

Workplace Visit report - submission confirmation

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Access Canberra

GPO Box 158
Canberra City ACT 2601

Telephone: (02) 6207 3000

Initial information

Inspector ID *

P32685

Inspection number

WPV-P32685-QMKRTK

Event number

CRM - 161004-000351

Lead inspector *

Robert Alford

Accompanying inspector/other *

N/A

Date *

04 Oct 2016

Time commenced *

11:30

Type of WPV *

☐ Proactive

☒ Reactive

Purpose of WPV *

Complaint

Legislation *

Work Health and Safety Act 2011

Name of individual or registered company *

Capital Metro Rail

ABN

ACN

Business or trading name (if different)

Registered company address

Address line 1 *

Flemington Road

Address line 2

Suburb *

Gungahlin

State *

ACT

Postcode

Contact name *

41(1)

Contact number *

41(1)

Email address

Workers compensation

Is a compulsory Workers Compensation Policy maintained? *

☐ Yes

☐ No

☒ Not applicable

Details of inspection

Site/Workplace address

☒ Same as registered address

Notification of entry to (as required by s164) *

☐ PCBU

☐ Manager

☐ Supervisor

☐ HSR

☐ Other

☒ N/A

Inspector notes *

Safety Report received from CFMEU dated 21 September 2016 in relation to workers working on the road in inclement weather conditions and not in compliance with TMP.
Attended the location and an extensive patrol of the Flemington Road area from the Gungahlin Town Centre from Hibberson Street to Sandford Street Mitchell was conducted.
It was observed that several locations along the Flemington Road area was under initial construction for the Capital Metro Rail network. Capital Metro Rail being the PCBU highlighted in the CFMEU safety report.
The site office at the northern end of the project was locked up and not accessible. It appears that no works was being undertaken on the day due to either the inclement weather or it was a scheduled RDO.
Attempts to contact the 24 hour contact person 41(1) was unsuccessful with a message to contact WorkSafe ACT in relation to arranging a site inspection.
Follow up visit required for inspection of the site and review of TMP etc.

ALFORD - Official Notebook A10052 pages 60.

Further action

Further action required? *

☒ Yes

☐ No

Notices issued *

☐ Yes

☒ No

Finalisation details

WPV for asbestos related issue *

☐ Yes

☒ No

Industry group *

Construction

Time finished

11:55

The email address below has been derived from the name you entered. Please ensure the email address is correct.

Lead inspector email address *

Robert.Alford@act.gov.au

How many other email addresses would you like to send this to? *

1

Email 1 *

ghamilton@act.cfmeu.asn.au

Privacy notice

The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'With) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisations that have legal authority to request information under prescribed circumstances.

Workplace Visit report - submission confirmation

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Date and time

05 Oct 2016 12:11:09 PM

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99118220161005126690

Tracking code

3D64JN

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Access Canberra

GPO Box 158
Canberra City ACT 2601

Telephone: (02) 6207 3000

Initial information

Inspector ID *

P32685

Inspection number

WPV-P32685-QMKZF0

Event number

CRM - 161004 - 000381

Lead inspector *

Robert Alford

Accompanying inspector/other *

N/A

Date *

05 Oct 2016

Time commenced *

8:00

Type of WPV *

☐ Proactive

☒ Reactive

Purpose of WPV *

Complaint

Legislation *

Work Health and Safety Act 2011

Name of individual or registered company *

43(1)

ABN

ACN

Business or trading name (if different)

Canberra Metro Constructions

Registered company address

Address line 1 *

33o Northbourne Avenue

Address line 2

Suburb *

Dickson

State *

ACT

Postcode

Contact name *

41(1)

Contact number *

41(1)

Email address

41(1)

Workers compensation

Is a compulsory Workers Compensation Policy maintained? *

☐ Yes

☐ No

☒ Not applicable

Details of inspection

Site/Workplace address

☐ Same as registered address

Address line 1 *

Gungahlin Site Office

Address line 2

Flemington Road

Suburb *

GUNGAHLIN

State

ACT

Postcode

2912

Notification of entry to (as required by s164) *

☐ PCBU

☐ Supervisor

☐ Other

☒ Manager

☐ HSR

☐ N/A

Inspector notes *

Attended site office at Gungahlin for the Canberra Metro Rail project.

At the location I was inducted by 41(1) and had a meeting in relation to CFMEU Safety Report received from Garry Hamilton.

Discussion held in relation to the interactions between 41(1) and Garry on the 21 September 2016 during the recent inclement weather and the works being undertaken by Canberra Metro Rail.

No complaints in relation to the interaction between the parties on the day in question. 41(1) did raise the issue that the CFMEU were at the time no aware of the company policy to have a ROE Safety Entry Notice issued on all occasions for visits etc.

The content of the Safety Notice was discussed and advice given. Obligations for the company and roles of the unions under the WHS Act relayed to 41(1).

Further visits will be forthcoming from the construction team with the current timeline for completion of the project to be 2018.

Requested that contact be made in the first instance by the inspectors to arrange a suitable time for Workplace Visits to the site.

Currently the 3 main sites are Gungahlin - Depot behind Sanford St Mitchell and Main office on 330 Northbourne Ave Dickson.

CFMEU officials in attendance on 21 September - Garry Hamilton and Johnny Lomax. It was noted that Garry was the person seeking right of entry and completion of the Safety Entry report.

Johnny LOMAX interdicted himself to 41(1) but did not actively engage in conversation or seek to enter the work site and remained in the vehicle throughout the majority of the interaction.

No complaints about the conduct of the CFMEU made and generally the interaction was quite reasonable on the day.

The CFMEU Safety Entry report was referred to 41(1) for Canberra Metro Rail at Head Office.

41(1) to forward a copy of current TMP for the project to Inspector Alford on email - Robert.alford@act.gov.au

No further action required by WSACT.

ALFORD - Official Notebook - A10052 - pages 60 to 63,

Further action

Further action required? *

☐ Yes

☒ No

Finalisation details

WPV for asbestos related issue *

☐ Yes

☒ No

Industry group *

Construction

Time finished

9:00

The email address below has been derived from the name you entered. Please ensure the email address is correct.

Lead inspector email address *

Robert.Alford@act.gov.au

How many other email addresses would you like to send this to? *

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Email 1 *

41(1)

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From: Coe, Alistair
Sent: Monday, 10 October 2016 7:35 AM
To: CMTEDD WorkSafe
Cc: COE
Subject: Safety of workers on Northbourne Avenue
Attachments: Brief Public Safety - Northbourne Trees.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good morning,

I note the Canberra Times story regarding trees on Northbourne Avenue: *ACT government to remove trees in Northbourne Avenue, citing danger from recent weather* (see <http://www.canberratimes.com.au/act-news/act-election-2016/act-government-to-remove-trees-in-northbourne-avenue-citing-danger-from-recent-weather-20161009-gry3bc.html>). Further to this, I note that Transport Canberra and City Services identified an 'urgent assessment' of trees on the Northbourne Avenue corridor on 5 October and that trees are to be removed today (10 October). A written brief was provided to me by the Directorate on the evening of 7 October.

I am concerned that work continued on Northbourne Avenue median last week. In fact, I understand that work was undertaken on each day following the storm, including Saturday. Given an 'urgent assessment' was deemed necessary and dangerous trees have been identified, would you please advise whether appropriate safety mechanisms were put in place and are currently in place? Attached is the briefing provided to me. I would be happy to expand on this issue on 6205 0101 or 0414 660 117.

Kind regards,

Alistair Coe MLA
Deputy Leader of the Opposition
ACT Legislative Assembly

Shadow Treasurer
Shadow Minister for Planning & Infrastructure; Transport;
Urban Services; and Heritage

T: 02 6205 0101
F: 02 6205 3002
E: alistair.coe@parliament.act.gov.au
W: www.alistaircoe.com.au

GPO Box 1020
Canberra ACT 2601

Briefing Note

Date: 11 October 2016

Inspector: R ALFORD

RE: Email received Alistar COE MLA - Deputy Leader of the Opposition – ACT Legislative Assembly. Public Safety concerns decline of trees on Northbourne Avenue – Canberra Metro Rail.

For the notation of WorkSafe Commissioner and Senior Mangement CEWP.

10 Ocotober 2016 - WorkSafe ACT received an email from Alistair COE MLA in relation to concerns raised in the Canberra Times regarding trees within the Canberra Metro Rail Corridor Northbourne Avenue after the recent storms and potential safety issues posed to members of the community. (Please see attached email and briefing note to Mr COE, Mr Rattenbry and Ms Fitzharris)

Mr COE is seeking advise as to whether appropriate safety measures have been impletmented and are currently in place for removal and ongoing safety concerns in relation to the decline in health of the trees on Northbourne Avenue.

11 October 2016 – WorkSafe ACT attended the office of Canberra Metro Rail and conversed with 41(1) Construction Manager for the project.

The following information was obtained –

- Risks Assessments have been conducted on all trees in the Northourne Avenue corridor.
- 41(1) & 43(1) has been engaged to complete a risk assessment and report on the conditions and health of the trees.
- Since the commencement of the project on Northbourne Avenue constant monitoring of the trees has been undertaken to ensure safety of workers and members of the public.
- All trees on the median strip are under control of Canberra Metro Rail.
- Currently 40 trees have been deemed unhealthy and pose a risk to safety and will be removed by Canberra Metro Rail commencing 10 October 2016.
- 2 trees on Friday 4 October were removed after falling over in the high winds. These trees were not identifed as requiring removal. They were not impacted on by excavations works. There demise was due to the storm event and high winds.
- Both trees were removed safety after risk assessments were conducted and without causing road closures.

- All Traffic Management Plans are in place for this task and 43(1) have been engaged by Canberra Metrol Rail for all temporary traffic control arrangements.
- Currently all trees identified as a risk are safe in normal weather conditions however high winds or storm conditions will pose a risk to safety.
- A small tree was removed late on the afternoon of the 10 October 2016 after monitoring of the trees and weather alert for high winds raised concerns that the tree may fall onto the roadway.

After reviewing the current safety management plan and the task for removal of identified trees at risk to the public WorkSafe ACT are satisfied that all appropriate safety and monitoring measures have been implemented and appear to be working to an acceptable standard. This includes the measures undertaken prior to the weather event that impacted on 2 trees not identified as requiring removal. Employees for Canberra Metrol Rail are fully aware of the hazard whilst working in the vicinity of the trees on Northbourne Avenue and are constantly monitoring for any changes in weather and safety concerns as part of their daily risk assessments. Monitoring of weather and wind conditions will continue to ensure safety in the area whilst works is being undertaken around the trees.

WorkSafe ACT is satisfied all foreseeable risks have been identified and control measures implemented have met the requirements of Canberra Metro Rail to ensure compliance with a duty of care under the Work Health and Safety Act 2011.

WorkSafe ACT will continue to monitor the situation and complete further workplace visits and inspections of the Canberra Metro Rail network.

11 October 2016.

Bob Alford | Construction, Reactive & Asbestos Team

Phone: 02 6205 4261 | Mobile: 41(1)

Email: robert.alford@act.gov.au

Construction, Environment and Workplace Protection | Access Canberra | ACT Government