

## Commission for Occupational Safety and Health MINUTES – 5 February 2020

<b>Meeting No:</b>	<b>392</b>	<b>Time:</b>	<b>8.30am</b>
<b>Venue</b>	<b>Koorling Dandjoo Room, Level 2, 1 Adelaide Terrace, East Perth</b>	<b>Secretariat:</b>	<b>Department of Mines, Industry Regulation and Safety (DMIRS)</b>

### Attendees

Ms Stephanie Mayman	Chair
Mr Darren Kavanagh	WorkSafe Western Australian Commissioner (Commissioner)
Ms Joy Barrett	UnionsWA
Dr Alison Reid	Expert member
Dr Matthew Davies	Expert member
Ms Adrienne LaBombard	Chamber of Minerals and Energy WA (CMEWA)
Ms Pearl Lim	UnionsWA
Ms Andrea Roelofs	Chamber of Commerce and Industry WA (CCIWA)
Mr Owen Whittle	UnionsWA
Dr Julia Norris	Expert member
Mr Paul Moss (from 9.20am)	Chamber of Commerce and Industry WA (CCIWA)

### Invited Guests

Mr Chris White	Chief Executive Officer, WorkCover
Mr Ian Munns (Observer)	Deputy Director General Safety Regulation, DMIRS

### Apologies

Ms Christina Folley	A/Director Mines Safety, DMIRS
Mr Glenn McLaren	UnionsWA

### Executive Support

Dr Tony Stephens	Executive Officer, DMIRS
------------------	--------------------------

## **1 ADMINISTRATION**

### **1.1 Opening and welcome**

The Chair opened the meeting at 8.30am and welcomed expert member Dr Alison Reid, who will be a long-term proxy for Dr Lin Fritschi who is currently working in Europe.

### **1.2 Apologies**

The Chair accepted an apology from Commission member Mr Glenn McLaren. An apology was also received from Ms Christina Folley, who was scheduled to act as proxy for Mr Andrew Chaplyn.

The Chair noted that Mr Paul Moss would be a late attendee due to another commitment.

### **1.3 Confirmation of agenda**

The agenda was confirmed as the business of the meeting.

### **1.4 Declarations of Conflicts of Interest**

Conflicts of interest for items involving training were declared by the CCIWA and UnionsWA representatives.

### **1.5 Other Business admitted by the Chair**

The Chair advised that a late item on the emerging coronavirus issue would be presented at the end of the meeting.

## **2 PREVIOUS MEETING/S**

### **2.1 Confirmation of previous meeting minutes**

A motion to accept the minutes of meeting 391 held on 6 November 2019 was **ENDORSED** subject to some minor typographical corrections.

Moved: CCIWA; seconded: UnionsWA.

### **2.2 Review action list from previous meeting**

The Chair asked if members had any questions regarding the action list.

All relevant items would be dealt with through the existing agenda items.

Members advised that they had no other questions and the action list was **NOTED**.

### **2.3 Letter to the Minister for Transport on diesel particulate exposure**

The Chair provided members with a progress report on previously raised concerns emerging from the Commission's October 2019 meeting regarding the emission of diesel particulates from truck exhaust stacks and resultant health impact on drivers.

It had been noted that all other States have laws requiring that exhaust stacks on trucks must be above cab height, whereas in Western Australia they can be much lower, thereby increasing the risk of people inhaling exhaust fumes.

The Chair has written to the Minister for Transport requesting that the Government of Western Australia lobby at a national level for a change to the Australian Standard so that it reflects best practice in other parts of the world. A reply is still pending and members will be updated at the next meeting.

## 2.4 Updated Commission business case

The Chair has met with the Director General of DMIRS and a further meeting is scheduled upon her return from leave.

The members were asked for their comments on the latest draft.

The CCIWA representative enquired about how the amounts mentioned under the various focus areas had been calculated. The acting Chair advised that these were estimates based on the Chair's experience. It was noted that the amounts shown are additional to DMIRS funding for administrative tasks.

The UnionsWA representative suggested that an indication of tasks to be resourced by committees and working groups shown in Attachment 1 be removed.

The CCIWA representative suggested removing dollar amounts from the document altogether. It was **AGREED** to amend the Commission business case to reflect this suggestion.

Expert member, Dr Matt Davies, suggested that the document should focus on higher level activities and associated resourcing matters, rather than administrative tasks conducted by WorkSafe.

Mr Ian Munns suggested that instead of the information outlined in Attachment 1, a simple table of activities would improve readability. The members supported this concept.

The Chair offered to submit a revised business case document to the Director General of DMIRS. She also thanked the members for their input.

### **ACTION:**

**The Chair to take a revised version of the business case to a future planned meeting with the Director General of DMIRS.**

## 3 AGENGA ITEMS

### 3.1 WHS Bill and Regulations Consultation update

Mr Munns gave a brief update on progress with the WHS Bill and public consultation for the associated Regulations.

The Bill is heading for a second reading. DMIRS Senior Policy Officer Mr Andrew Cotgreave, would be shortly conducting a series of briefings for Members of Parliament.

The public consultation period for the Regulations has now closed, with a total of 68 submissions being received. Of these, 53 were related to general workplace regulations, 13 to mining regulations and four to petroleum regulations.

The average length of these submissions was 20 pages, which will require a significant period of time to collate. Competing ideas will need to be carefully documented.

The UnionsWA representative enquired when the submissions would be made publicly available online. Mr Munns advised that this would occur after the Minister had seen them. It was noted that some individual submissions may have been made confidentially or anonymously. It was also noted there had been a small number of internal submissions from the DMIRS inspectorate and these would not be published.

The UnionsWA representative enquired about a previously proposed analysis of the Review of Model WHS Laws by Marie Boland. The Chair advised that the Legislative Advisory

Committee would undertake this analysis at a future date when other more pressing priorities had been completed.

The Commission **NOTED** the update.

### 3.2 **Commission newsletter – control of content**

The Chair raised the recent publication of an online newsletter under the Commission's name. This had been published without any input from Commission members. The Chair sought comments about the value of maintaining the newsletter and how best to oversee the content.

The members gave their support the concept of a Commission newsletter. It should be a standing item on the agenda, thereby enabling members to raise potential new topics at each meeting.

The DMIRS safety education team, who design the online newsletter, would also be welcome to suggest topics at any time

There should be a permanent "About Us" section at the top of the newsletter outlining the role and scope of the Commission.

Mr Munns noted that the use of the Worksafe subscriber database for a stand-alone Commission newsletter might create concerns about spamming. This could be overcome by asking those existing subscribers if they would agree to also receiving the Commission newsletter.

#### **ACTION:**

**The Executive Officer to communicate the members' suggested improvements to the DMIRS Manager Safety Education.**

#### **ACTION:**

**The Executive Officer to add the Commission newsletter to standing items on future agenda and maintain it as ongoing item on the action list.**

### 3.3 **Occupational Diving in Western Australia Code of Practice**

The Chair advised that the DMIRS Safety Education branch had recently completed an edit of the draft *Occupational Diving in Western Australia Code of Practice*.

The Commissioner gave a brief recap of the Diving Working Group's (DWG) development of the Code.

The Commissioner met with the parents of Mr Jarrod Hampton and explained how they would have the opportunity to comment on the draft Code during a consultation period. Mr and Mrs Hampton had expressed concern about the time taken to progress the Code.

The UnionsWA representative advised that Mr and Mrs Hampton had also raised this slow progress with him directly.

The members **AGREED** to initiate a three month public consultation period for the Code of Practice.

The Chair advised that the edited draft should now be sent to the Minister as a courtesy, advising him that the Commission had agreed to this period of consultation. Mr Munns confirmed that this advice would be in the form of a briefing note and that the latest edited version would be the consultation document.

The members then discussed the content of the latest version of the draft Code.

Expert member Dr Matt Davies asked if the Code will include free diving. The Commissioner advised that it would. He also asked if shark shields were included. The Commissioner advised that the DWG could not reach consensus on the matter.

Dr Davies asked if there would be any reference to dangerous fauna such as irukandji jellyfish. The Commissioner advised that this matter had been considered, but a decision was made to focus on emergency response.

The UnionsWA representative suggested that a standard statement be added to the document saying that submissions would be considered and that the Commission will determine if the final publication will be in the form of a Code of Practice or a guidance note.

Expert member Dr Matt Davies, questioned whether terms such as “core” and “basic” under general diving considerations needed to be clarified.

The CCIWA representative suggested that diving has an inherently unpredictable nature and that risk management processes need to be robust enough to handle the hazards. In this respect, the members’ attention was drawn to section 4.1 of the draft Code - Hazard Identification. It was **AGREED** that this unpredictability be acknowledged in the draft.

The members **AGREED** to add the names of DWG participants into the final version.

#### **ACTION:**

**DMIRS to arrange for a briefing note to be developed, advising the Minister of the Commission’s decision to commence a three-month period public consultation for the *Occupational Diving in Western Australia Code of Practice*.**

### **3.4 Impact of smoke and airborne particles on health**

The Chair presented a recent media bulletin issued by Safe Work Australia – *Bushfires and air pollution*.

Recent major bushfires in Australia have highlighted the potential health impacts to workers of prolonged exposure to smoke and associated airborne particulates. While some research has been conducted into short-term workplace exposure to these contaminants, there has been none into the impact of exposure over longer periods.

The Chair posed the question: Where does the Commission fit into this matter?

Expert member Dr Matt Davies, raised the issue that most firefighting in rural situations is conducted by volunteers rather than Department of Fire and Emergency Services (DFES) professionals, and therefore may be less likely to be exposed to the latest advances in training and protective equipment.

The CMEWA representative suggested that rural brigades do have some training, but that there are gaps. She also noted the lack of attention to potential psychological issues arising from fighting bush fires.

The UnionsWA representative advised that he had previously spoken to DFES about training issues, but that something has to be put out for volunteers under the Act.

The CCIWA representative suggested that some people in the community may not be fit to function safely in a volunteer capacity and could be a risk to others.

The Commissioner suggested that the Commission should consider developing a guidance document to address the various contaminants produced by fires and the risk they present to workers.

There was general consensus with this suggestion. Expert member Dr Matt Davies mentioned that the Bushfire Research Centre could be a useful reference. The CCIWA representative suggested that learnings from industry along the Kwinana strip may also be useful. The UnionsWA representative advised that lessons learnt from the death of a female firefighter in Albany could be considered.

It was mentioned that leading fire ecology expert Professor Kingsley Dixon at Curtin University should be consulted about the impacts of prescribed burns.

Any other suggestions from members for useful resources should be sent to the Executive Officer.

**ACTION:**

**DMIRS to:**

- **Gather data and relevant existing research on the issue**
- **Collate guidance material on the issue from other jurisdictions**
- **Develop a discussion paper for the Commission to consider.**

**3.5 Review of National Assessment Instruments**

The Commissioner advised that in his capacity as Western Australia's representative, he has provided comments to SafeWork Australia's review process of 13 National Assessment Instruments used in High Risk Work Licences units of competency. He has also endorsed the release of the document, which will occur shortly.

The members **NOTED** this update.

**4 STANDING ITEMS**

**4.1 Re-accreditation of WA Skills Training Introductory course**

The Chair briefly outlined the reasons for the recommendation to approve an application for re-accreditation of the WA Skills Training introductory training course for safety and health representatives. The training package submitted by WA Skills Training addressed the re-accreditation criteria with the following findings:

- There have been no adverse comments received about the course or the provider.
- The provider received positive feedback from participants.
- The provider demonstrated evidence of ongoing monitoring and evaluation.
- In 2018-19, two training sessions were delivered in the metropolitan and eight in regional areas, with a total of 59 participants.
- All industries are targeted.

There were no objections from members to the recommendation for re-accreditation.

## 5 REPORTS

### 5.1 Legislative Advisory Committee (LAC)

The Chair provided an update regarding LAC meetings held in November and December 2019. These two meetings were largely devoted to clarifying the scope and level of resourcing available to assist with the review of prioritised Codes of Practice. The acting Director General of DMIRS, Mr Ian Munns, had formally addressed the December meeting.

The UnionsWA representative enquired about the development of any contingency should new Codes of Practice not be in place by the time the Bill is promulgated. Mr Munns advised that a Level 8 DMIRS officer had been appointed to look at these types of potential issues. It may be possible to adopt harmonised Codes as an interim measure.

LAC will now continue its review of the *Violence, Aggression and Bullying at Work* Code of Practice, which is being divided into two Codes.

The Chair made members aware of a letter received by the Minister from the First Aid Industry Alliance (FAIA) on 6 November 2019, expressing concerns about the current reliance on an outdated *First Aid Facilities and Services* Code of Practice.

The Minister had replied to the FAIA with a commitment to review the Code and indicated that the Commission had prioritised this already. Flaws identified by FAIA in the current Code would be examined by LAC during the review process.

The Commission **NOTED** the LAC report and verbal update by the Chair.

### 5.2 Construction Industry Safety Advisory Committee (CISAC)

The Commissioner advised that CISAC was continuing a review of the *Excavation* Code of Practice, predicting that a draft should come to the Commission for consideration at the March 2020 meeting.

CISAC members had been made aware of recent changes to the experience requirements and processing of demolition licences in Western Australia, which brought Western Australia into line with other jurisdictions. Implementing these changes may limit the industry, but are integral to ensuring that those who hold a demolition licence, retain their skills if they are to remain licensed. He advised he would continue to liaise with industry with respect to the changes.

The Commissioner updated CISAC members about his recent attendance at the Asbestos Safety Conference held in Perth. The National Strategic Plan for Asbestos Awareness and management 2019 to 2023 has been supported in principle by DMIRS and is currently the subject of discussion at the Western Australia Across Agency Asbestos Advisory Group.

The Commission **NOTED** the CISAC report and verbal update provided by the Commissioner.

### 5.3 Mining Industry Advisory Committee (MIAC)

There was no written summary provided of the most recent Mining Industry Advisory Committee meeting held on 11 December 2019. The Chair was not in attendance to provide a verbal update.

### 5.4 Agricultural Working Group (AWG)

The Chair gave a brief overview of outcomes from meetings held on 22 November 2019 and 13 December 2019. The November meeting having been specially convened to judge the SafeAgWA school poster and photographic competition.

The various competition winners and runners-up had now all been contacted and prizes distributed. The poster component of the competition was open to primary school students and proved popular with more than 120 entries being received. The winning poster was the work of a student at Yerecoin Primary School in the northern Wheatbelt. The student won a \$750 gift voucher and the school P&C received a sponsorship amount of \$1250. Two runner-up prizes of \$200 gift vouchers were awarded to students in Kojonup and Bindoon.

The photographic component of the competition was open to high school students and only received a handful of entries. The winning photo was the work of a student at Methodist Ladies College, who is part of a Meckering farming family. The student won a \$750 gift voucher and the school board of management received a sponsorship amount of \$1250. Two runner-up prizes of \$200 gift vouchers were awarded to twins from Corrigin.

The Chair advised that there was currently \$7,500 remaining from the total of SafeAgWA sponsorship funds already received. However, a further amount of \$10,000 from CBH Group was expected shortly.

The Commission **NOTED** the AWG report and update provided by the Chair.

## 5.5 WorkCover WA Report

Mr Chris White reported that:

- WorkCover has not received any new claims relating to silicosis.
- Of the existing claims, four were stonemasons and one was a mining person.

Members enquired whether the cases mentioned were “accelerated silicosis”. Mr White advised that they were not considered to be accelerated silicosis at this stage.

The UnionsWA representative stated his belief that there was likely to be more silicosis cases to come.

Mr White advised that public comment stage for the new workers’ compensation legislation is scheduled to commence at the end of April or in early May 2020.

Expert member Dr Matt Davies, requested WorkCover data for hand and foot injuries over the past ten years. Mr White will provide these via the Commission.

The Commission **NOTED** the verbal report by Mr White.

## 5.6 Regulatory Activity Reports

The Chair asked if there were any questions regarding the Regulatory Activity Reports.

There were no questions from members.

The Commission **NOTED** the Regulatory Activity Reports for October, November and December 2019.

## 5.7 Fatalities and significant incidents

The Commissioner reported on a recent fatal workplace incident involving a 49-year-old abattoir worker at Cowaramup. An investigation was underway, with few details as yet available.

The Commission **NOTED** the fatalities and significant incidents report.



## 5.8 Exemption certificates

There were four exemption certificates granted since the previous meeting and these were all considered to be standard.

The Commission **NOTED** the exemption certificates.

## 6 OTHER BUSINESS

### 6.6 Emerging issue of the coronavirus

The Chair introduced a late paper on the emerging issue of Coronavirus COVID19.

DMIRS has published an online document titled: *What can be done to prepare for the possibility of a viral outbreak such as novel Coronavirus?*

This information is aimed at employers and provides an overview of strategies to reduce the risk of employees being exposed to viruses at work.

The strategies include:

- Providing clear advice about quarantine periods following at-risk travel or contact with at-risk or unwell people;
- Fitness for work policies and procedures, including instructions on actions employees should take if they have symptoms consistent with a virus;
- Dealing with contingencies such as staff shortages;
- Minimising or eliminating the need for work travel, particularly to known risk areas;
- Reminding staff about the need to ensure good personal hygiene and encourage regular hand washing; and
- Regular communication with staff should the situation or organisational policies or procedures change.

The Commission **AGREED** to continue to monitor this rapidly changing issue.

## 7 CLOSE AND NEXT MEETING

There being no further business, the Chair declared the meeting closed at 11.30am. The next meeting will be held at 1 Adelaide Terrace, East Perth on 4 March 2020.

**MINUTES OF MEETING NO: 392  
OF THE  
COMMISSION FOR OCCUPATIONAL SAFETY AND HEALTH  
HELD ON 5 FEBRUARY 2020**

**ENDORSED AS A TRUE AND ACCURATE RECORD OF THE MEETING**

Stephanie Mayman

**Chair**

Date