

**Katy Gallagher MLA****CHIEF MINISTER****MINISTER FOR HEALTH****MINISTER FOR TERRITORY AND MUNICIPAL SERVICES****MEMBER FOR MOLONGLO****E-MAILED**
1-12-11 B

Dear Mr Kennewell

Thank you for your email of 20 November 2011 regarding Occupational Health and Safety concerns associated with the Enlarged Cotter Dam Project.

I appreciate you bringing your concerns to my attention. Given the serious nature of the issues you have raised, the ACT Government is investigating this matter on a range of fronts, including directly through my office. As ministerial responsibility for regulatory matters rests with the Attorney-General, Mr Simon Corbell MLA, I have asked Mr Corbell take primary carriage of this matter on behalf of the Government and he will respond to you directly. I have also asked Mr Corbell to keep me informed.

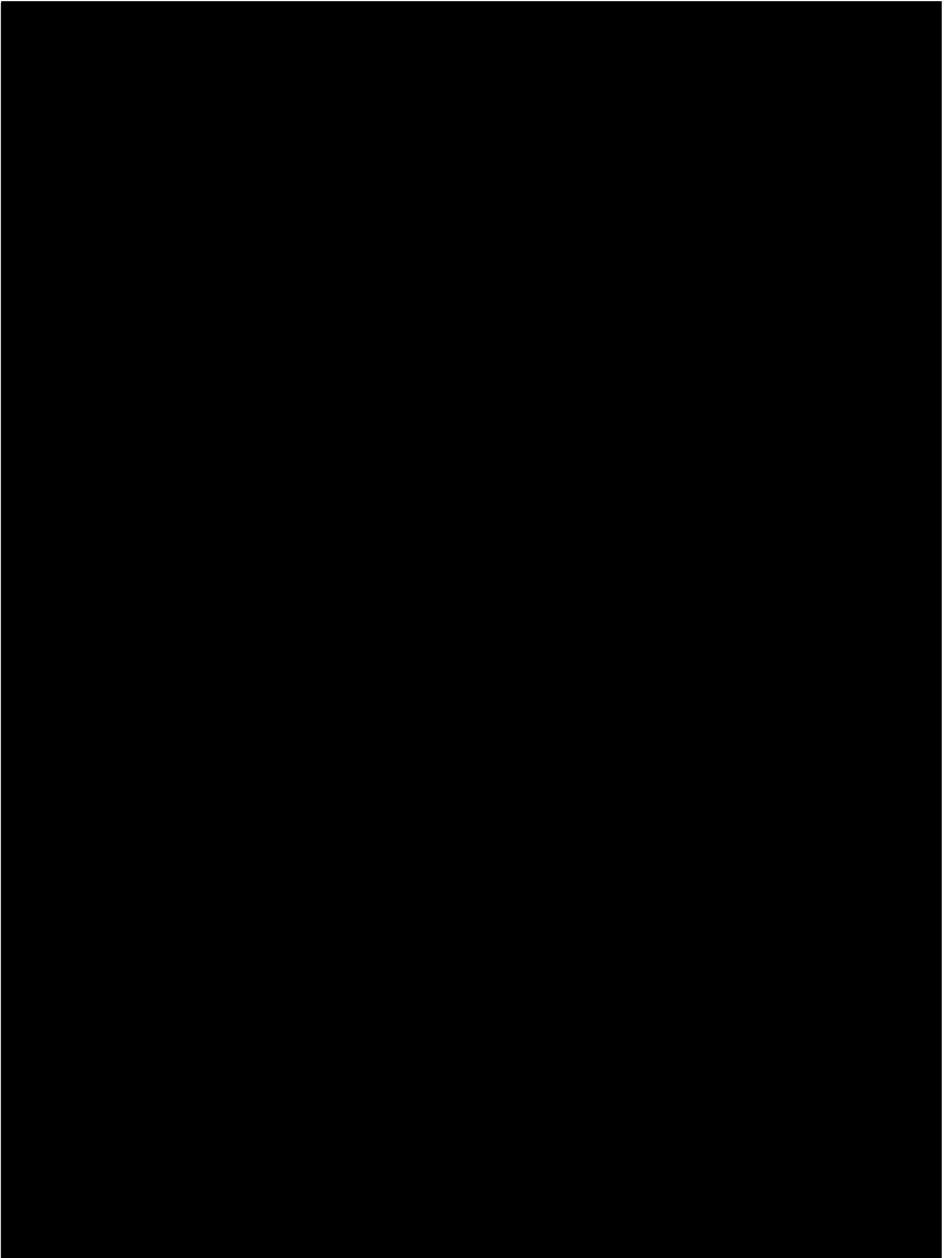
Once again, thank you for writing.

Yours sincerely

Katy Gallagher MLA
Chief Minister

01 DEC 2011

ACT LEGISLATIVE ASSEMBLY



message from your computer system.

From: [REDACTED]
Sent: Sunday, 20 November 2011 7:36 AM
To: GALLAGHER [REDACTED]
Cc: [REDACTED]
 [REDACTED] WorkSafe; Mason, Greg (ACT Workcover);
 media.release@canberratimes.com.au
Subject: FW: Engineers report on Tower Crane 1 at Cotter Dam

Katy Gallagher MLA

Chief Minister
 Minister for Health
 Minister for Industrial Relations

Hello Katy

Further to my email below I have now obtained a copy of the report in question. The report is 47 pages, mostly photographs, I have attached the 2 pages of written content for your reference. It clearly shows management on the Enlarged Cotter Dam Project were aware this crane should have been taken out of service on 17/11/2011 and have deliberately conspired to mislead myself and other personnel on site. They have clearly jeopardised the safety of their workforce in their own vested interests and should be identified and sacked without further delay.

I request an investigation into possible criminal behaviour on the part of [REDACTED] and [REDACTED] management for knowingly allowing tower crane 1 at the Enlarged Cotter Dam Project to continue operating in a potentially deadly condition.

They have shown a total disregard for the welfare of personnel on site as well their responsibility and duty of care under the Occupational Health and Safety Act.

Requests for commissioning documentation for all tower cranes on site have been dealt with in a similar manner and I now have doubts about their existence and/or validity.

There are a multitude of safety and other issues regarding this project and after last nights revelations I feel I have to escalate the matter with a sense of urgency for fear of someone losing their life at the hands of these incompetent and culpable people.

Image 3061 attached shows tower crane 1 in the background to give you an idea of the potential for disaster by disregarding safety obligations.

There have been so many issues reported and either disregarded or ineffectively addressed that I do not intend to raise them all in this email as I have been working from 11.30pm last night and am extremely tired.

However, I feel this issue is of extreme importance to the safety of the workforce, the water supply for the ACT and all operations should cease pending a full and proper investigation.

I have now tagged the crane out of service under the instruction of our shift Safety Officer, [REDACTED] who I might add was instrumental in bringing the situation to light and I fear may face repercussions from management. [REDACTED] and [REDACTED] should be commended for their efforts on this project and should be retained to ensure future improvements are implemented.

There is a culture of bullying and harrasement by management that has seen me receive written warnings in an attempt to stop me raising safety concerns outside of their corrupt circle but my responsibility lies with my fellow workers, their wives and children.

I also have an obligation as the holder of a Licence to Perform High Risk Work, this is something I take deadly seriously.

I cannot and will not accept this disregard for Australian Law or common decency towards working class people.

I look forward to providing further information, documentation and assistance to your investigation.

Regards

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [REDACTED]
CC: [REDACTED]
Subject: Engineers report on Tower Crane 1 at Cotter Dam
Date: Sat, 19 Nov 2011 15:53:30 +0000

Hello [REDACTED]

An independent engineer carried out an inspection on TC1 on thursday 17-11-2011 after concerns about the condition of this crane were finally investigated. I have been reporting these concerns and recording them in the crane log book for the past 3 months and find it disturbing that it has taken so long for these concerns to be investigated.

Mr [REDACTED] was contacted in the afternoon after the engineers inspection and advised me he would provide a copy of the engineers report the following morning.

Copies of inspection reports are required to be provided for the information of the crane operators yet despite repeated requests the report has still not been provided.

On Friday morning I met with [REDACTED] and a site engineer. I again requested a copy of the report but it was not provided. Instead they provided documents from a previous inspection dated 23-02-2011. I explained the requirement to provide the recent report however they failed to provide the information.

Friday night at the start of my shift I again requested a copy of the report and stated that unless it was provided I intended to tag the machine out of service. [REDACTED] accompanied me on a further inspection of the crane and undertook to ensure the report was provided the following day. As an act of good will and in the interest of the project I advised that I would continue operating the crane on the provision the report was provided.

The following morning I met with [REDACTED] who did not provide the report despite my request. [REDACTED] agreed the report should be provided and I assumed it would be given to me tonight however this did not occur, rather I was told another inspection by different engineers has been arranged. I am concerned management may be trying to hide defects in the crane and are now shopping for engineers to provide a more favorable report.

In light of the above and in the interest of the safety of all personnel on site I will not be operating TC1 tonight until the report has been provided. If the report is not provided by the end of my shift I will be placing an out of service tag on the crane. I have tried my best to minimize delays on the project however management have failed in their duty of care and I am not prepared to accept their substandard behavior. I also request an investigation be carried out into why the requested report has not been provided.

I look forward to working with you to resolve this matter.

Regards

[REDACTED]
Enlarged Cotter Dam Project



Joy Burch mla

MINISTER FOR COMMUNITY SERVICES
MINISTER FOR MULTICULTURAL AFFAIRS
MINISTER FOR AGEING
MINISTER FOR WOMEN
MINISTER FOR GAMING AND RACING
MINISTER FOR THE ARTS

Member for Brindabella

Dear [REDACTED]

I refer to your email of 20th November 2011 to the Chief Minister, advising her of your concerns about work health and safety at the Enlarged Cotter Dam Project. Your email was referred to the Attorney-General, Simon Corbell MLA, for response as he has responsibility for WorkSafe ACT. I am responding in the Minister's absence.

You expressed concern about safety in relation to Tower Crane 1 and more broadly at the Enlarged Cotter Dam construction site. In responding to your concerns, I sought advice from WorkSafe ACT as the ACT's Workplace Safety Regulator, about actions it has taken under the *Work Safety Act 2008* and associated legislation at the Enlarged Cotter Dam Project (ECD).

I am advised that on Sunday 20 November 2011, in response to your original email, WorkSafe Act inspectors attended the site and investigated the issues you raised. As a result, a range of enforcement actions were taken in relation to Tower Crane 1. Specifically, it was taken out of service for several days to allow appropriate inspection and verification of its safety by relevant competent persons.

WorkSafe ACT has also advised me that its inspectors have been working actively with relevant duty holders both on and off the ECD site, to ensure compliance by these duty holders with the requirements of the legislation. WorkSafe ACT inspectors have visited and are continuing to visit and monitor safety compliance at the site, including conducting visits during night operations to monitor the level of safety compliance at times of heightened work activity.

Inspectors have issued notices where they considered such action was warranted to ensure compliance with their duties by relevant duty holders and achievement of appropriate safety outcomes.

ACT Legislative Assembly

I am aware that the Commonwealth also has jurisdiction for certain aspects of safety at ECD because one of the contractors on that site is covered by the Commonwealth's Occupational Health and Safety Legislation. WorkSafe ACT has advised me that it has been liaising where appropriate with Comcare as the Commonwealth's OHS Regulator.

I am satisfied that WorkSafe ACT is fulfilling its responsibility in relation to ensuring safety at the ECD and that your concerns about safety at that site have been responded to appropriately by WorkSafe ACT where they fall within the ACT's jurisdiction.

Thank you for bringing your concerns to the Government's attention.

Yours sincerely

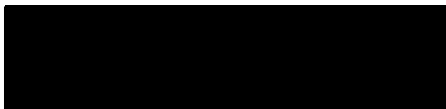
Joy Burch MLA
Acting Attorney-General



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MINISTER FOR MULTICULTURAL AFFAIRS
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ACT LEGISLATIVE ASSEMBLY


London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601
Phone (02) 6205 0011 Fax (02) 6205 0157 Email burch@act.gov.au

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Joy Burch MLA
Acting Attorney-General
10.1.12



Simon Corbell mla

ATTORNEY GENERAL
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
MINISTER FOR TERRITORY AND MUNICIPAL SERVICES

Member for Molonglo

[REDACTED]

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Thank you for bringing your concerns to the Government's attention.

Yours sincerely

ACT Legislative Assembly

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601
Phone (02) 6205 0000 Fax (02) 6205 0535 Email corbell@act.gov.au

Simon Corbell MLA
Attorney General



Clearance and Performance Assessment

Number

QTON

Date due in Minister's Office

19/3/2012

- Correspondence
- Briefing/advice
- Submission
- Speech Notes
- Assembly question

19/3/12

Received in
Minister's Office

From Ms Hunter MLA

Subject Worksafe Access to Cotter Dam

Director-General _____ Date _____

Deputy Director-General dejo _____ Date 17/3

Director _____ Date _____

Action/Contact Officer Tamara Teer _____ Date 19/3/2012

Telephone _____

This section to be completed by the Minister's Office

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<input type="checkbox"/>	Timeliness		<input type="checkbox"/>
<input type="checkbox"/>	Clarity		<input type="checkbox"/>
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<input type="checkbox"/>	Accuracy		<input type="checkbox"/>
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<input type="checkbox"/>	Consideration of Cost-Effectiveness		<input type="checkbox"/>
<input type="checkbox"/>	Recommendations		<input type="checkbox"/>

Signature



Simon Corbell MLA

ATTORNEY-GENERAL
 MINISTER FOR POLICE AND EMERGENCY SERVICES
 MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

COPY

MEMBER FOR MOLONGLO

Answer to Question Taken on Notice

Ms Meredith Hunter MLA asked the Attorney-General, during Question Time, on 6 December 2011:

Minister, can you confirm that in recent weeks, following safety concerns with cranes at the Cotter Dam construction site, the ACT's Work Safety Commissioner was denied entry to the site by the site manager, meaning that the commissioner could not undertake essential safety investigations?

Mr Corbell – the answer to the Member's question is as follows:

The Work Safety Commissioner has advised me that neither he nor his staff have been denied access to the Enlarged Cotter Dam Project site.

Approved for circulation to the Member

Simon Corbell MLA

[Attorney-General/Minister for Police and Emergency Services]

Date: 20.3.12



Clearance and Performance Assessment

Number QTON

Date due in Minister's Office 19/3/2012

- Correspondence
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From Ms Hunter MCA

Subject Worksafe Access to Cotter Dam

Director-General _____ Date _____

Deputy Director-General [Signature] Date 17/3

Director _____ Date _____

Action/Contact Officer Tamara Teer Date 21/02/19/3/2012

Telephone _____

This section to be completed by the Minister's Office

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<input type="checkbox"/>		Timeliness	<input type="checkbox"/>
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<input type="checkbox"/>		Consideration of Cost-Effectiveness	<input type="checkbox"/>
<input type="checkbox"/>		Recommendations	<input type="checkbox"/>

Signature



Simon Corbell MLA

ATTORNEY-GENERAL
 MINISTER FOR POLICE AND EMERGENCY SERVICES
 MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

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Approved for circulation to the Member

Simon Corbell MLA

[Attorney-General/Minister for Police and Emergency Services]

Date:.....



Simon Corbell mla

ATTORNEY-GENERAL
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

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Approved for circulation to the Member

Simon Corbell MLA
Attorney-General

Date:.....



O'Hearn Consulting Pty Ltd
ABN 47 101 526 532

Suite 1, 39 Darcy Road
Wentworthville NSW 2145

Telephone (02) 9896 2988
Mobile [REDACTED]
Facsimile (02) 9896 1877

23 February, 2011



RE: Cotter Dam, ACT Tower Crane TC1

I, Matthew O'Hearn, being a Structural Engineer within the meaning of the Building Code of Australia, hereby certify that I have carried out a review of the installed crane at the above listed site address.

I have reviewed the following information:

1. [REDACTED] Commissioning Report
2. Structural Design & Base sign-off certificate prepared by [REDACTED] dated 7 February 2011
3. Rock Anchor certificate prepared by [REDACTED] Limited (ref P/F 5999A Rev 1) dated 8 February 2011
4. Yongmao STT 293A-18 Technical Specification

I have carried out a site inspection of the site and have climbed the crane to carry out a visual inspection of the crane elements that can be easily observed by visual inspection from the access walkways of the crane.

Based upon the inspection and review of information presented to us I approve the YONGMAO STT 293A-18 for operation in accordance with the recommended procedures of the crane manual.

This certificate shall not be construed as relieving any other party of their responsibilities.

Signed

.....
MATTHEW O'HEARN

BE (Structural)

FIEAust. CPEng NPER-3 RPEQ 7854

Registered Building Practitioner EC26654

Member of College of Structural Engineers (IEAust)

Member of College of Civil Engineers (IEAust)

INSPECTION PAINT/WELD DEFECTS TOWER - CRANE 1 COTTER Dam

Reference:

- A. AS 2550.4 - 2002 - Cranes Hoists and Winches Safe Use - TOWER CRANES

Background

1. [REDACTED] was tasked by [REDACTED] to inspect paint cracks/weld defects on Tower crane 1, at Cotter Dam and advise on a suitable course of action. What appeared to be a "cracked paint or weld cracks", had been noted by the operators and reported for further action.

Affected Equipment

2. The affected equipment is a [REDACTED] Tower Crane, serial number [REDACTED] manufactured 2/6/2008. The areas of concern were on the tower head, and on the tower sections.

Inspection

3. A visual inspection was conducted on the affected areas. Photographs of some of the numerous paint cracks/weld cracks are attached, photographs 15 to 49.

4. A number of other observations were made and these were recorded. These observations were:

- A. Extensive corrosion on the covers of the hoist/winch unit, and the transformer (above slewing unit). Photos 1, 2, and 3.
- B. Corrosion on bolts holding jib sections together, photograph 13.
- C. Loose bolts on angle brackets (on slewing unit photograph 17).
- D. Non-essential debris left on the job, photographs 4 and 6.
- E. Paint blistering from corrosion on jib photographs 7, 8, 9, and 10.

5. The crane records were also checked, and it is noted that, this crane had records of NDT being conducted in JAN 2011. The records however, didn't specify which areas were checked, and whether or not the areas checked had been repainted.

Discussion

6. Cracks in paintwork with rust stains under, are the first indicator of a defect in the weld, (or a weakness in the paintwork). Under normal operating stress in a crane, the residual stresses in welds, and normal crane loads, can result in welds cracking. Consequently any crack in paintwork with rust stains, is an area of concern. Cracks can occur anytime. Photograph 50 shows a tower section that is in good condition, for comparison.

7. Covers are provided to protect operating mechanisms from the effects of weather, and from debris. Severely corroded covers can add to the debris by dropping flakes of rusty metal into the component they are protecting.

8. High strength bolts, are usually made of good quality material, and resist the effects of corrosion. Corrosion on bolts in high stress areas is of concern as the residual strength in the bolt is questionable.

9. Loose bolts on angle brackets. This is poor workmanship.

10. Non-essential debris on the tower crane jib is of concern because of the constant movement of the crane and the effects of wind, which could cause the debris to move and fall off the crane. Personnel

11/17/11

moving on the job can also kick the objects off the crane. A nut or bolt falling from the TC will cause serious injury to personnel under the crane.

11. Paint blistering is an indication of poor material treatment during manufacture. Blistering eats away at the structural strength of crane members.

Serviceability of Tower Crane 1

12. Records show a proper procedure in the testing prior to despatch, setting up and commissioning of the crane. The inspection conducted on the 17 NOV 11, highlighted a number of areas of concern that have developed since the original commissioning.

13. In my opinion the cause of the weaknesses noted, is a poor manufacturing process (because of the relatively young age of the crane which was built in 2008)

14. The areas of concern, are best dealt with, by the manufacturer, who is best equipped to assess the remaining life of corrosion affected components. The manufacturer can also note the deficiencies in his manufacturing process and take appropriate steps to rectify them.

15. In my opinion, the manufacturer or his representative need to review the data as shown in this report, and then decide on whether the crane is safe for continued use. In the absence of any input from the manufacturer, the crane should be taken out of service until

A. All of the paint cracks, paint blisters, corroded bolts, are assessed thoroughly. Once checked the areas that pass inspection should be repainted, or treated to reduce the effects of corrosion and

B. The corroded covers must be replaced, the debris removed, and the bolts on the angle brackets replaced as required

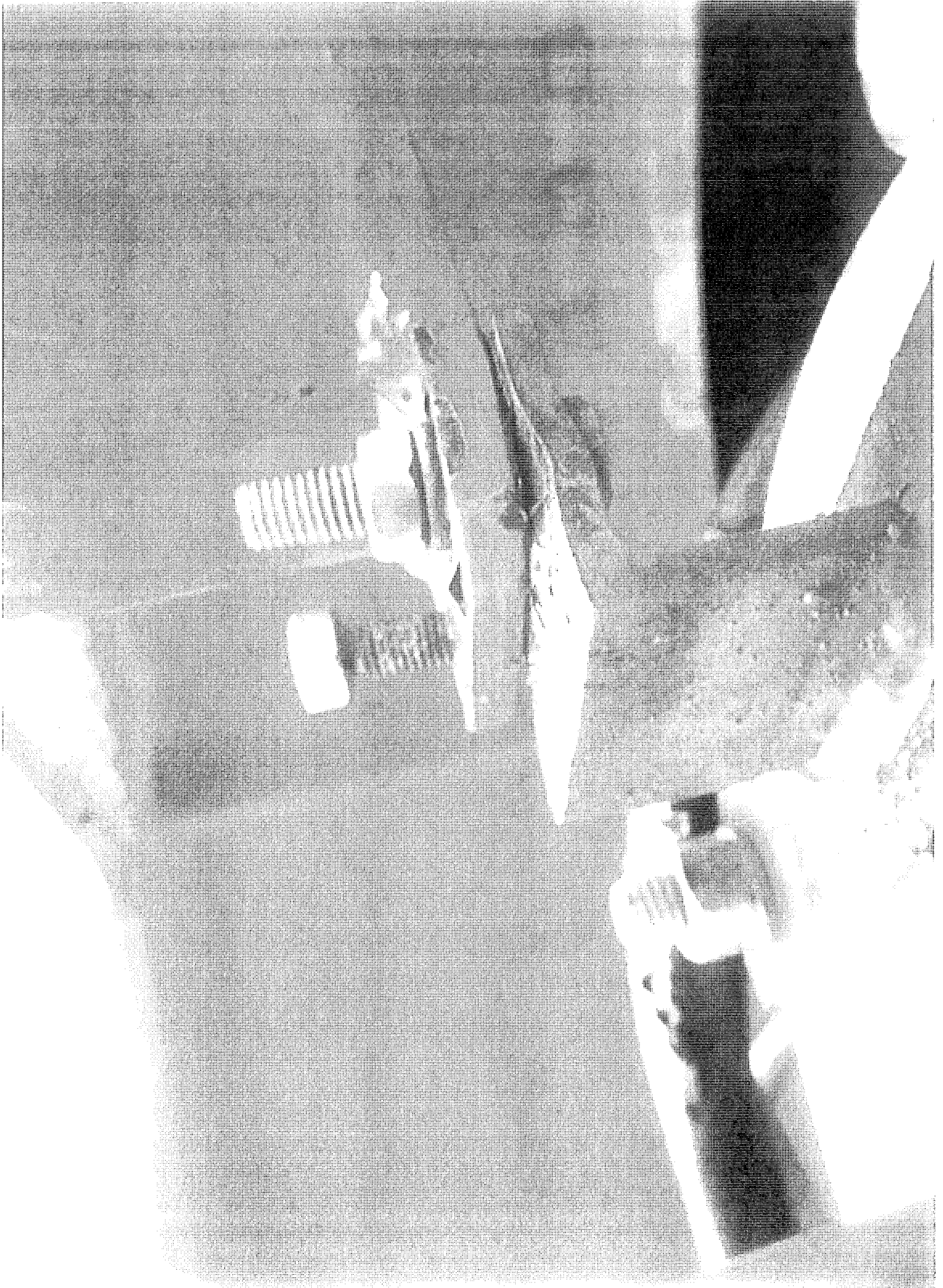
Summary

16. A number of issues were noted during the inspection of TC1 on 7 NOV11. Those issues are best addressed by the manufacturer (or his representative). Each paint crack in a weld area, paint blister on the job, and corroded structural bolts, needs to be thoroughly checked. Areas that pass the test must be treated against corrosion and repainted. The corroded covers must be replaced, the debris removed, and the bolts on the angle brackets replaced as required. It is recommended that the manufacturer or his representative be consulted regarding the continued safe use of the crane, and in the absence of that input, the crane be taken out of service until the issues addressed in paras 3 and 4 are satisfactorily resolved.

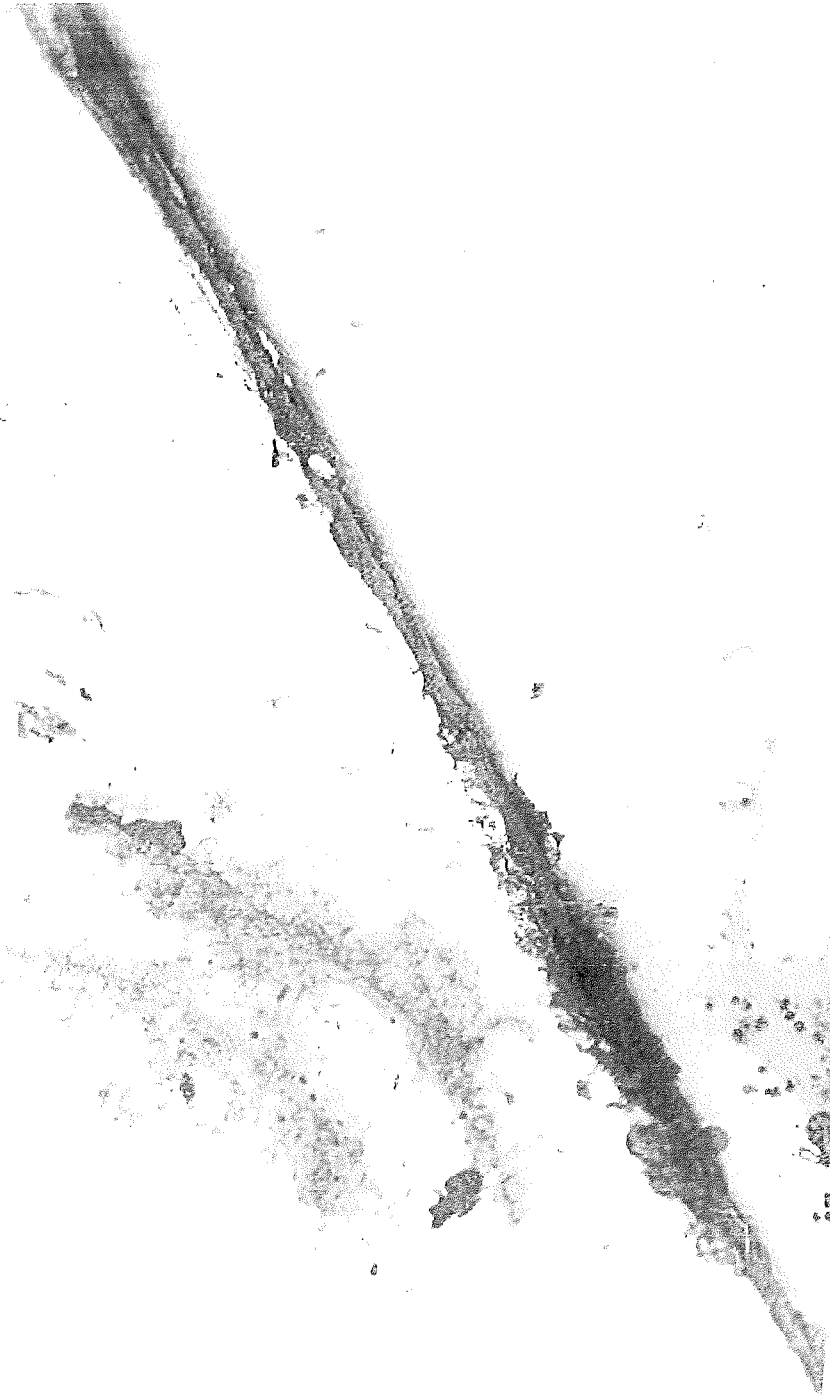
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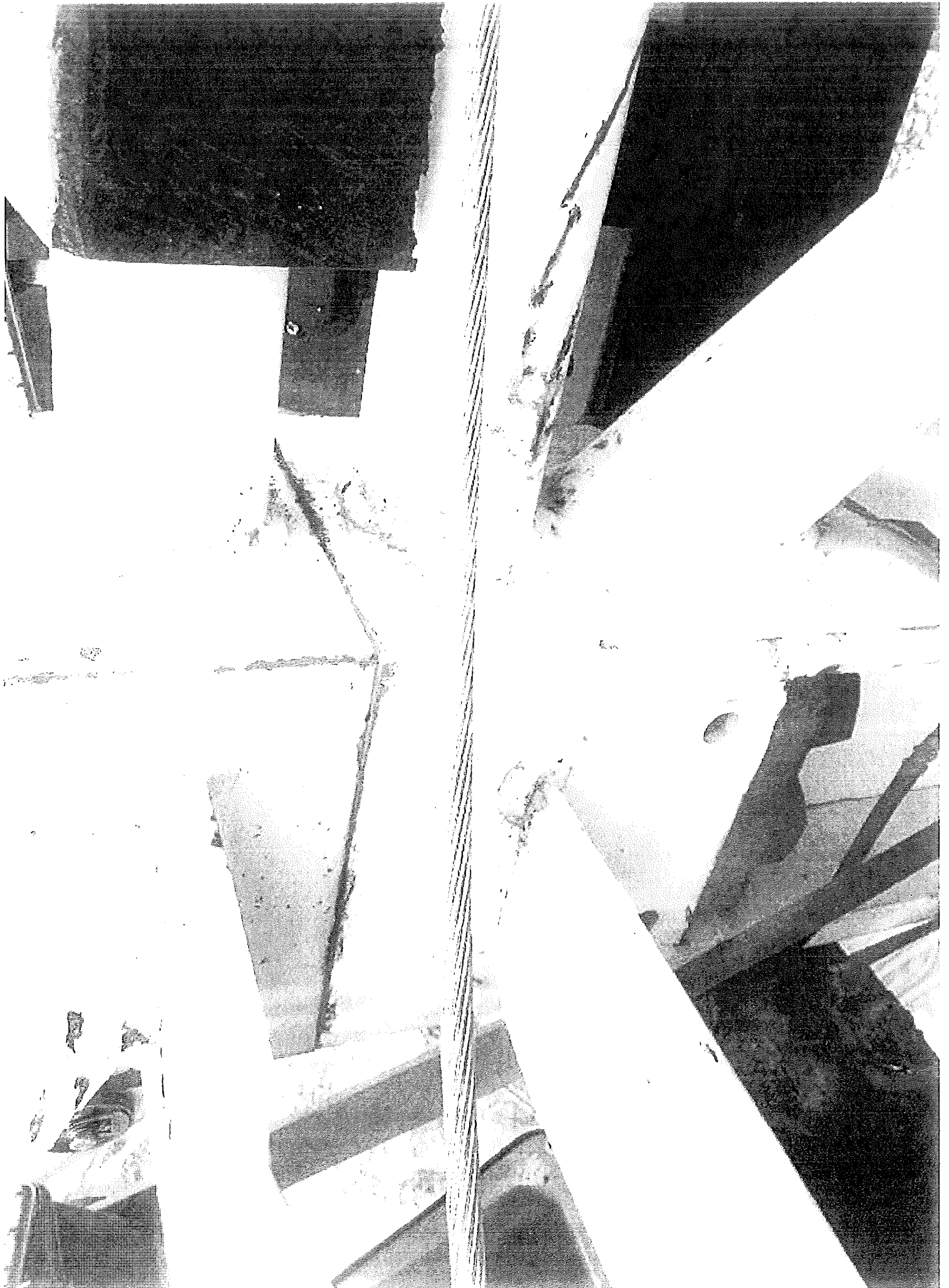
Attached,

7 folders with photographs, labelled: corroded bolts, corroded covers, debris, loose bolts, paint blister, paint weld cracks, photos of



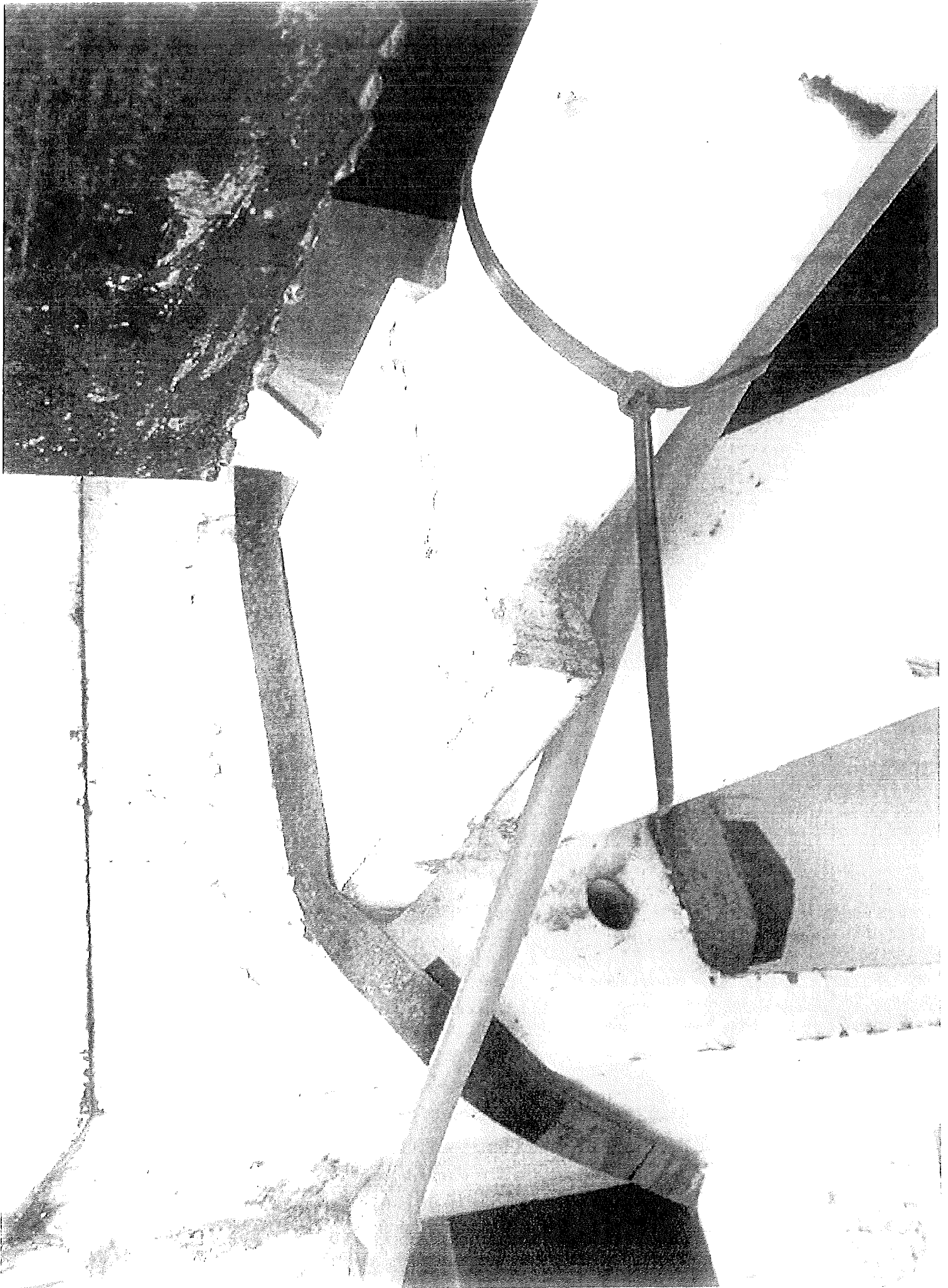


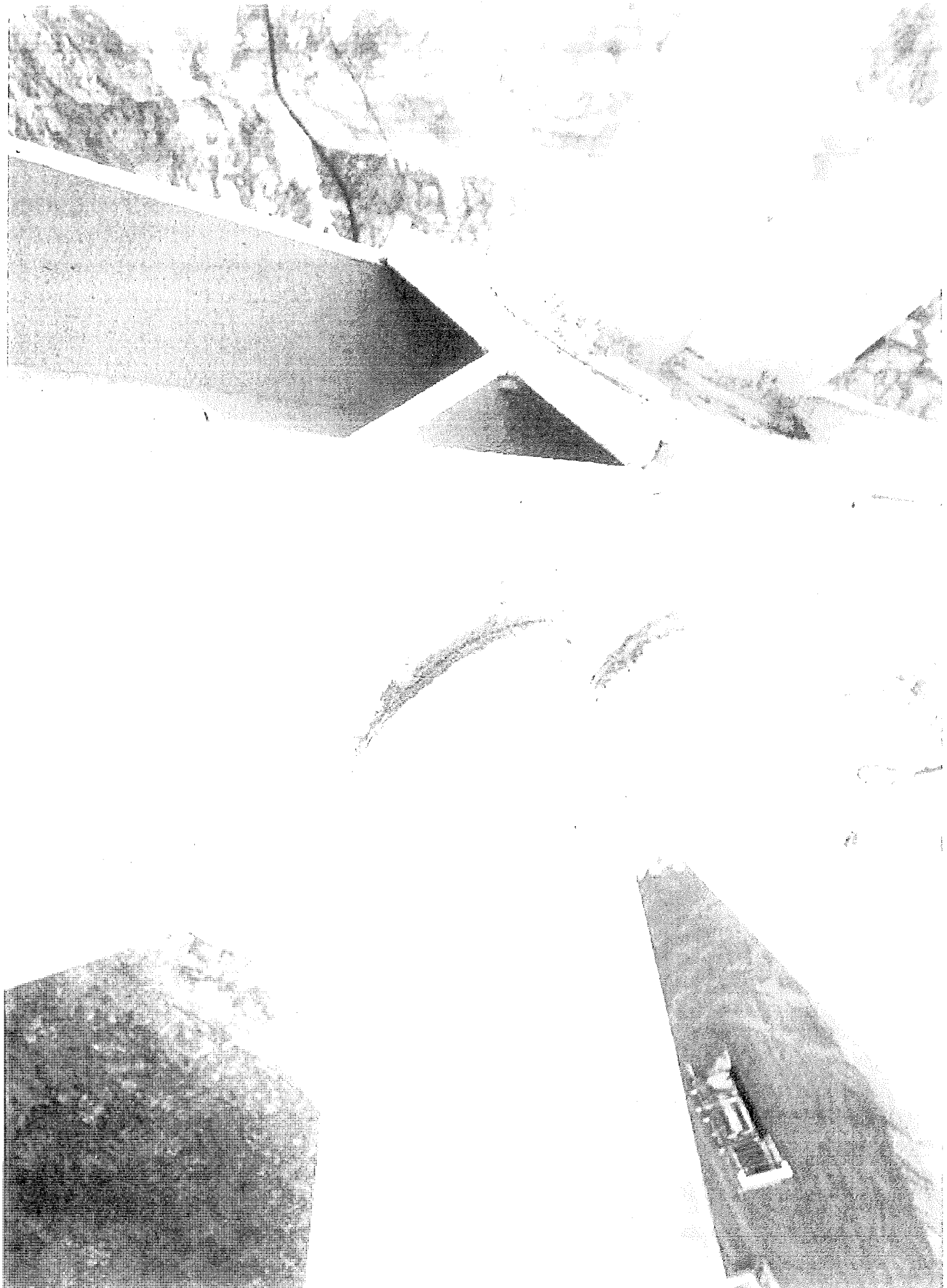






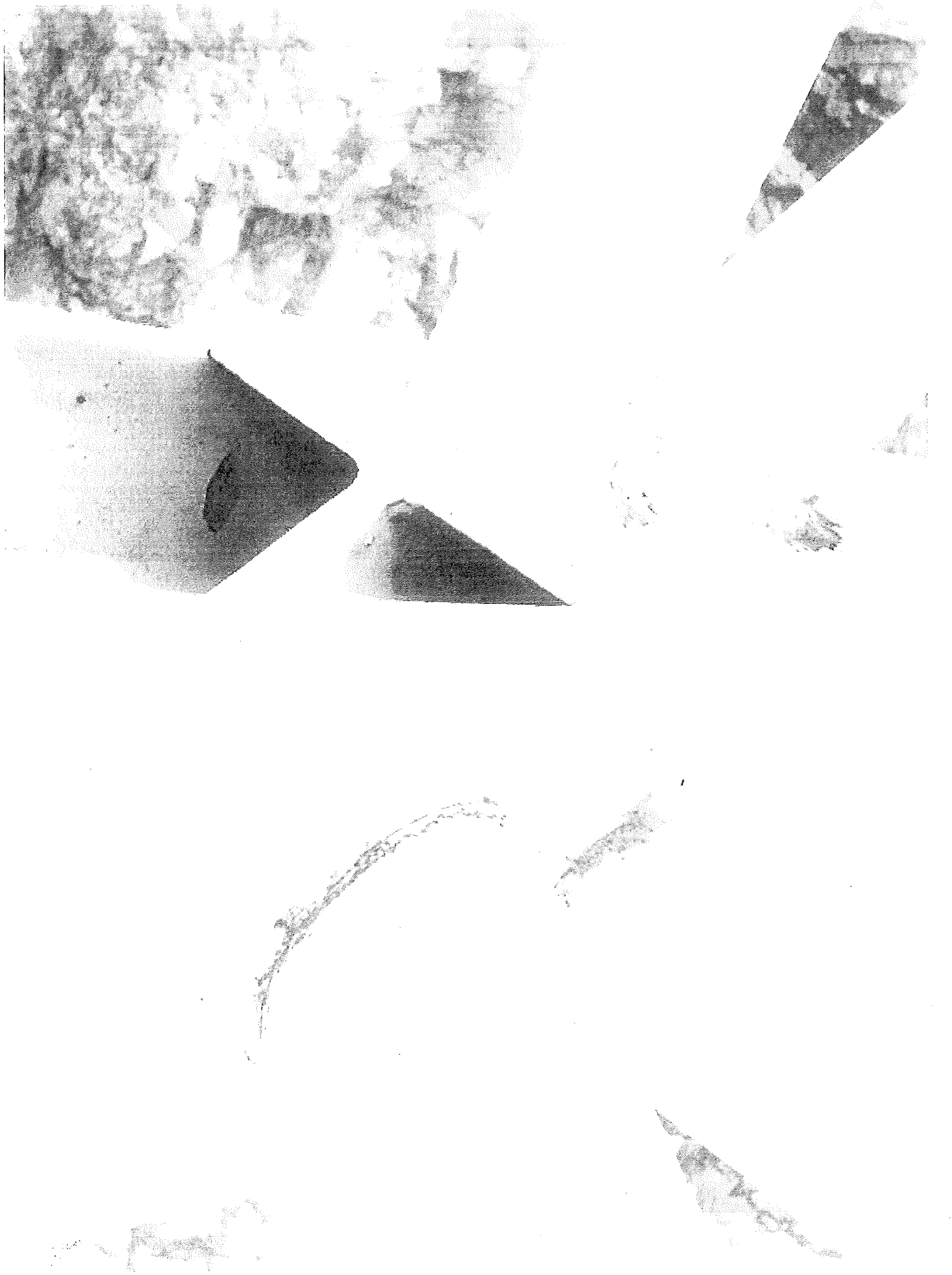




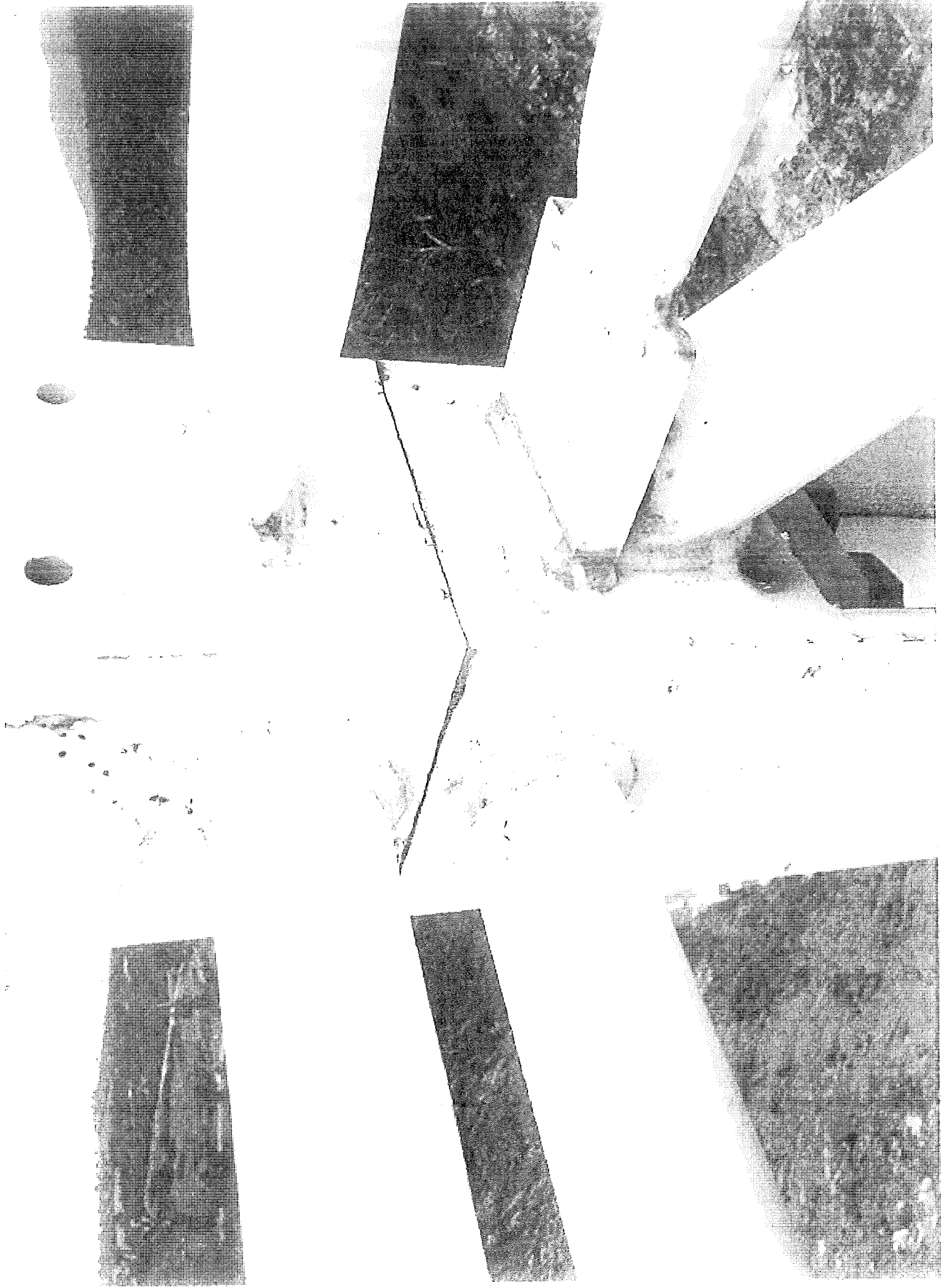


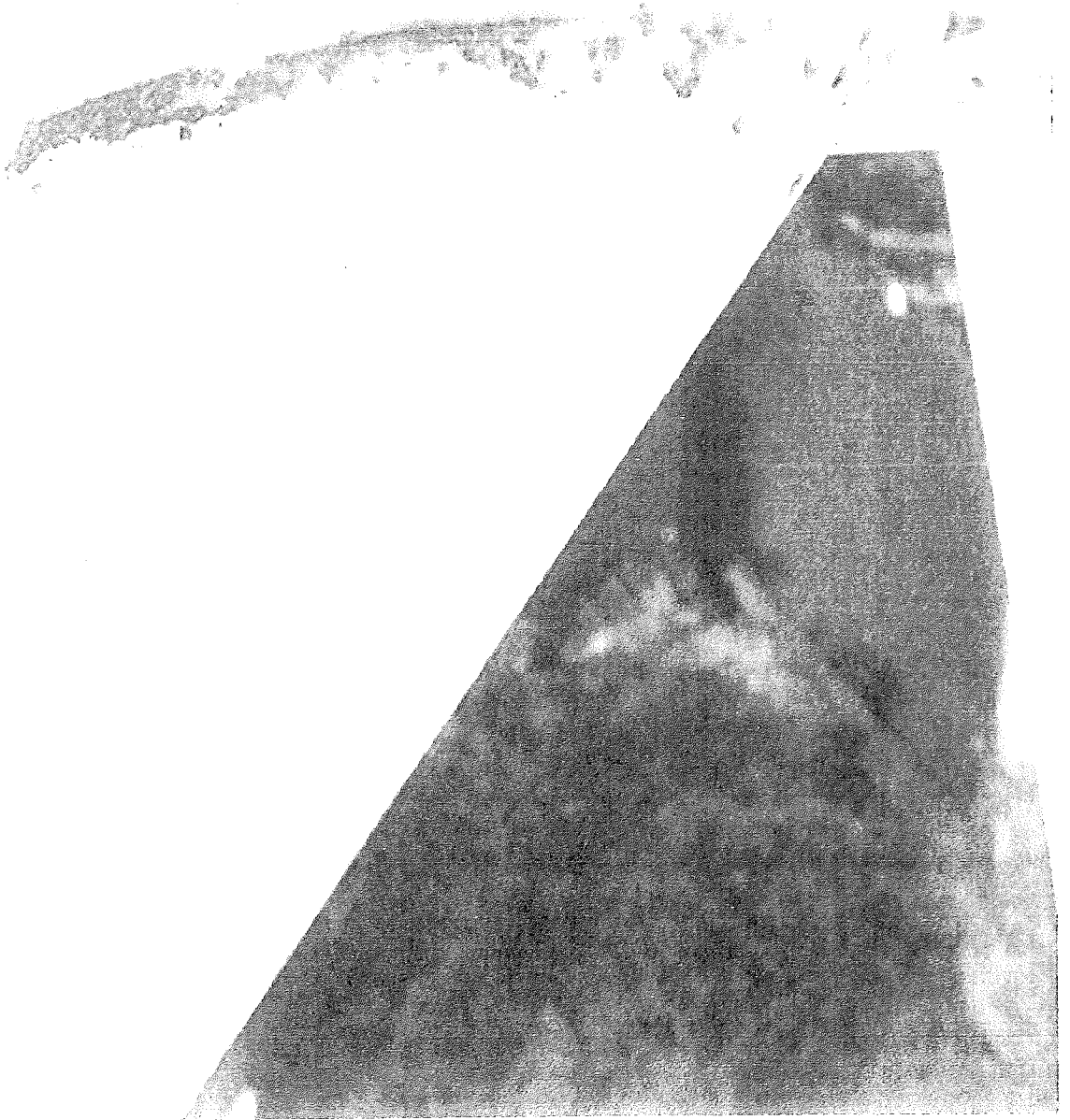
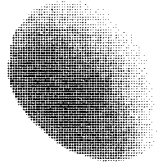
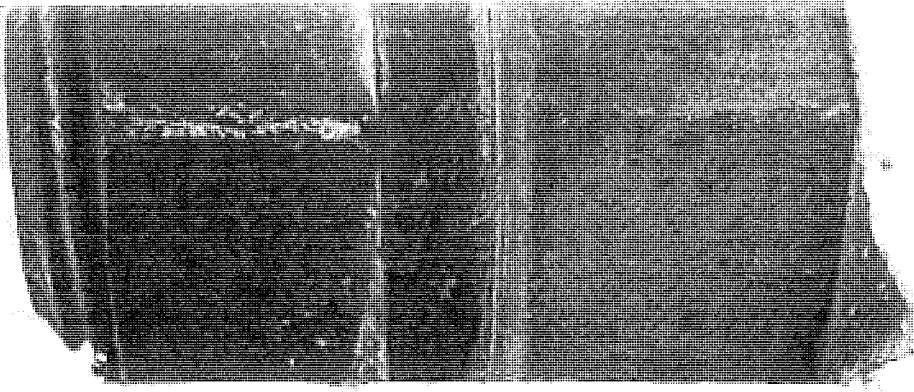








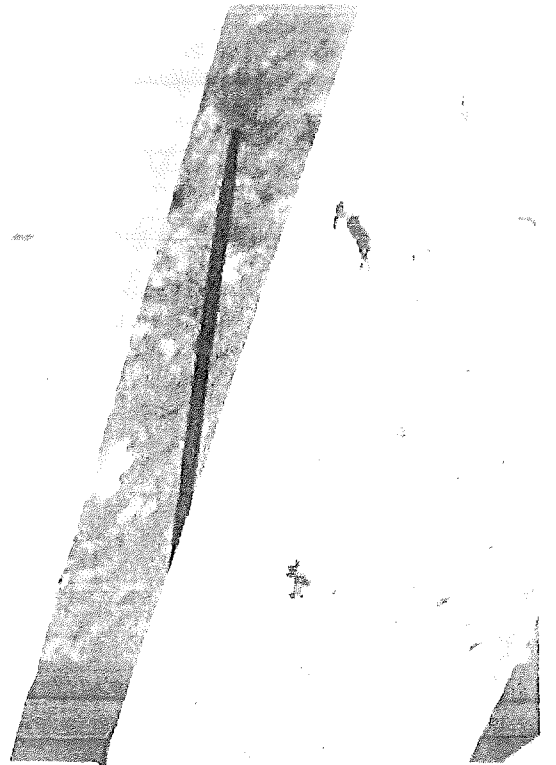
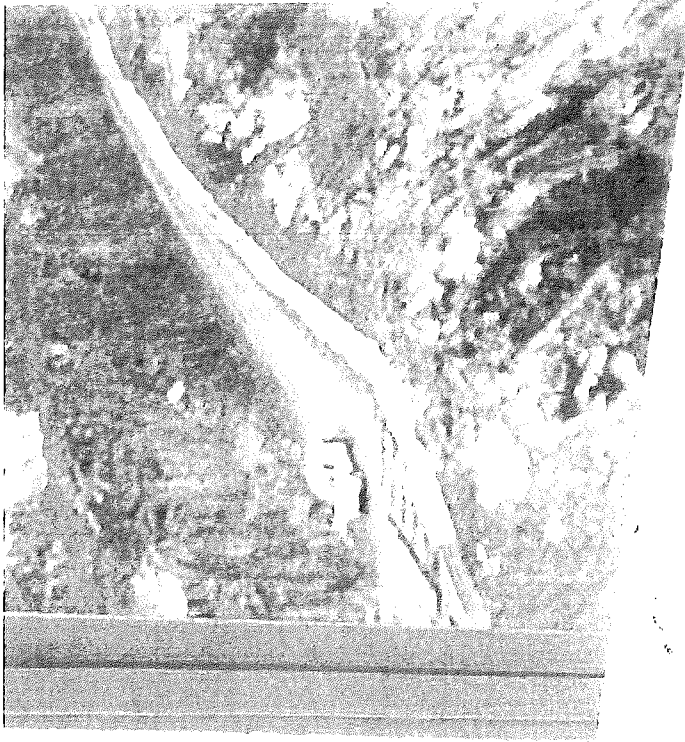


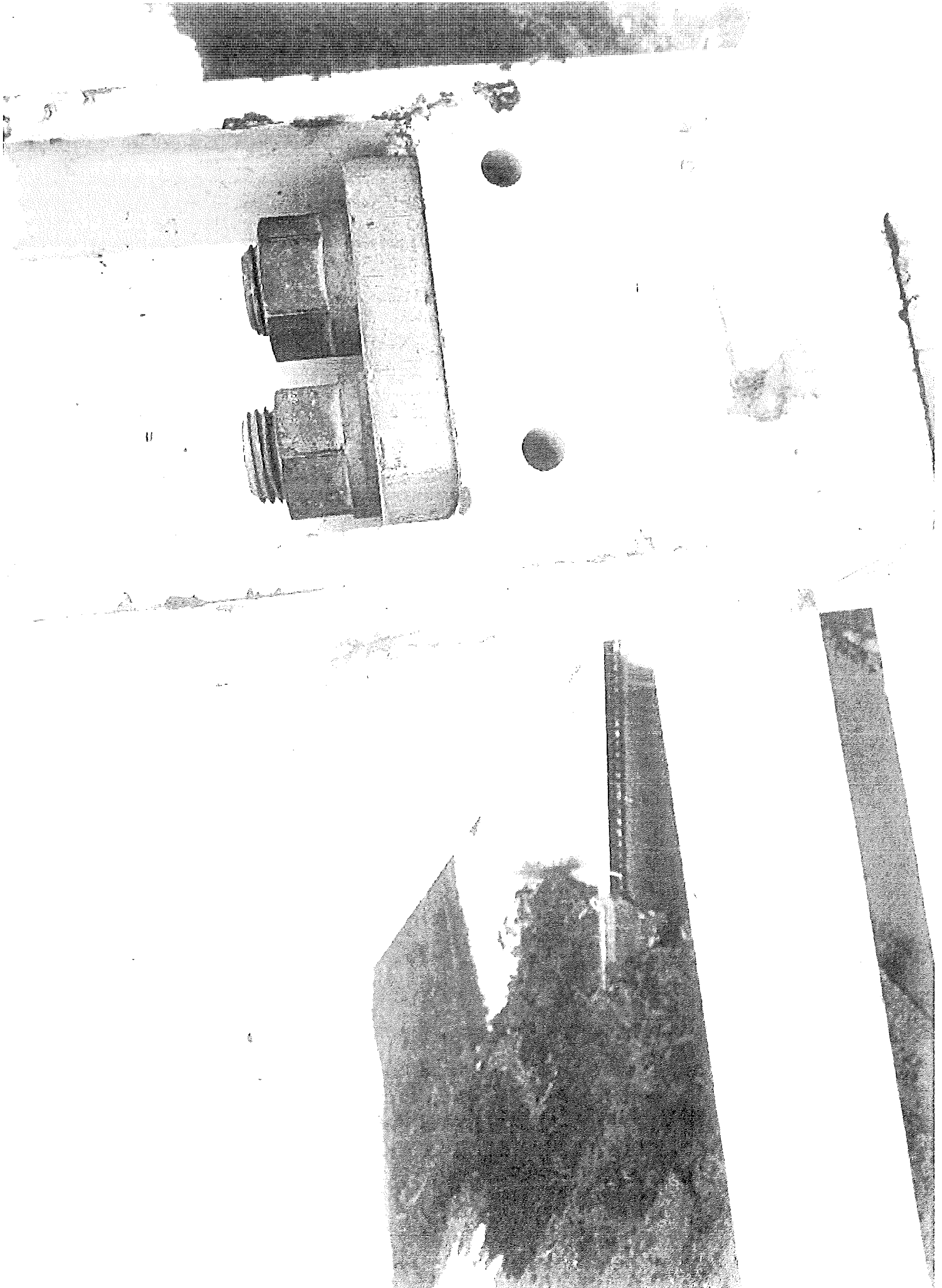










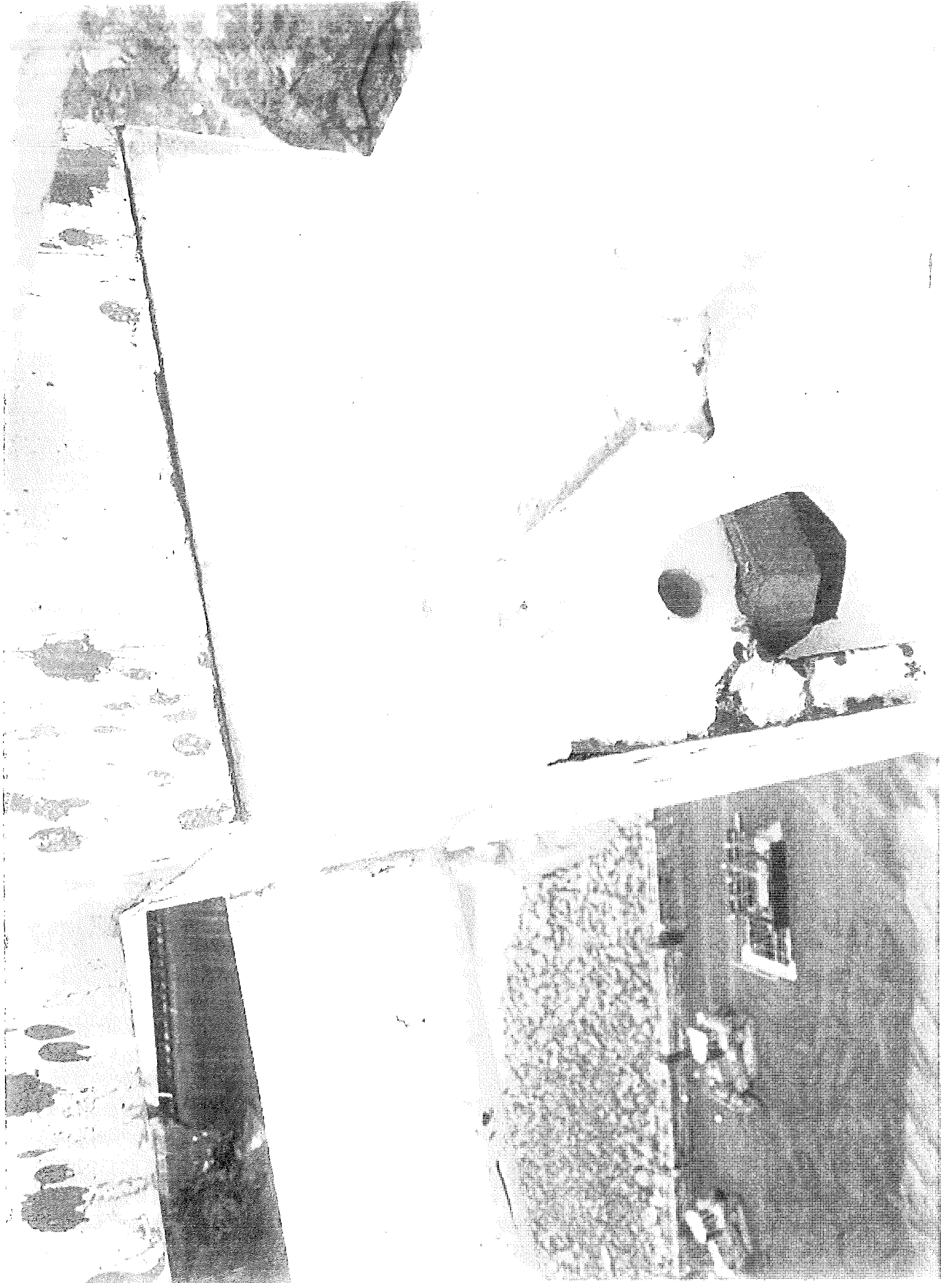


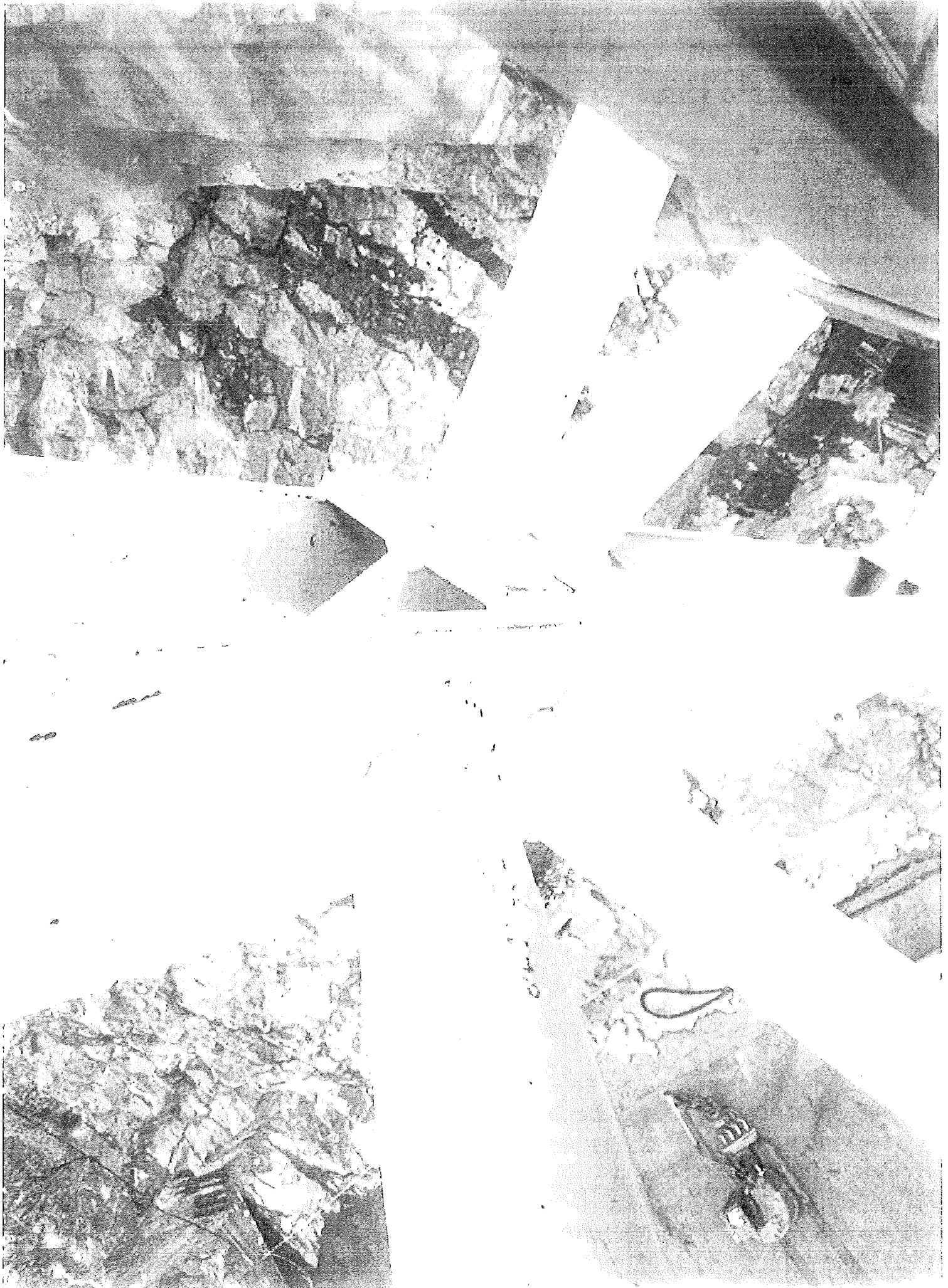


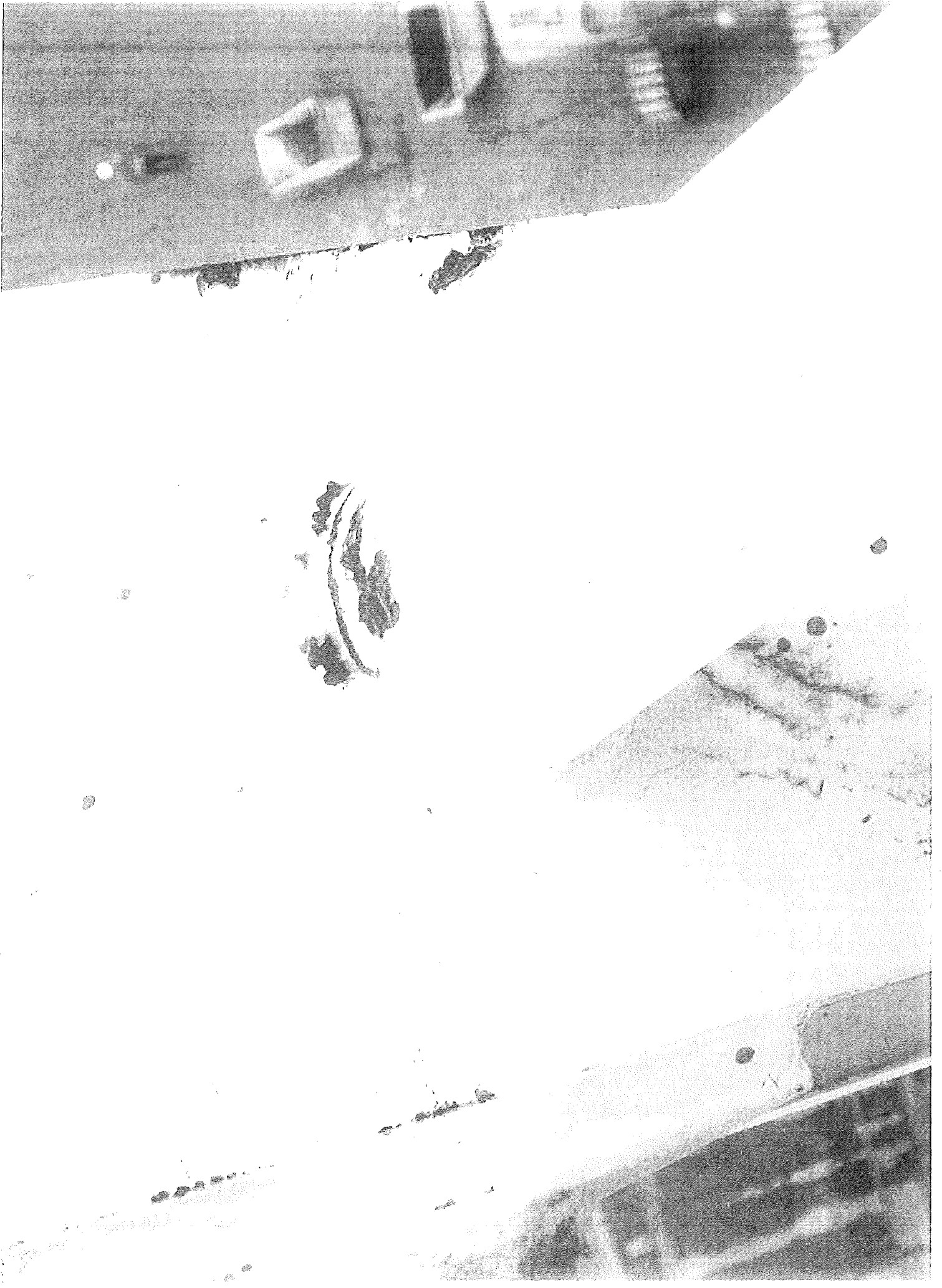


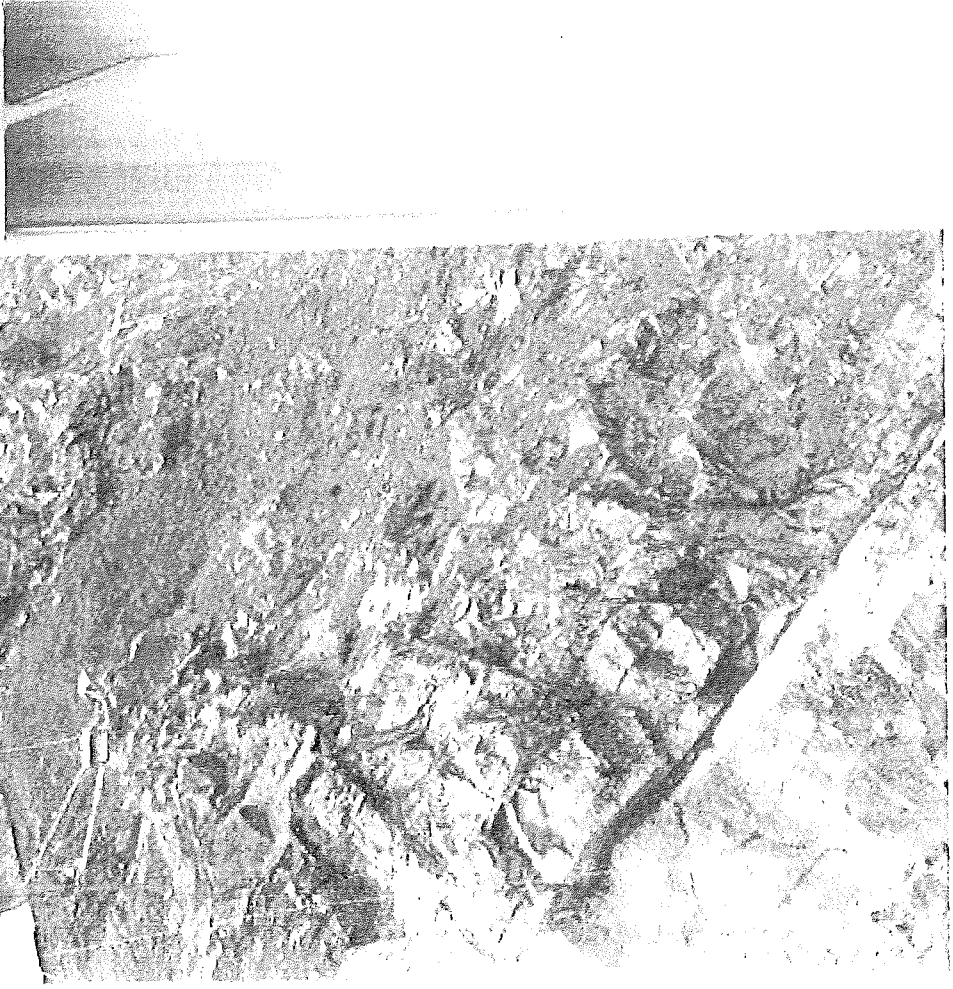
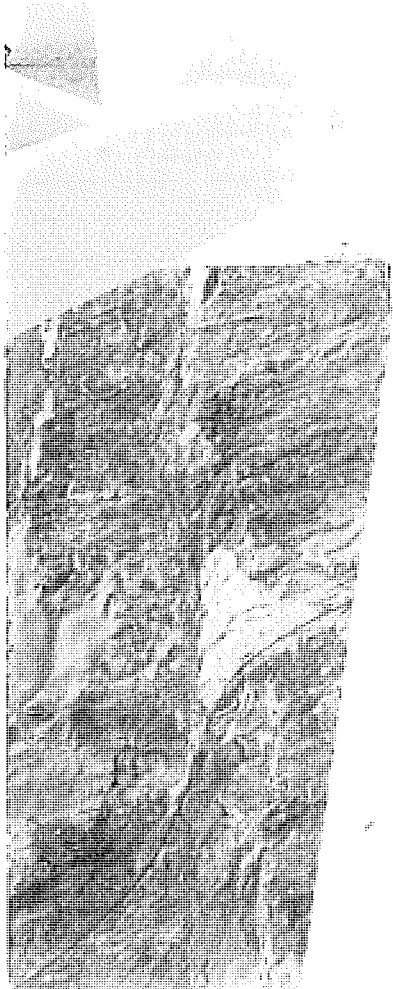
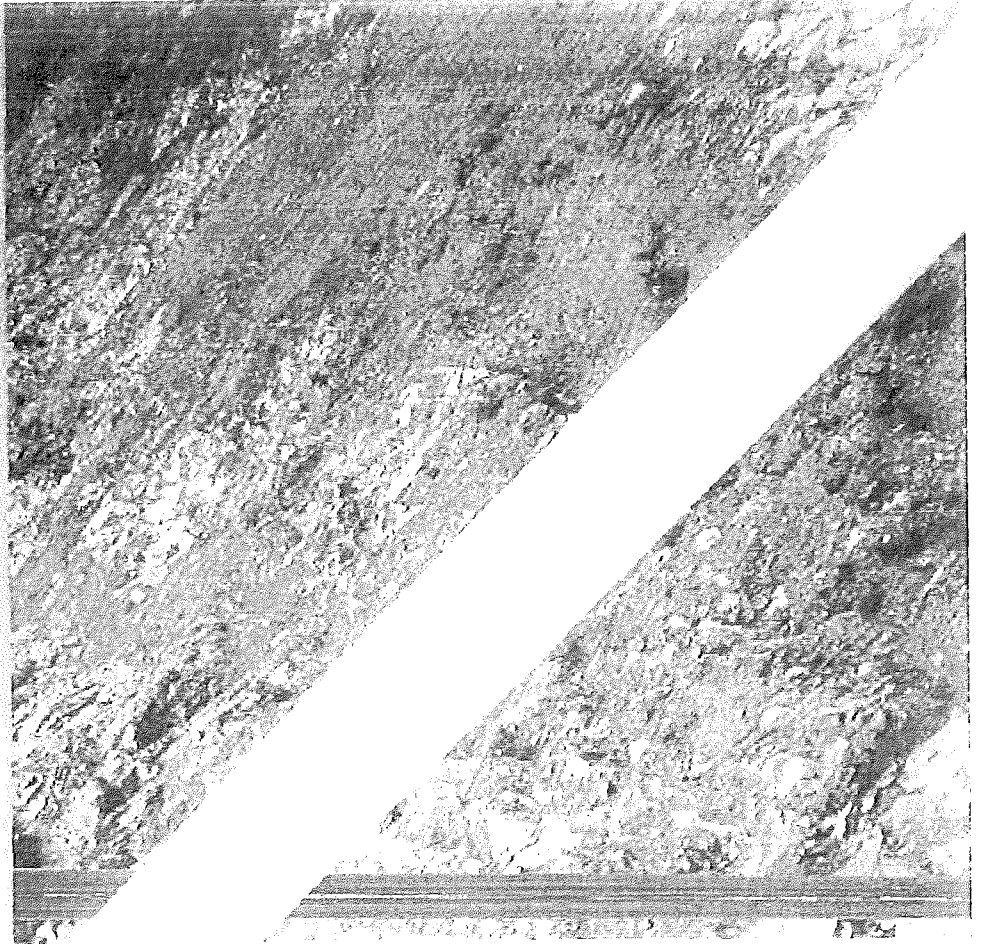


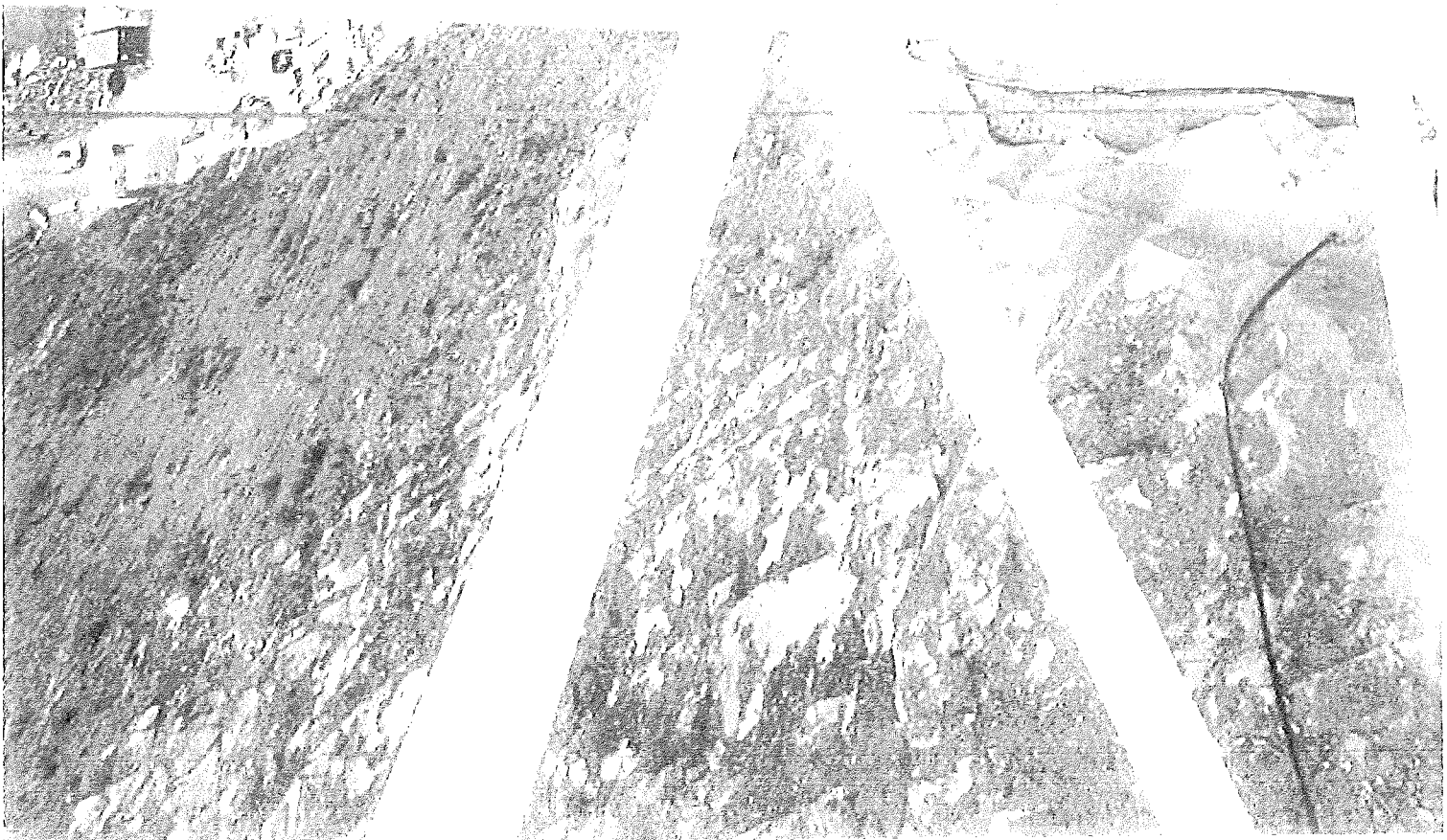
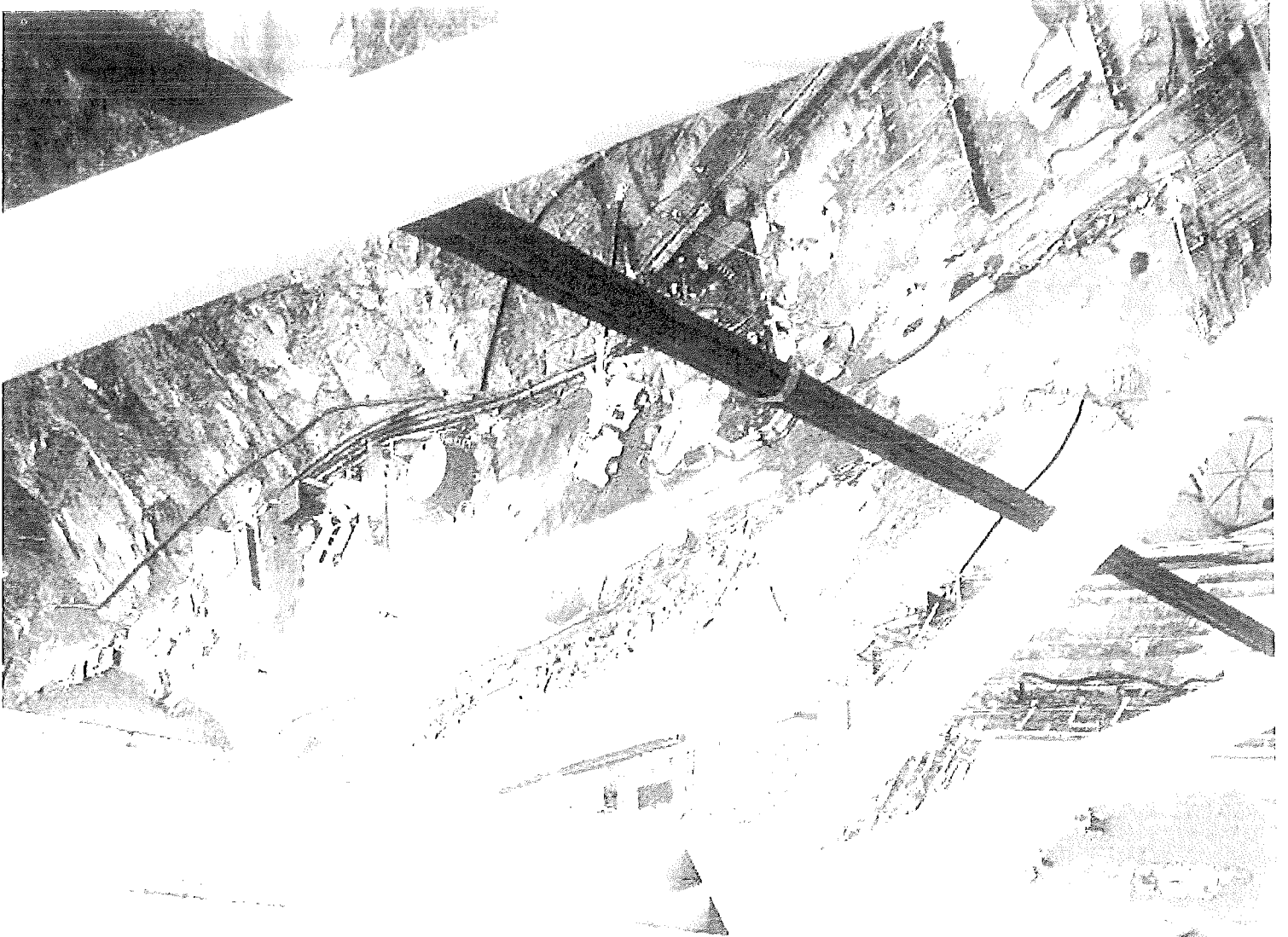


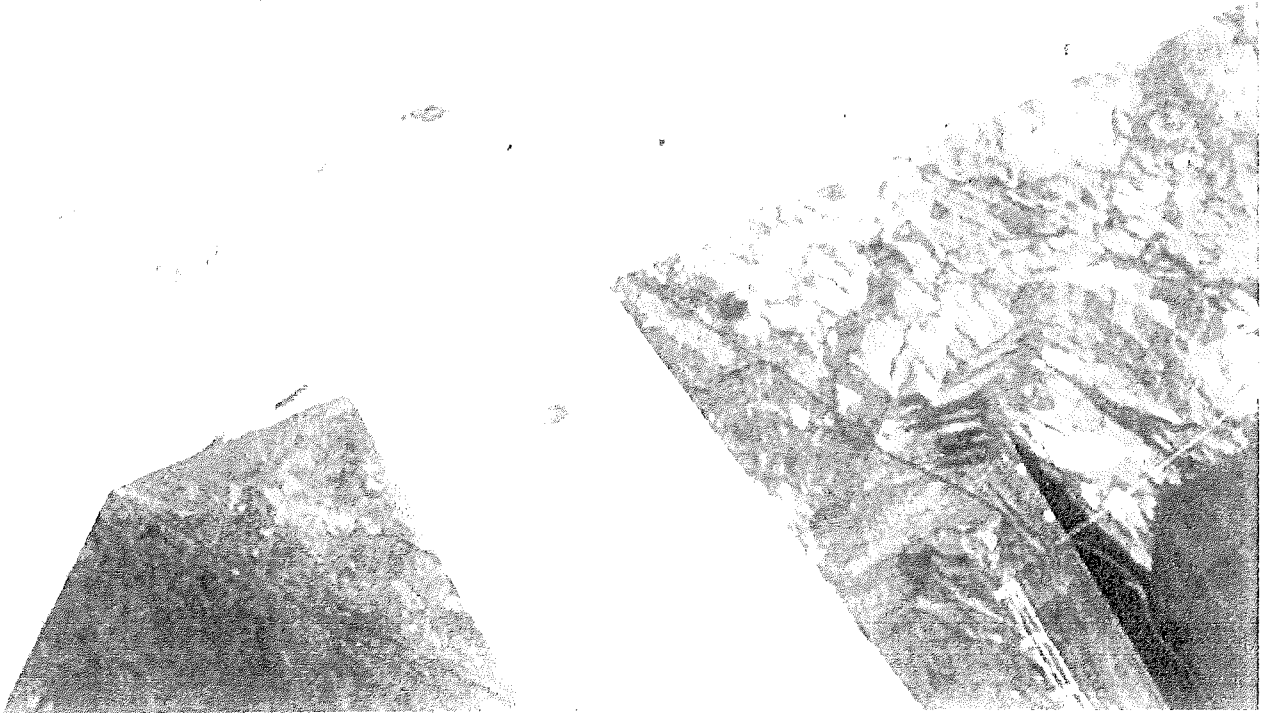


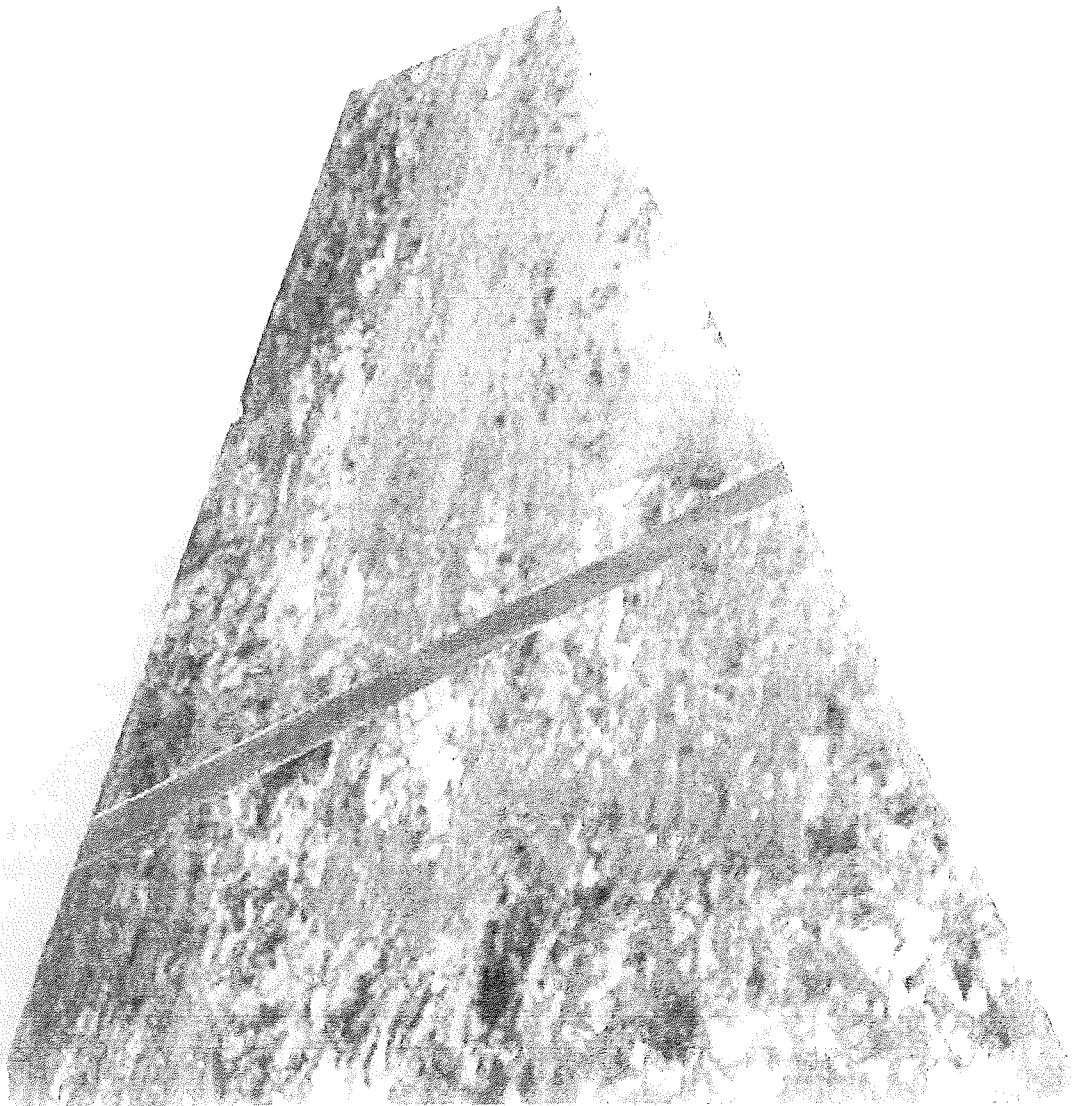
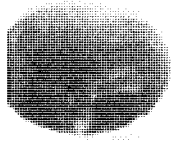




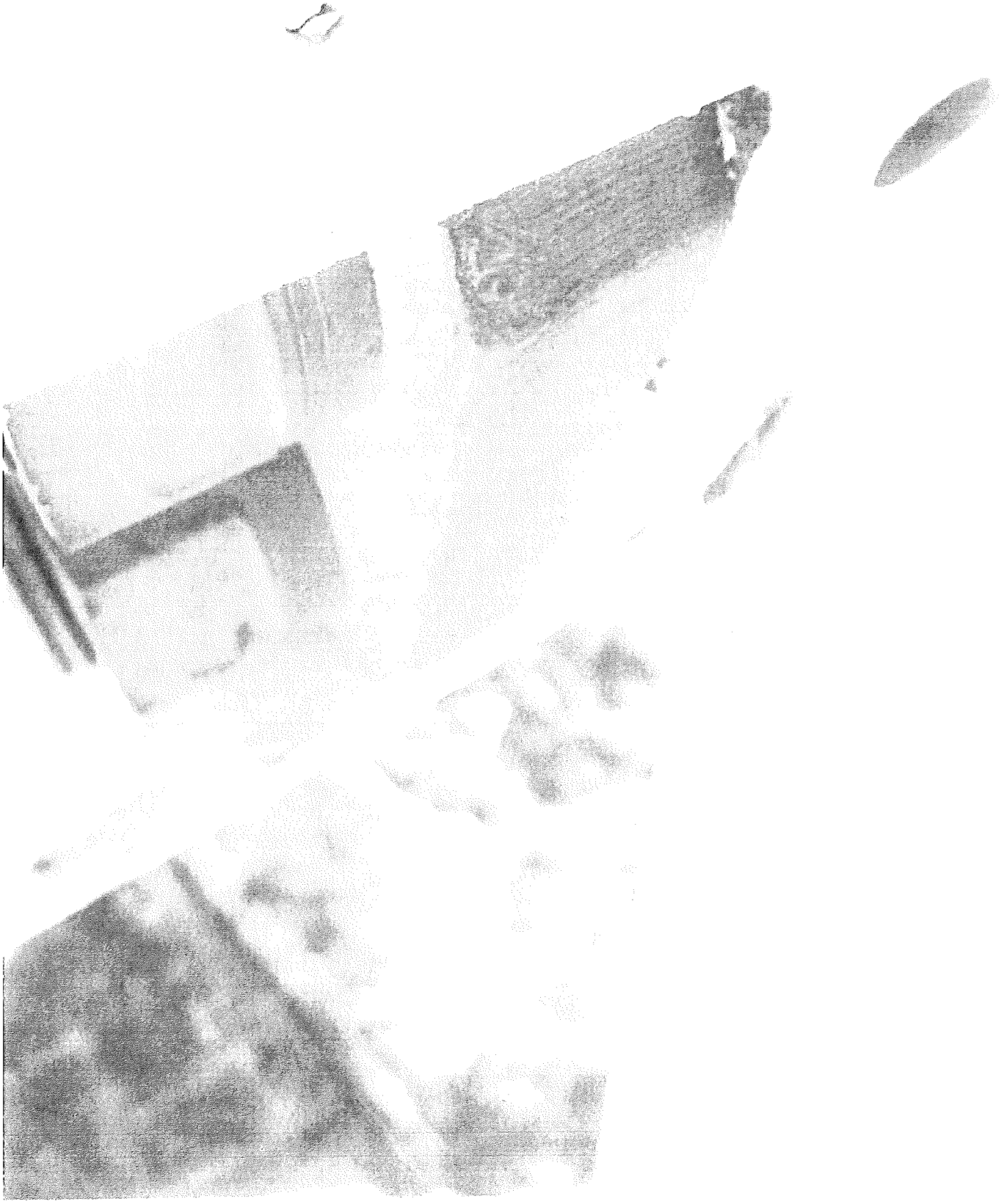


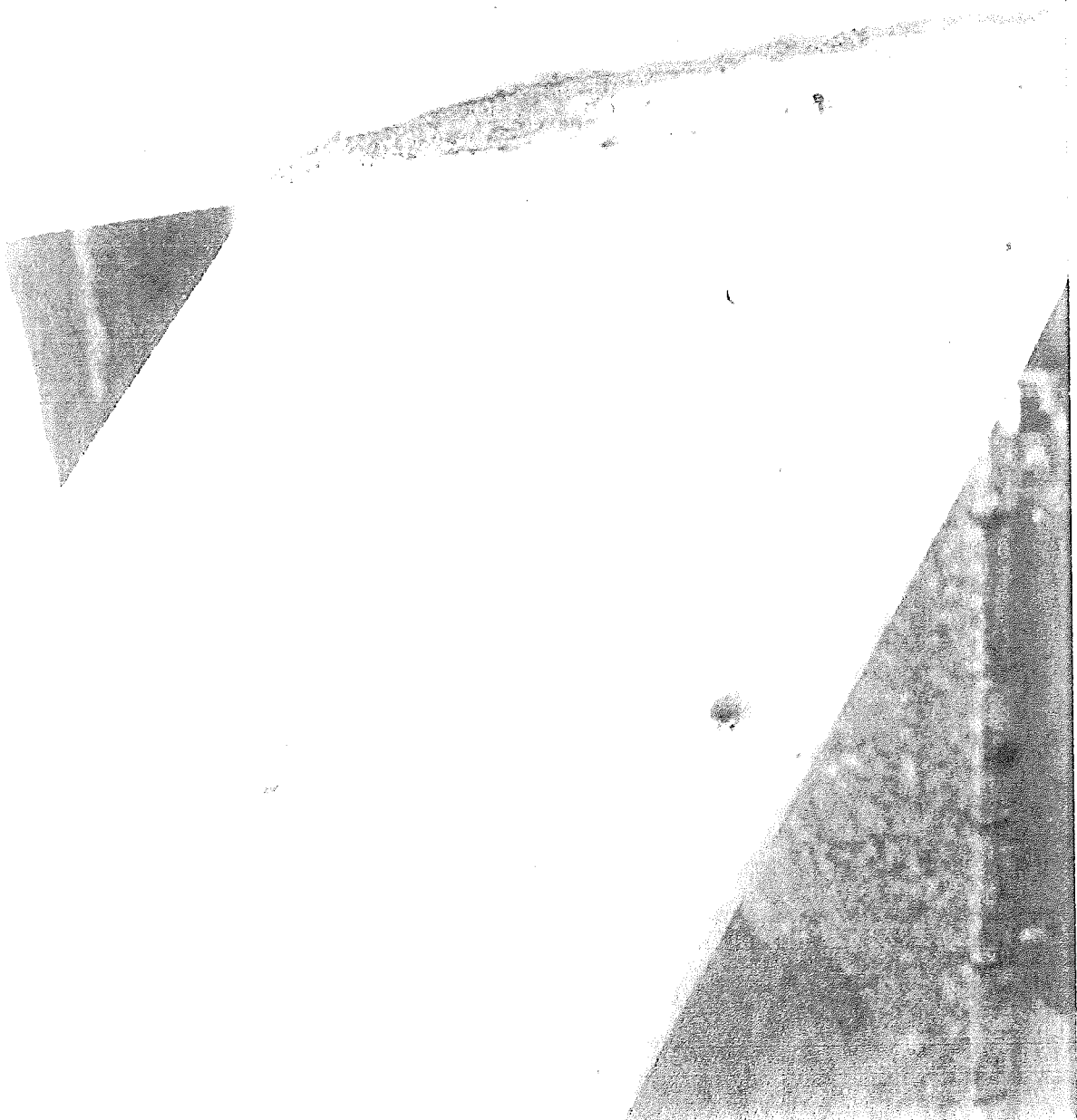
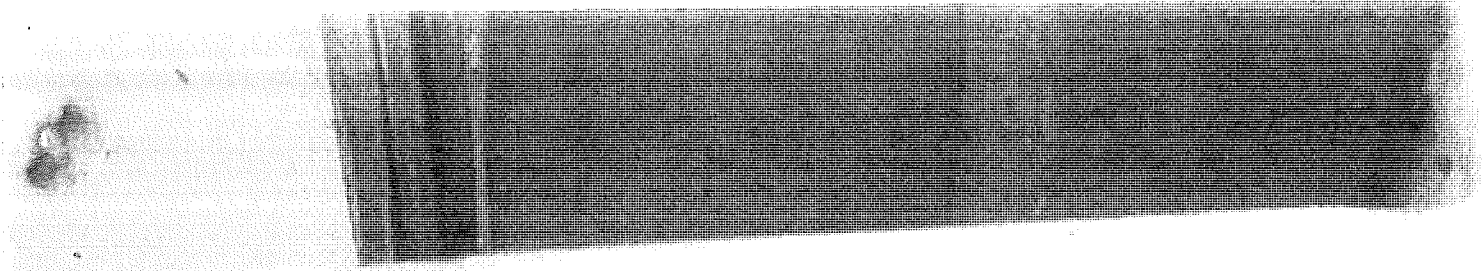


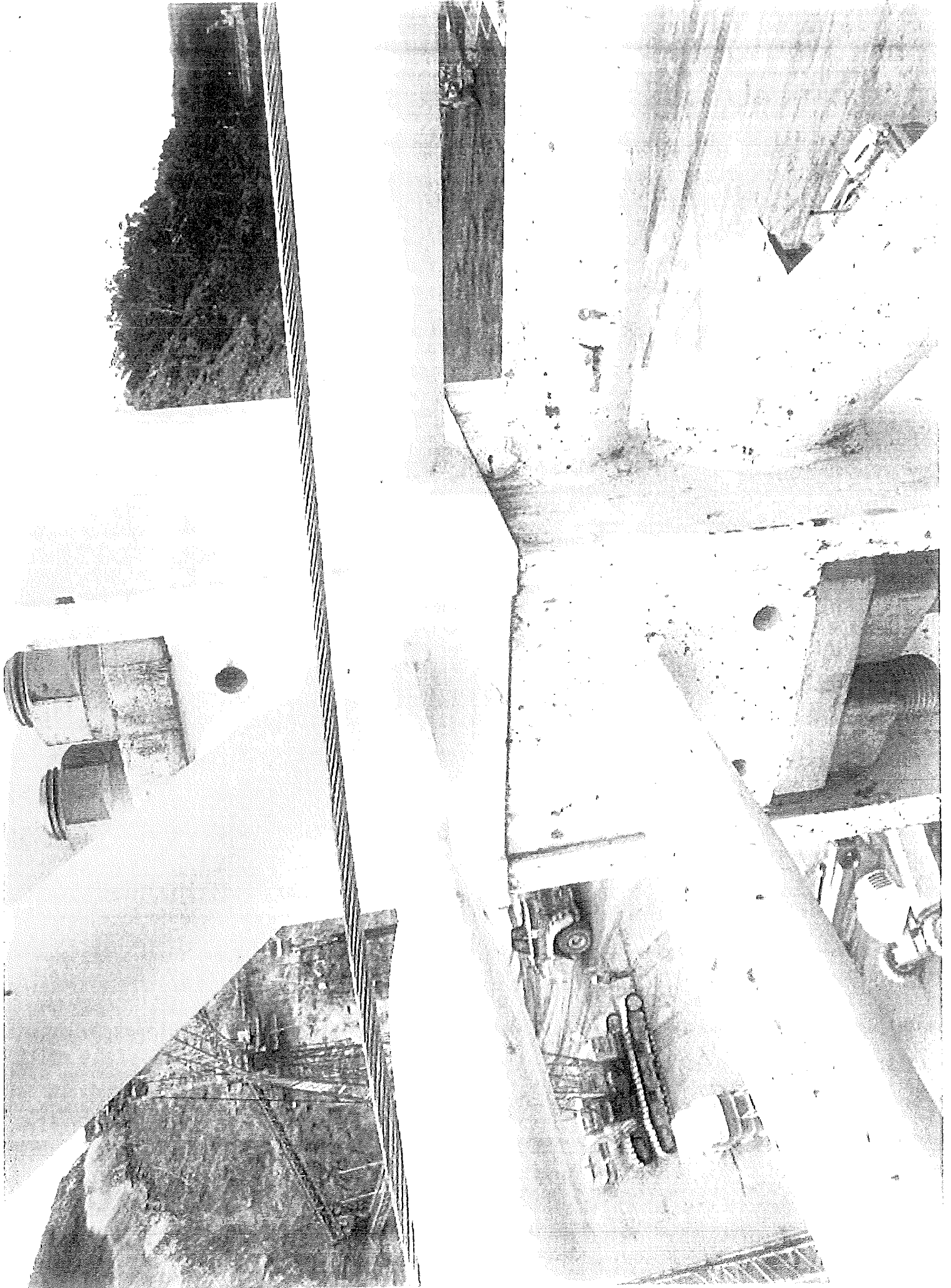


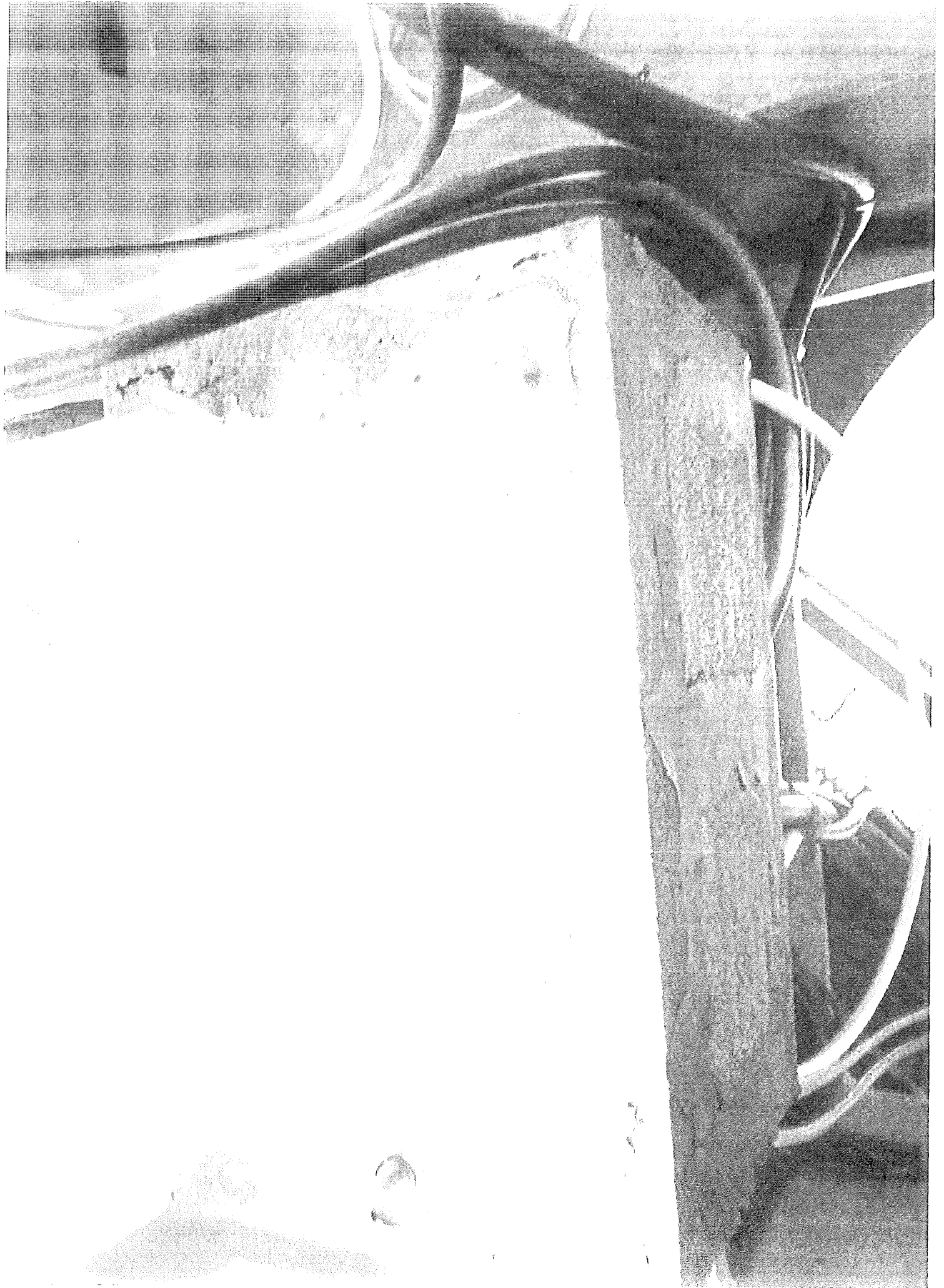


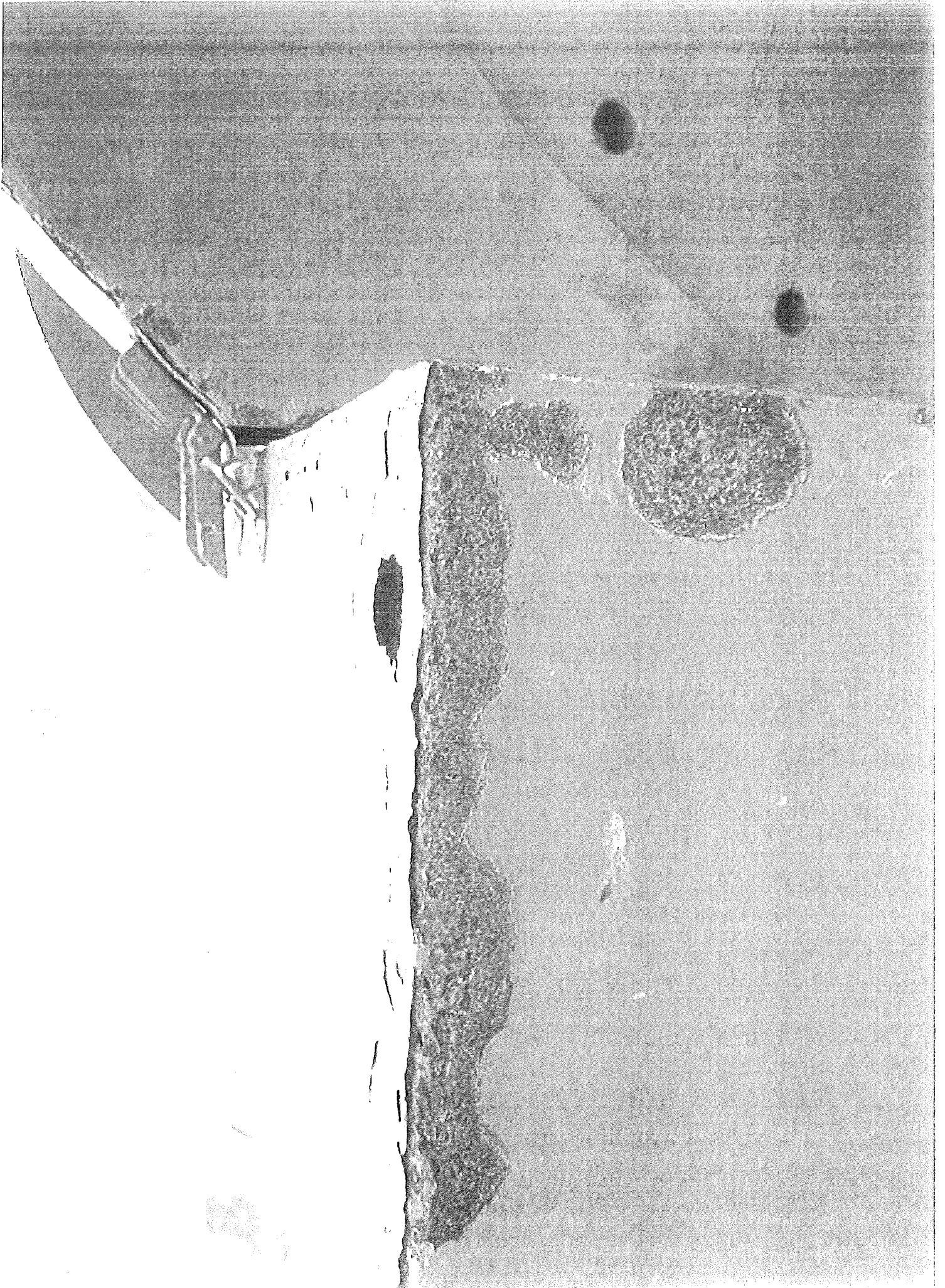


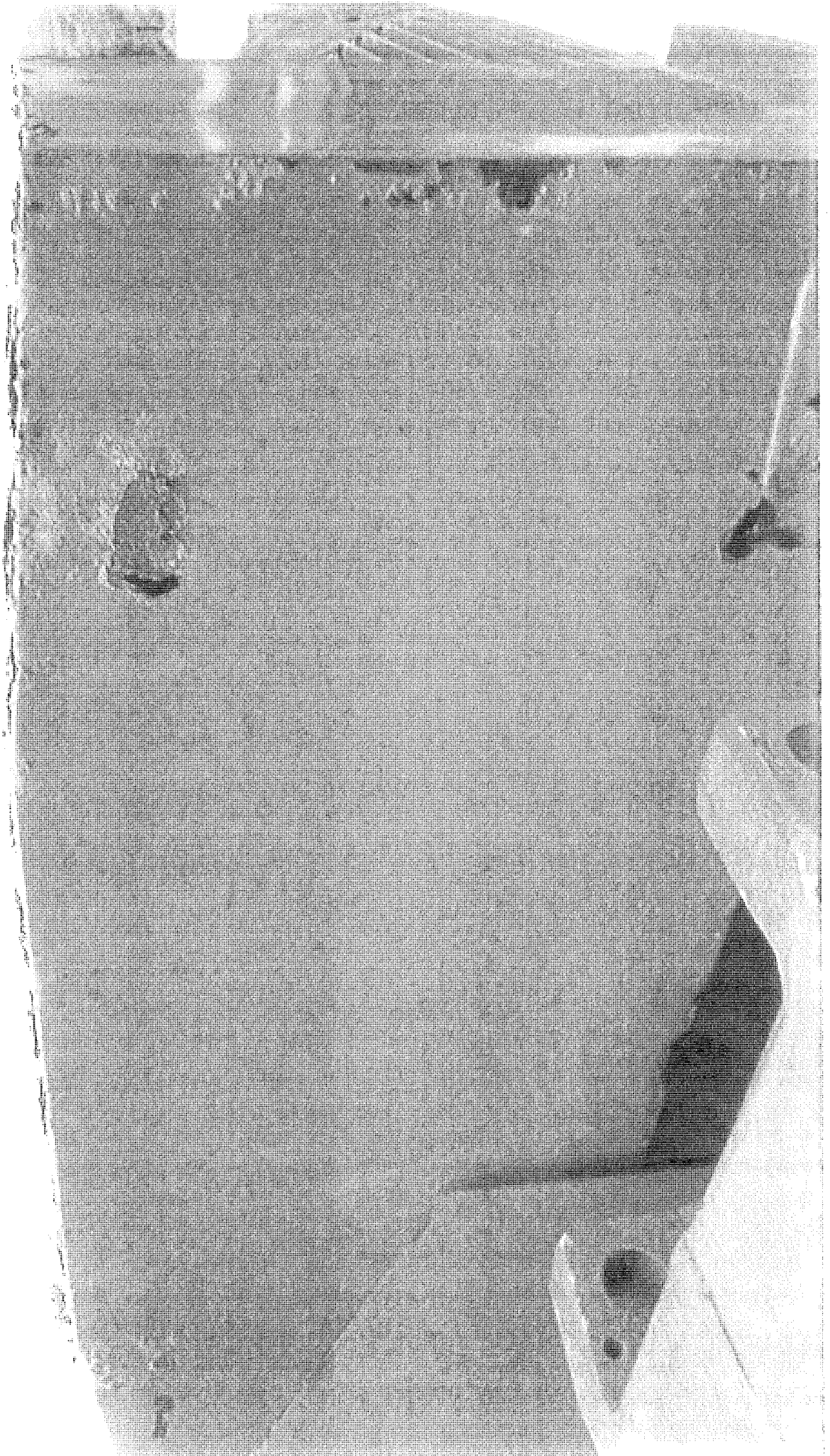


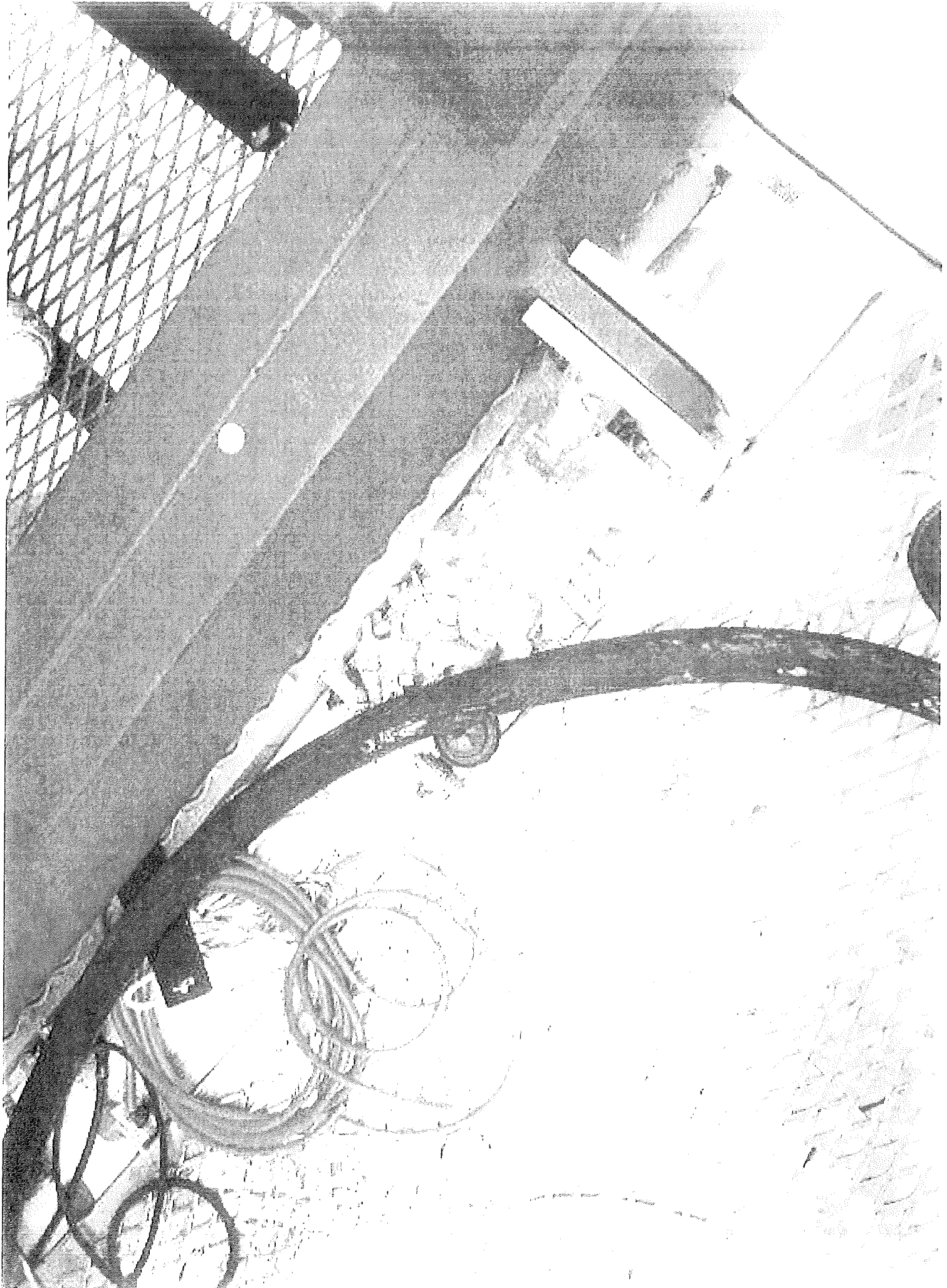


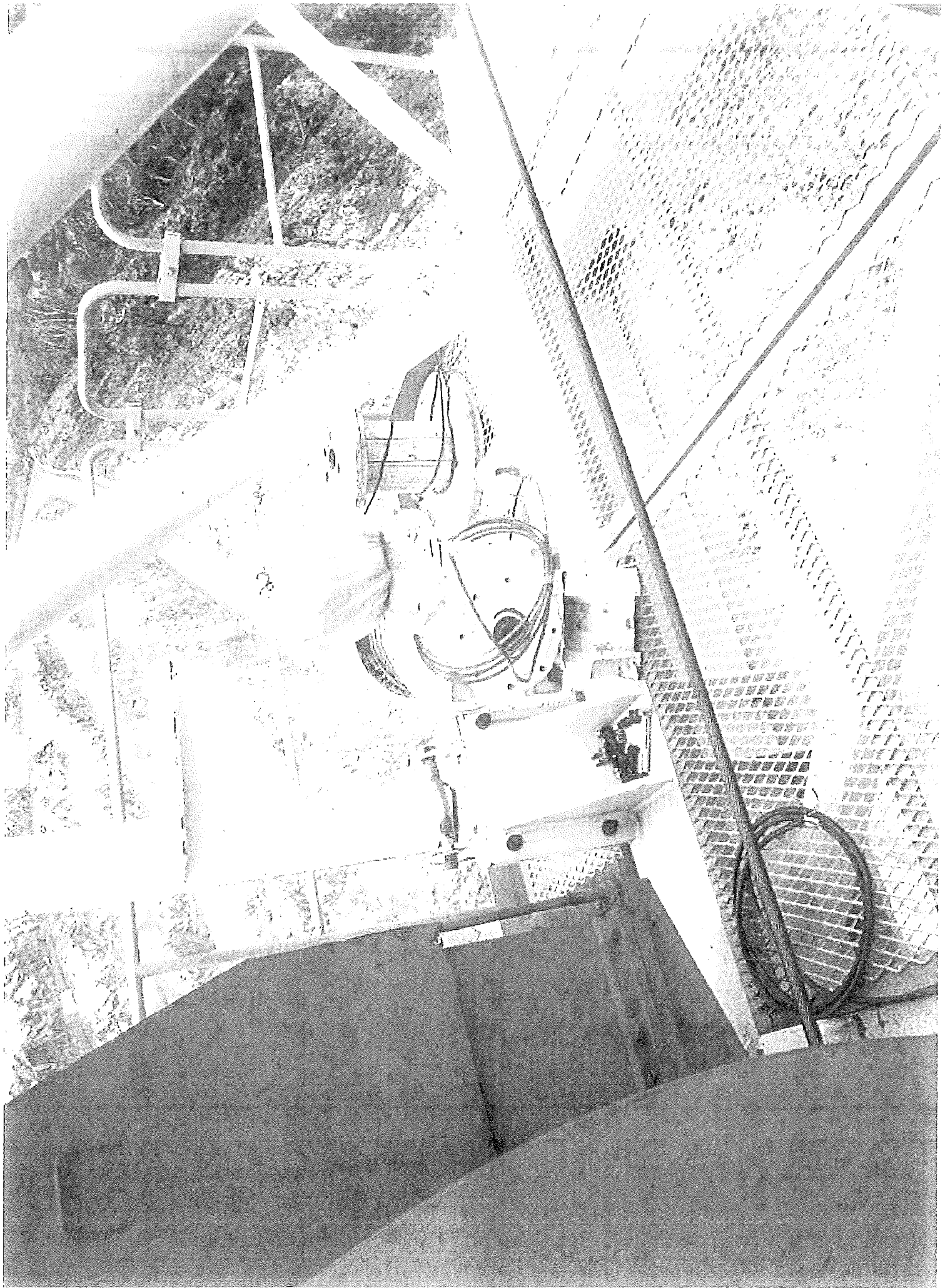


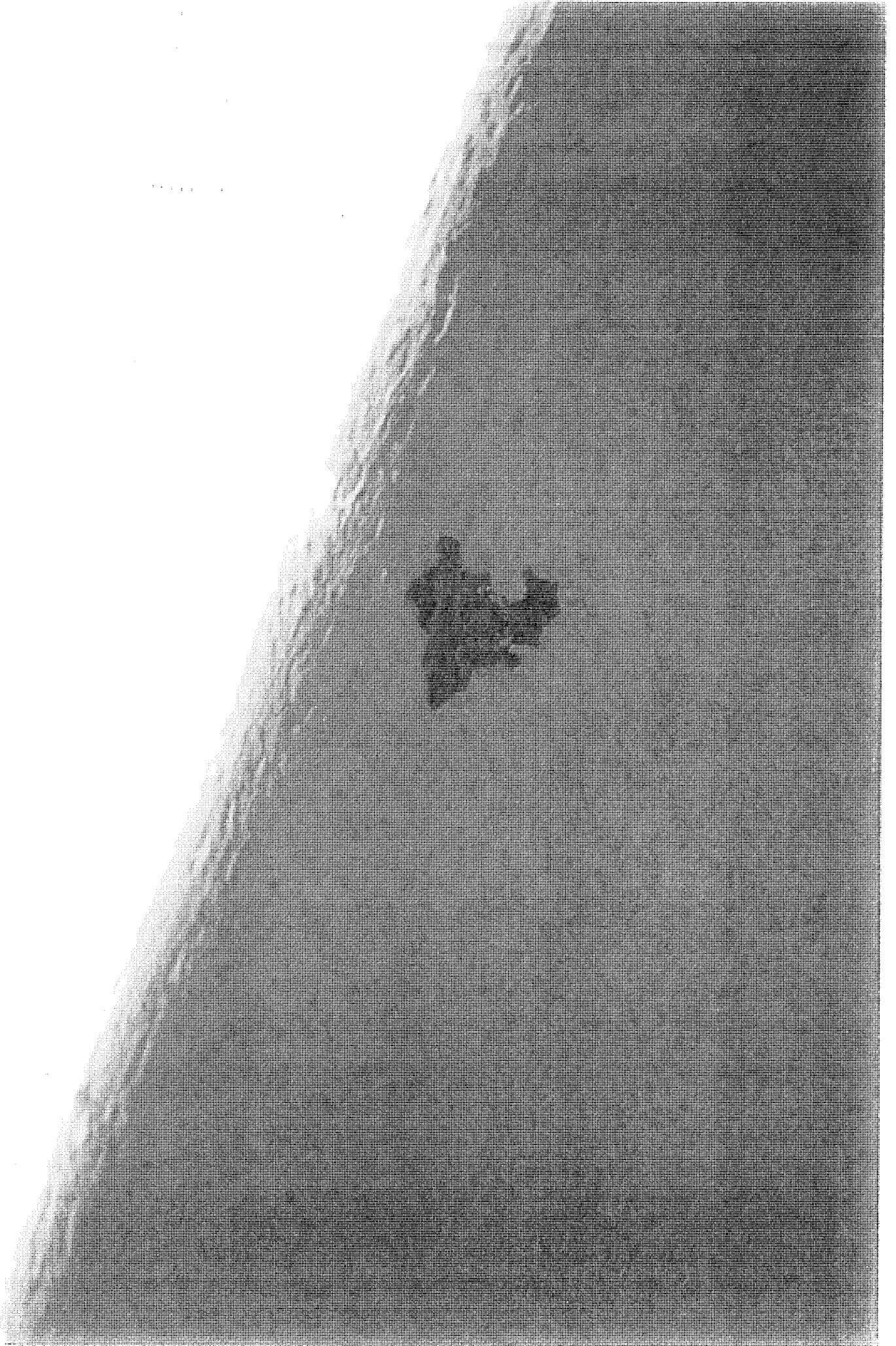


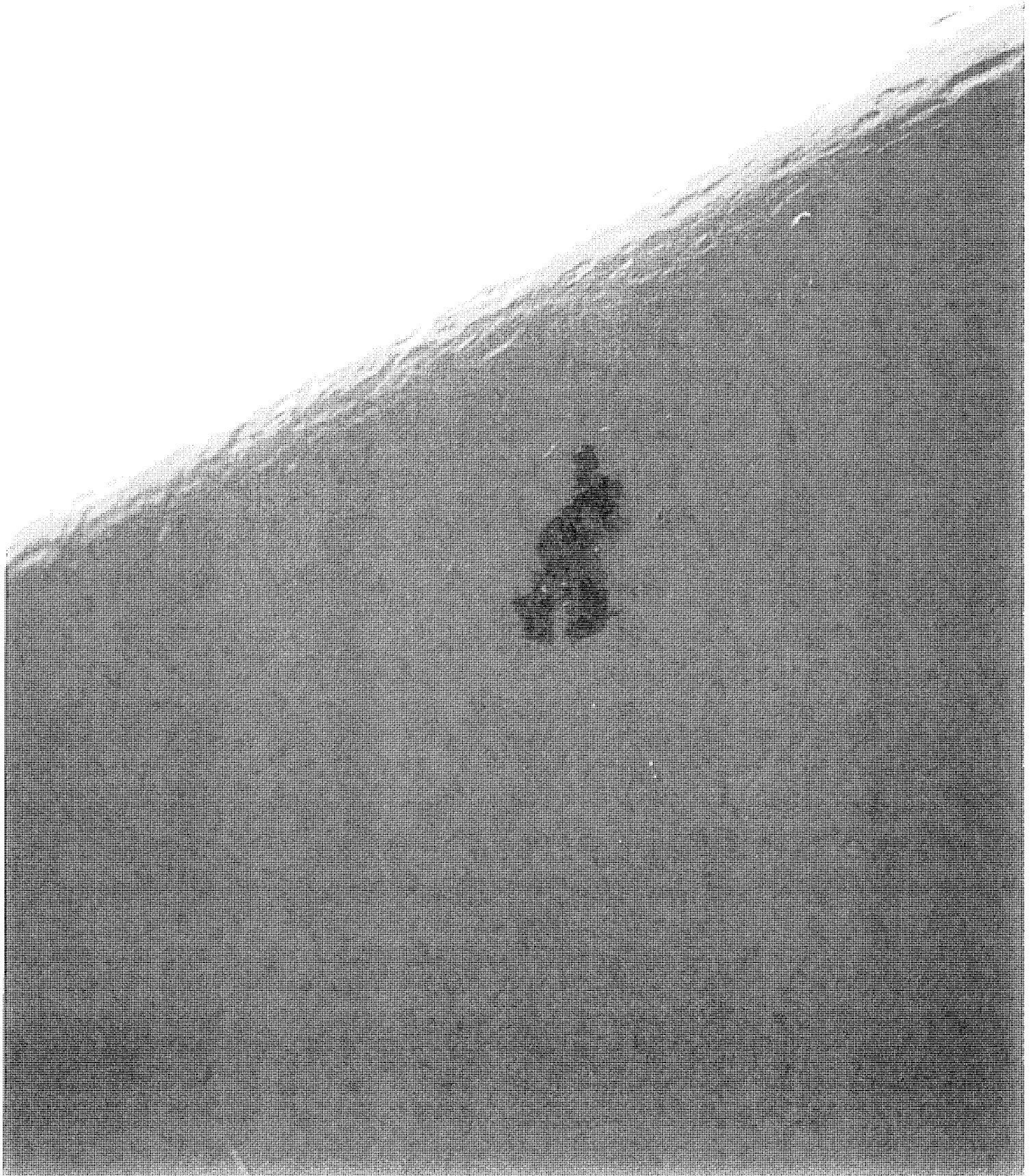


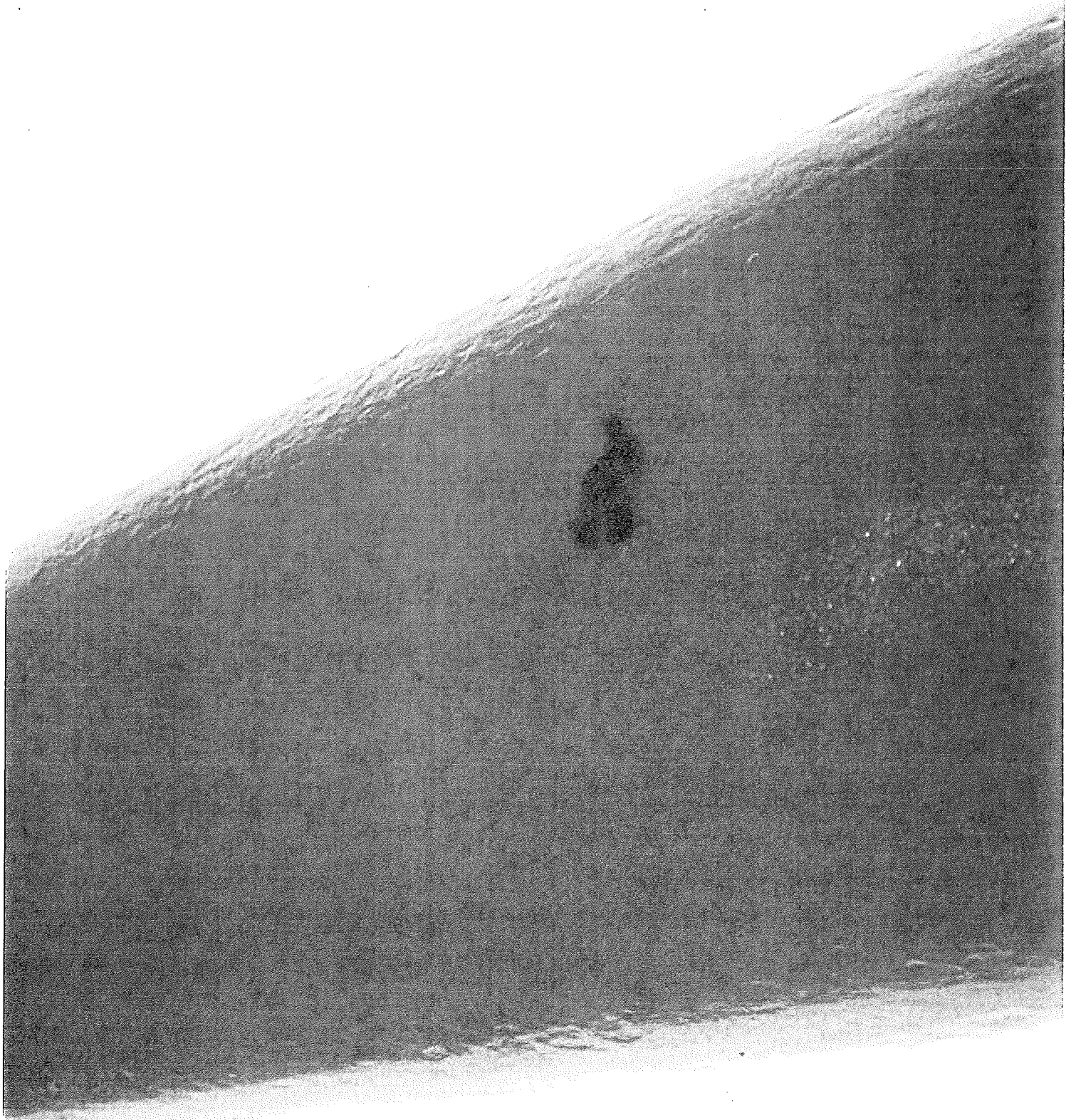
















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TTS2410592-2008



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