

**Commission for Occupational Safety and Health  
MINUTES – 8 February 2021**

<b>Meeting No:</b>	<b>Priority meeting</b>	<b>Time:</b>	<b>12 noon</b>
<b>Venue</b>	<b>MS Teams</b>	<b>Secretariat:</b>	<b>Department of Mines, Industry Regulation and Safety (DMIRS)</b>

**Attendees**

Dr Trish Todd	Chair
Mr Darren Kavanagh	WorkSafe Western Australian Commissioner (Commissioner)
Dr Matthew Davies	Expert member
Dr Julia Norris	Expert Member
Ms Elysha Millard	Chamber of Minerals and Energy WA CMEWA
Mr Paul Moss	Chamber of Commerce and Industry WA (CCIWA)
Ms Erin Gisborne	UnionsWA
Mr Glenn McLaren	UnionsWA
Mr Owen Whittle	UnionsWA
Mr Andrew Chaplyn	Director Mines Safety, DMIRS

**Observers**

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

**Apologies**

Dr Lin Fritschi	Expert member
Ms Andrea Roelofs	CCIWA

**Executive Support**

Ms Anika Moore	Executive Officer, DMIRS
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**Administrative Support**

Ms Sari Mattila	External Consultant
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## **1 ADMINISTRATION**

### **1.1 Opening and welcome**

The Commissioner, as Acting Chair, opened the Priority meeting of the Commission at 12.03pm.

The Commissioner introduced and welcomed the new Commission Chair, Dr Trish Todd, to the meeting and acknowledged his appreciation of Dr Todd agreeing to him acting as Chair for the urgent meeting.

Dr Todd thanked the Commissioner, noting that it was sensible and efficient to proceed with the Commissioner as Chair for the meeting. She expressed that she was looking forward to meeting all Commission members individually.

The Commissioner advised that the priority meeting had been called to provide Commission members with an update regarding recent discussions regarding the national Coronavirus (COVID-19) vaccination roll-out strategy. He informed members that he would be seeking their input and feedback on guidance developed by Safe Work Australia.

### **1.2 Apologies**

Apologies were accepted from Dr Lin Fritschi (Expert Member) and Ms Andrea Roelofs (CCIWA).

### **1.3 Confirmation of agenda**

The agenda was confirmed as the business of the meeting.

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

NIL.

## **AGENDA ITEMS**

### **2.1 Australian COVID-19 vaccine rollout**

The Commissioner provided a brief report of a recent Safe Work Australia meeting and advised members of two actions, which will require Commission input and assistance.

Key points highlighted by the Commissioner were:

#### **In relation to Safe Work Australia (SWA)**

- SWA held an extraordinary meeting on 4 February 2021 to develop the first set of health and safety guidance on the COVID-19 vaccine rollout.
- SWA is acknowledged as the single source of truth in relation to COVID-19 guidance, materials prepared in accordance with the Australian Health Protection Principal Committee to ensure consistency.
- SWA has had 18 million views of its webpage since the COVID-19 pandemic began.
- On 13 November 2020, National Cabinet met to sign off on the national vaccine roll-out strategy.
- All vaccines will require minimum two doses. The Pfizer/biotech (BNT162b2) vaccine had been approved by the Therapeutic Goods Administration (TGA) and is expected to commence roll-out in late February 2021.
- The AstraZeneca vaccine is being assessed by the TGA and efficacy data is being assessed. So far, only the AstraZeneca vaccine has results published in peer reviewed literature.
- There are 50 hospital sites around Australia identified for the roll-out, with six or seven sites in Western Australia.

- The Federal Attorney General and Minister for Health conducted a round table with Australian Chamber of Commerce and Industry and the Australian Council of Trade Unions, resulting in constructive discussion regarding the vaccine roll-out.
- COVID-19 vaccines will be free and voluntary. There is no proposal to mandate the roll-out. States and Territories may consider their own positions.
- SWA has been tasked with developing guidance in a tight timeframe and seeks prompt feedback, to enable vaccine guidance to be published by 15 February 2021.

#### **In relation to the Australian Council of Trade Unions (ACTU)**

- The ACTU expressed its position that the vaccine roll-out should be based on the best medical advice available.
- It supports and encourages adoption of the vaccines in the most ethical way to fight the pandemic.
- The ACTU preference is for voluntary adoption and its view is that it is not appropriate to require anyone to undergo a medical procedure.
- The ACTU considers that vaccines should be provided to workers in paid time.
- Continue to support the development of a Code of Practice and Regulations for COVID.

#### **In relation to the Australian Chamber of Commerce and Industry (ACCI)**

- The ACCI is seeking health and safety regulators in different jurisdictions to have a consistent approach to the vaccine rollout.
- They note that any questions about liability could impact on the voluntary take up of COVID-19 vaccines.
- Currently there is not a positive duty that could be applied to employers, as there is not a reasonable practical measure available.
- The ACCI advised that their preference is to identify some additional people or groups in Phase 1A of the vaccine roll-out.

#### **In relation to Australian Health Protection Principal Committee (AHPPC)**

- AHPPC strongly encourages COVID-19 vaccination, but does not recommend mandating it for aged care workers at this stage.
- Evidence about the effectiveness of the vaccines in preventing transmission is not yet available. In addition, there is not yet a clear date by which all residents, staff, visitors and carers will have had an opportunity to be vaccinated.
- It is anticipated that as the vaccine roll-out begins in Australia and continues overseas, additional data on the effectiveness of the vaccine in reducing transmission will become available.
- AHPPC will continue to monitor the situation and provide advice to National Cabinet.
- AHPPC believes that the initial focus should be on strongly encouraging and facilitating the uptake of COVID-19 vaccination by aged care workers.

The Commissioner noted Federal Agencies have adopted a voluntary adoption view, but that each State and Territory can adopt its own position.

SWA has developed draft guidance for employers, workers and small business. The Commissioner asked that Commission members, members of the Mining Industry Advisory Committee (MIAC) and other subsidiary committees provide comments on the documents by close of business 10 February 2021.

Safety Regulators are reviewing the Statement of Regulatory Intent to update and incorporate the current views of regulators. This document will be shared with the Commission upon completion.

In response to a question from Dr Julia Norris, regarding the requirement for aged care workers to have other vaccinations (such as for influenza), the Commissioner noted that a

current matter being considered by Fair Work Australia may have implications on the voluntary uptake of COVID-19 vaccines.

In response to a query from a CCIWA representative, the Commissioner informed members that the Australian Government had not identified an acceptable minimum voluntary vaccine uptake percentage. The Australian Government has 55 million doses available and AHPPC advice is that the majority of the population must be vaccinated to achieve herd immunity.

Dr Matthew Davies raised concerns in relation to adverse health effects, vaccine efficacy, testing of continued immunity and methods of proving vaccination. He also asked about communication campaigns and whether they would include countering misinformation. The Commissioner highlighted the work being conducted around the world to test efficacy of vaccines and communication strategies of the Federal and State Governments.

The Commissioner explained that Australian state and territory governments had been asked to identify locations for administration of the vaccines and specific groups of workers. Currently 10,000 people have been identified for phase 1a of the vaccination roll-out. The Western Australian State Emergency Coordinators Directorate (SECD) is providing advice to the Government in relation to these matters.

A UnionsWA representative emphasised that the voluntary approach to vaccination was preferable and agreed that obtaining an understanding of State Government agency activities was essential. He noted that the aged care sector's inability to require visitors and service providers to be vaccinated against COVID-19 reduces the effectiveness of mandating vaccines for workers.

Dr Norris highlighted the need to clearly define the roles that fit within the Phase 1a subset Frontline health care worker, noting that many health care workers are patient-facing but do not work in hospitals. The Commissioner offered to contact the SECD and request a definition of Frontline health care worker.

The Commissioner thanked members for their time and input.

#### **ACTION 1**

***The Executive Officer to circulate the draft guidance for employers, workers and for small business to Commission, MIAC and other subsidiary committee members for comment.***

#### **ACTION 2**

***Commission, MIAC and other subsidiary committee members to provide comments, regarding the draft guidance for employers, workers and for small business, to the Executive Officer by close of business 10 February 2021.***

#### **ACTION 3**

***The Commissioner to share the Statement of Regulatory Intent with Commission members, once it is finalised.***

#### **ACTION 4**

***The Commissioner to contact the State Emergency Coordinators Directorate and seek a definition of frontline health care worker.***

## **2.2 Other business**

NIL.

**3 CLOSE AND NEXT MEETING**

There being no further business, the Chair declared the meeting closed at 12.40pm. The next regular meeting is scheduled for 3 March 2021.

**MINUTES OF PRIORITY MEETING  
OF THE  
COMMISSION FOR OCCUPATIONAL SAFETY AND HEALTH  
HELD ON 8 FEBRUARY 2021**

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

Dr Trish Todd

**Chair**

Date