



23 April 2013

Coroner Jane Hendtlass
Coroners Court of Victoria
Level 11
222 Exhibition Street
Melbourne Vic. 3000

By email:
registryteam4@coronerscourt.vic.gov.au

Dear Coroner

Coronial inquest into death of Gaylee Kati

Your ref: COR 2004 2249

Our ref: GAM/CLE261-00031

We refer to your finding and recommendations in the above matter delivered on 21 January 2013.

We confirm that we continue to act for Cleanaway Global Waste Management, now known as Transpacific Cleanaway Pty Ltd.

Please find **enclosed** our client's response to the recommendations.

Yours faithfully

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RESPONSE ON BEHALF OF TRANSPACIFIC CLEANAWAY PTY LTD (FORMERLY BRAMBLES AUSTRALIA LTD) TO RECOMMENDATIONS OF CORONER

Recommendation One

Cleanaway appoint a full-time supervisor to provide greater supervision of waste collection driver/operators performing recyclable waste collection tasks.

Response

At the time of the incident, Ms Gaylee Kati's supervisor was a full time supervisor of the Stonnington and Port Phillip waste collection contracts. On occasion, when there were driver shortages the supervisor would drive a truck himself to ensure the service was delivered within the required timelines.

Transpacific Cleanaway Pty Ltd (**Cleanaway**) provides a full-time supervisor for each domestic collection contract it is appointed to in Melbourne, including the recyclable waste collection contracts. These supervisors' duties are predominately the supervision of the collection crews and he/she is not now required to undertake any truck driving as part of his/her supervisory role.

Recommendation Two

Cleanaway better educate operational supervisors to increase their awareness of the effect of cannabis on skilled performance and risk and ensure appropriate responses to suspicions that cannabis is an issue in the workplace.

Response

At Transpacific Industries Group Ltd (**Transpacific**), the safety, health and welfare of our people is our first and foremost consideration and our ultimate aim is to achieve Zero Harm, which means working in an incident and injury free workplace.

Supervisors and managers are required to undertake 2 x 4 hour sessions of Safety Leadership Training within the first 12 months of their employment with Transpacific. The Safety Leadership Training includes an introduction to the impact of the use of drugs and alcohol on performance in the workplace. This training is provided to enhance the skills of supervisors and managers in interacting and engaging with staff in a way that ensures safety is an integral part of business. Each supervisor/manager is required to repeat this training annually, and a record is maintained centrally as part of the employee's training records. These records are made available to their managers through an online central software program called "Preceda".

The current management of Transpacific has implemented a Drug and Alcohol Policy (**Policy**). The Policy is supported by detailed procedures on how tests are to be completed and what steps are to be taken if an employee returns a positive test. In 2012, 5577 drug tests and 7683 alcohol tests of employees were performed under the Policy across Transpacific's various sites throughout Australia.

The Policy is included in the standard Transpacific induction pack and the induction includes execution by employees and contractors of a Company Induction Completion Record that confirms

their understanding of Transpacific's various policies and procedures that form part of the induction material, including the Policy and their commitment to comply with those policies and procedures.

Transpacific has developed the Policy and a Drug and Alcohol screening procedure to reduce the risks associated with drug and alcohol related issues on skilled performance. Transpacific strives to achieve a drug free workplace ensuring that any individuals that breach the Policy are managed in accordance with the Standard Operating Procedure for Drug and Alcohol Screening (SOP). The SOP also provides that employees must present 'fit for work' at the start of each shift and to remain fit for work throughout their shift so they are able to perform their duties safely and free from the influence of drugs and/or alcohol. Under the terms of the SOP, there is an Employee Assistance Program, which is an external counselling service offered through an independent organisation made available by Transpacific where it is suspected that a drug and/or alcohol dependency may exist.

There is also a separate Drug and Alcohol Induction (**Induction**) that is required to be undertaken by all new employees and contractors. Attendance records are maintained centrally as part of the employee's training records. These records are made available to employees' managers through an online central software program called "Preceda". Contractor e-Learning records are maintained centrally through an online training register hosted by 'Elmo Learning', Transpacific's e-Learning provider. The Induction provides that it is the supervisor's responsibility to support employees who are experiencing 'fit for work' issues and to ensure confidentiality of any such 'fit for work' issues is maintained. If a supervisor reasonably believes that an individual is unfit for work, the supervisor has the right to remove the individual from the premises or move them from their regular activities if they form the view that a significant risk exists.

Employees and contractors who fail to comply with Transpacific's policies and procedures are subject to disciplinary procedures, which could result in verbal and/or written warnings. A breach of the Policy could lead to termination of employment.

Recommendation Three

Cleanaway continue to fit all their domestic side loader vehicles with a "maxi brake" that engages if the driver exits the cabin while operating it in left hand drive without engaging the handbrake.

Response

All side loader vehicles used by Cleanaway continue to be equipped by the vehicle manufacturer with a maxi brake. A maxi brake is similar to a hand brake on a car and comes as standard from the manufacturer of the vehicles.

Cleanaway has also equipped every new domestic side loader collection vehicle commissioned over the past five years with a 'smart brake.' This system automatically engages the maxi brake should the driver leave their seated position without engaging the maxi brake. Cleanaway undertook a significant evaluation and testing program to identify and prove this technology prior to it being implemented. The smart brake has been a mandatory standard feature on all new Cleanaway vehicles since late 2005/2006.

We will continue to identify and incorporate safety, health, and welfare innovations and improvements at all levels within Transpacific. This commitment is backed by our senior leaders, cultural change strategies and fully documented and rigorous company-wide management systems.

Recommendation Four

Cleanaway ensure there is an emergency stop button on their domestic side loader vehicles which is accessible from outside the cabin.

Response

External emergency stop buttons continue to be standard on all domestic side loader vehicles used by Cleanaway. Operation of the vehicle, including use of the emergency stop button, is covered in the driver induction to the vehicle and ongoing driver training and assessments.

Recommendation Five

The Government of Victoria amend the definition of "plant" in the Occupation Health & Safety (Plant) Regulations 2008 to ensure that equipment mounted on a vehicle used primarily as a means of transport on a public road is not excluded from the provisions that impose duties on the designers of that equipment.

Response

This is a matter for the Government of Victoria.