

## Media release

18 November 2015

### **Ombudsman presents report into workplace death investigations**

Queensland Ombudsman Phil Clarke today presented *The workplace death investigations report, a review of workplace death investigations undertaken by the Office of Fair and Safe Work Queensland (OFSWQ)*, to the Speaker of the Queensland Parliament.

Mr Clarke acknowledged that progress has been made since the last Ombudsman review of electrical workplace deaths in 2005 but also confirmed that his Office continued to receive complaints about the quality of serious workplace incident investigations undertaken by OFSWQ.

“This review of 20 cases found the OFSWQ was deficient in planning investigations, identifying issues and gathering evidence, and providing legal advice to support prosecution decisions,” he said.

“The death of a person at a workplace is an extremely serious and tragic event, one that should be given priority by the OFSWQ, both in the quality of its response and appropriate regulation.

“In many of the cases reviewed, the OFSWQ took too long to complete its investigation.

“The Legal and Prosecution Service, within the OFSWQ, also needs to significantly improve the way it decides and communicates its decisions to prosecute duty holders.”

Mr Clarke was concerned that inconsistencies exist within OFSWQ about its jurisdiction in workplace deaths not involving an employee, particularly where the deceased participated in a commercial recreational activity.

“I have recommended policies and procedures be developed to assist OFSWQ officers to investigate deaths occurring as a result of a commercial recreational activity,” he said.

Mr Clarke found improvements were required in providing information to next of kin about the outcome of an investigation and their right to request a review of a decision not to prosecute.

Several coronial inquests have also been critical of OFSWQ workplace death investigations.

As a result of recent machinery of government changes, OFSWQ is now part of the Office of Industrial Relations (OIR) within Queensland Treasury.

OIR has taken steps to implement the 15 recommendations made in the report, although further work is still required.

**[ends]**

Download [The workplace death investigations report](#)

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