICER CROSSMAN: Yeah, thank you, Commissioner. I was given an option whether or not I wanted to make a submission to this inquiry, and I chose to put in a brief submission because I wanted to - because the Fire Service is a high-risk activity and we do rely on independent and regulatory advice and guidance from an independent section from the service, and that provides me great comfort.

30 So I chose to respond in a letter in June. It was a very generalised response, and I think you summarised that in your opening submission extremely well. I chose to do that because I thought SafeWork SA's role and responsibility to the South Australia Fire Service is important.

35 COMMISSIONER: Yes, thank you. Ms Stanley, do you have any questions of the chief officer?

40 MS STANLEY: Perhaps just a couple to make sure I understand exactly what the position is.

CHIEF OFFICER CROSSMAN: Yes.

45 MS STANLEY: The commissioner has asked you whether or not there have been any unannounced visits to the station itself, and you said there hadn't been.

CHIEF OFFICER CROSSMAN: To my knowledge there hasn't been.

MS STANLEY: To your knowledge. I absolutely understand.

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CHIEF OFFICER CROSSMAN: Yes.

MS STANLEY: To your knowledge, has there been in the last five years any actual audit of the station?

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CHIEF OFFICER CROSSMAN: Not to my knowledge, not that hasn't been requested by the service. It's been a relationship where I go to SafeWork SA and request guidance or advice, but to my knowledge I'm not aware that there's been an audit. We've had work health and safety audits regularly, but not to my knowledge that SafeWork SA has been involved.

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MS STANLEY: So your own internal work health and safety audits.

CHIEF OFFICER CROSSMAN: These are still external audits. At the moment we're - Deloitte are an organisation that are conducting a work health and safety audit as a matter of process, but I'd have to check whether SafeWork SA is involved in that. I'm not aware that they are.

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MS STANLEY: Okay, thank you. I've no further questions.

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COMMISSIONER: Chief Officer, thank you very much for coming today. It's been very helpful to hear from you - - -

CHIEF OFFICER CROSSMAN: My pleasure, Commissioner.

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COMMISSIONER: - - - and your support for SafeWork SA.

CHIEF OFFICER CROSSMAN: My pleasure, Commissioner. Thank you.

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COMMISSIONER: Thank you.

MATTER ADJOURNED AT 10.49 ACCORDINGLY