

Pink Batts Royal Commission media fail on Garrett's impressive testimony

By Alan Austin

15 May 2014



Coverage of the Home Insulation Royal Commission by the mainstream media has been truly appalling. After sensational headlines about former minister Peter Garrett being forced to 'front' the inquiry, there has been scant coverage of his actual testimony.

[Alan Austin](#) has selected some excerpts from his extensive cross-examination [Tuesday](#) and [Wednesday](#) this week:

MR WILSON (Counsel assisting the Commissioner): Did you ever give any consideration to recommending to those who made the decisions that this was a program that would be better dealt with by the states because they had the OH&S regulatory regimes?

THE WITNESS (Peter Garrett): This was a fiscal stimulus program, Counsel, and as you

may be aware and as some others may be aware, the question of the level of occupational health and safety and the application of those laws was something which had not been addressed with any degree of seriousness by our predecessors of government; I was aware of that.

* * * *

MR KEIM (Counsel for family of deceased worker Mitchell Sweeney and regular IA contributor): I wanted to ask you this: did you consider asking the Department at any stage to seek a report from an independent expert, perhaps, a university academic in the subject of electrical engineering to provide you with advice on the decision that you had to make?

THE WITNESS: No.

MR KEIM: Do you think in retrospect that that would have been a good thing to do?

THE WITNESS: No.

MR KEIM: Did you think of asking your staff to set you up with more one on one meetings so that you could make sure that you fully understood the technical issues associated with the decision that you had to make?

THE WITNESS: No.

MR KEIM: In retrospect, do you think that that might have been useful and resulted in

THE WITNESS: My view was that the advice that would come from the Department would include advice that had been considered and the technical nature or details of it would have been considered by the Department and/or during the course of the industry round tables that we had. And there's quite a deal of reference to consideration of technical issues that happened. In fact, there were, I think from memory, technical round tables as well that I didn't attend and my expectation would be that the advice would contain what I needed to know in respect of matters, whether they were technical or otherwise.

MR KEIM: All right. Did you think of asking for, say, a lengthy brief on the subject of foil and its dangers and its advantages and why it was used so that you could perhaps read 10 or 12 pages and get on top of the subject ..?

THE WITNESS: Counsel, with respect, I don't think that would have been a very efficient use of my time. I'm still conducting my responsibilities as a Minister in relation to other portfolio areas and some of this period of time, I'm on the phone or I'm travelling. It's unlikely that I would have or any Minister would have time at their disposal to do that. Rather, there would be an expectation that technical detail of the volume that you're talking about would be distilled into an accessible and succinct form if necessary for the Minister or for an advisor to consider in relation to decisions that were coming to them.

* * * *

MR POTTS (Counsel for Murray Barnes, father of deceased worker): Well, what lessons do you think should be learnt from the failures of this particular program, Mr Garrett?

THE WITNESS: I'm glad you've asked me that question, actually. I will take the liberty, Commissioner, if I can to answer.

MR POTTS: That was the whole idea of

asking you.

THE WITNESS: Good. Well, the first thing I would say is that there needs to be much stronger attention given to the responsibility of employers in the workplace and a much greater understanding generally and it's the public awareness program, Commissioner, that the coroner referred to about general dangers in the workplace. The fact is that, as I said yesterday, I take the responsibility for this program, as I should. I'm a Commonwealth Minister and it was a Commonwealth program. I don't, and would never, walk away from that but it wasn't only the responsibility of myself. It was the Department, the officials have advised me, and the Government. But it was also the responsibility of state regulators, the employers and the persons in question. Everyone has a duty of care to exercise some responsibilities in the workplace. And when I looked at the circumstances of these fatalities and I understand to an extent – I can't say I understand it completely – but I understand to an extent the grief that has been caused and I know the impact it had on myself and the Government and the office.

MR POTTS: And no doubt the families.

THE WITNESS: That's what I'm saying previously. And I looked at some of the behaviours of the installers in question and the subsequent actions that were meted out to them. I understand as a whole, this question of workplace safety, responsibility where regulation can play a role and do the job, where employers have got a role, where individuals and employees have got a role meets. And I think those recommendations have already been addressed to some extent.

COMMISSIONER (Ian Hanger AM QC): It's a bit of a problem, though, because before this scheme rolled out, I think there were very few accidents in the insulation industry and I think that what happened here is that it's the newcomers into the field that were — I'm going to use the term "shonks". Is that not

correct? And, you know, it's very hard to regulate those people who are going to misbehave.

THE WITNESS: Commissioner, I agree with you. Governments can't regulate everything.

COMMISSIONER: No.

THE WITNESS: And, quite often, the call from industry when governments want to regulate is "Please don't." I think there is some evidence and research around which relates to the proportions of accidents in the construction industry and in insulation both before and during the program and some of that evidence may have been led here. But you're right: the nature of the program, because it was a fiscal stimulus, did mean that there were a lot of new entrants who came into the marketplace and the opportunity for what we've been regrettably having to deal with here is made greater.

* * * *

MR WILSON: Yes. Those are all the questions I have. May Mr Garrett be excused?

MR PERRY (Counsel for families of deceased workers): Mr Commissioner, before Mr Garrett leaves the witness box, my clients have asked me to put a matter on the record with respect to his evidence, if I may with your leave?

COMMISSIONER: Put a matter on the record?

MR PERRY: Yes, indeed.

COMMISSIONER: Yes.

MR PERRY: Mr Garrett, Mr and Mrs Fuller would like to thank you for the frank and open way in which you've given your evidence surrounding the circumstances that led to the

death of their son and subsequent events. And for that they thank you.

THE WITNESS: Thank you, Counsel.

COMMISSIONER: Mr Garrett, thank you for – it has been a long day.

THE WITNESS: It has.

COMMISSIONER: Thank you for your evidence and you're excused from further attendance.

Coming up tomorrow: The second part of Alan Austin's submission to the Home Insulation Scheme Royal Commission. Read Part One [here](#).

[form]3[/form]