Commission for Occupational Safety and Health

Annual Report 2020–21

Acknowledgement of Country

We respectfully acknowledge Aboriginal peoples as the Traditional Custodians of this land on which we deliver our services to the communities throughout Western Australia. We acknowledge their enduring connection to the lands, waterways and communities and pay our respects to Elders past, present and emerging leaders.

Statement of compliance

Hon. Stephen Dawson MLC
Minister for Industrial Relations

Dear Minister

In accordance with section 16 of the *Occupational Safety and Health Act 1984*, I submit for your information and presentation to Parliament, the Annual Report of the Commission for Occupational Safety and Health for the 12 months ending 30 June 2021.

Dr Patricia Todd
Chair
Commission for Occupational Safety and Health

Section 16 of the *Occupational Safety and Health Act 1984* requires the Commission for Occupational Safety and Health to prepare and submit a report for the Minister for Industrial Relations on its activities during the financial year.

WORKSAFE
Inspector

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Report from the Chair

Kaya Wandju

I am pleased to present the Annual Report of the Commission for Occupational Safety and Health for the year ending 30 June 2021, having chaired the Commission for the second half of this period.

The breadth of the Commission's responsibilities can be daunting, with functions including:

- ongoing consideration of how to improve the regulatory environment;
- promoting dissemination of information and training;
- collecting required information; and
- working collaboratively with other public sector areas, unions, employer associations and relevant community groups to maximise the best possible occupational safety and health (OSH) outcomes.

Ongoing changes in work and society regularly raise new OSH challenges, such as materials used in the workplace, changes in the nature of work or employment and changes in society more broadly. The growth of non-traditional employment arrangements has diminished protections for an increasing number of workers, while the risk of encountering violence in the workplace has expanded for a vast array of service sector workers, including health workers, teachers and carers.

The composition of the Commission is noteworthy. Firstly, the three expert members individually contribute invaluable knowledge across a range of OSH areas. In 2020–21, their contributions were particularly helpful to the Commission's deliberations on the impact of the COVID-19 pandemic in the workplace, the silica compliance campaign and the draft diving code of practice. Secondly, the Commission membership includes equal numbers of union and employer association representatives, who bring with them industry-specific knowledge as well as reminders of the varying viewpoints within a workplace. Thirdly, Government representatives provide advice to the Commission upon request and as required.

The Commission's tripartite composition is invaluable in achieving outcomes that are most likely to be acceptable and realistic in the workplace. Coming from an industrial relations background, I have been impressed by the collaboration within the Commission. No member refrains from expressing their viewpoint, yet all members work towards an outcome. The tripartite approach to OSH was embraced in Western Australia many decades ago, but has been undermined by the reduced union presence in the State's workplaces. I implore managers to emulate this model by constantly communicating with, and seeking the advice of, their employees when working to create a safer workplace.

During the past 12 months, the Commission has dealt with a multiplicity of matters, some of which have been finalised, while others remain ongoing. The impending proclamation of the *Work Health and Safety Act 2020* (WHS Act) has focused the Commission's most recent activity on determination of appropriate codes of practice for the new regulatory environment. As a primary goal of the new WHS Act is to harmonise Western Australia's OSH legislative framework with the majority of Australian OSH regulatory bodies, the model work health and safety (WHS) codes, developed by Safe Work Australia (SWA), will be adopted as a preference. Existing Western Australian codes will be retained where the Commission considers them to be superior and where there is no equivalent WHS code. In some instances, specific content from Western Australian codes will be incorporated into the equivalent

WHS Code, or accompanying guidance material. The development of the new regulatory environment will be an ongoing process, with codes and guidelines reviewed following the release of the new WHS regulations. The determination of codes under the WHS Act also prompted calls from Commission members to review some of the codes and transitioned standards subsequent to the proclamation of the WHS Act. The immediate priorities for 2021–22 is to focus on communication, training and educational activities to accompany the implementation of the new WHS laws.

The Commission invested a significant amount of time and work during 2020–21 into the development of a group of inter-related codes of practice: the draft Violence and Aggression at Work Code of Practice, draft Workplace Behaviour Code of Practice (Behaviour Code) and the draft Psychosocial hazards in the workplace Code of Practice. The Equal Opportunity Commissioner, Dr John Byrne, collaborated with Commission subcommittee, the Legislative Advisory Committee, to progress the Behaviour Code. WorkCover WA contributed data indicating days lost related to mental health issues and bullying allegations, to inform the development of the Behaviour Code. The Excavation Code of Practice was updated by the Construction Industry Safety Advisory Committee, which also made amendments to the re-named *Prevention of Falls from Heights at Workplaces Code of Practice*.

Another development has been the agreement negotiated with the Western Australia Police Force to inform the WorkSafe directorate (WorkSafe) of the Department of Mines, Industry Regulation and Safety (DMIRS) of road accidents and fatalities that may be work-related. There are a growing number of workers for whom their vehicle is their workplace and future analysis of this data should provide a more accurate picture of how many workers are involved in road accidents while undertaking work activities.

The Commission has appreciated receiving regular updates in relation to the WorkSafe silica compliance campaign. This project instigated ground-breaking amendments to the Occupational Safety and Health Regulations 1996 (OSH Regulations), to requiring workers to have a low dose High Resolution Computed Tomography (HRCT) scan instead of an X-ray. This change to health surveillance requirements will improve detection of silicosis at an earlier stage and increase protections for workers exposed to respirable crystalline silica in the engineered stone industry. Despite these important achievements, the Commission continues to have concerns about instances of non-compliance with the Workplace Exposure Standard for respirable crystalline silica.

The Agricultural Working Group, an advisory committee to the Commission, completed a modest education campaign to increase awareness of hazards and unsafe practices on farms. The industry-funded campaign resulted in 12 short videos published on social media, often involving peers championing safety messages. Agriculture continues to be over-represented in workplace fatalities and significant incident statistics and it is hoped that future initiatives will build upon this campaign to improve farm safety.

Another ongoing area of concern for the Commission is the quality of some OSH training in the State. Recent analysis focused on the training and assessment of workers seeking High Risk Work Licences in Western Australia. Within the current labour market, some industries are facing shortages of skilled employees, this increases pressure upon training providers as well as employers recruiting inexperienced, newly-licensed employees. The Commission will continue to collaborate with SWA and bodies such as the Training Accreditation Council and the Australian Skills Quality Authority, to monitor the quality of relevant training programs.

The COVID-19 pandemic has unsurprisingly been a major area of concern for the Commission in 2020–21, particularly in relation to the major risks facing specific groups of workers such as in the health and care sectors. Commission members are very interested in the adequacy of personal protective equipment provided to workers and there has been significant discussion regarding ventilation systems within quarantine facilities and guidance produced by SWA to support the vaccine rollout.

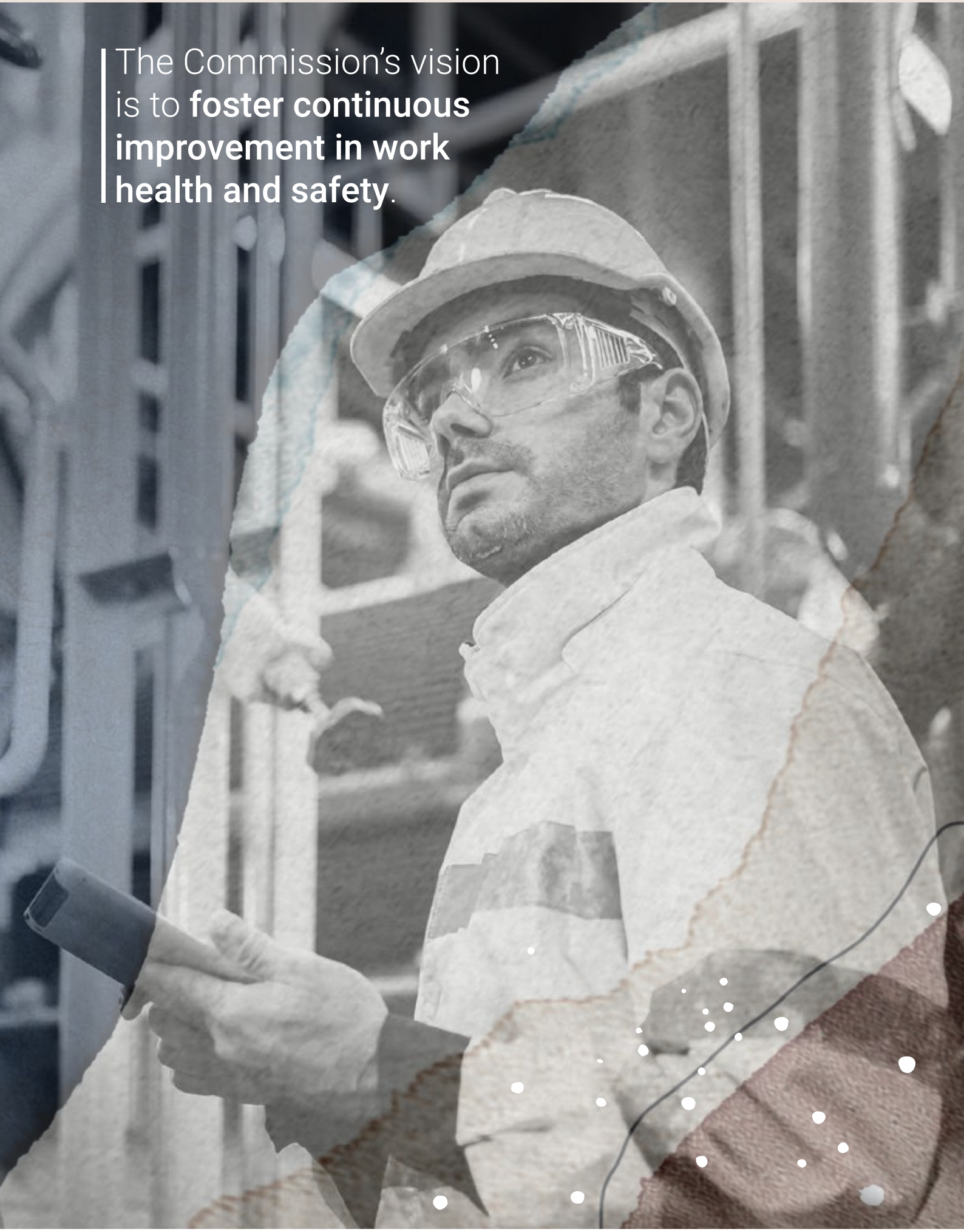
In relation to training, the Commission noted the decline in the number of safety and health workplace representatives due to COVID-19 pandemic restrictions. Given the vital significance of these representatives in ensuring safety in workplaces, the Commission will continue to monitor this situation during the next 12 months.

I acknowledge the commitment and work of all Commission members, and in particular the work of the deputy Chair, Mr Darren Kavanagh, who chaired the Commission prior to my appointment. Darren is the WorkSafe Commissioner and ensures an efficient and effective link between the Commission and WorkSafe. While the work of the two bodies is complementary, the Commission is dependent upon the knowledge and experience of the WorkSafe inspectorate in building a picture of what is occurring in the workplace, what is working and what serious concerns need addressing.

I also wish to express my gratitude to the members of the committees which provide advice to the Commission: the Legislative Advisory Committee, the Construction Industry Safety Advisory Committee, the Mining Industry Advisory Committee, the Agricultural Working Group and the recently established, Affected Families and Workers Advisory Committee. Members of these groups have undertaken a significant amount of work to progress detailed reviews of codes of practice.

Thank you also to the many DMIRS employees whose work supports the Commission with advice, drafting of regulations, codes and an array of OSH materials. Finally, the Commission has been fortunate to work with two Ministers who are committed to improving OSH outcomes in Western Australia: the Hon Bill Johnston MLA and, more recently, the Hon Stephen Dawson MLC.

Dr Patricia Todd
Chair


The Commission's vision is to **foster continuous improvement in work health and safety**.

Section one: About the Commission

Responsible Minister

The Minister for Industrial Relations, the Hon Stephen Dawson MLC, Minister for Mental Health; Aboriginal Affairs; Industrial Relations; Deputy Leader of the Government in the Legislative Council is the responsible Minister for the administration of the *Occupational Safety and Health Act 1984* (OSH) Act.

Section 16 of the OSH Act requires the Commission, on or before 31 October each year, to submit to the Minister a report of its operations and the operation of the OSH Act and any prescribed law during the year ending 30 June.

Enabling Legislation

The Commission was established in April 1985 (as the Occupational Health, Safety and Welfare Commission) under section 6 of the OSH Act.

Commission Vision

The Commission's vision is to foster continuous improvement in work health and safety.

As a tripartite and expert group, the Commission demonstrates strong leadership and engagement with the community and contributes to an environment where the OSH Act and its regulations support safety and health in Western Australian workplaces now and in the future.

Functions of the Commission

The Commission is funded through the Safety Regulation Group of the Department of Mines, Industry Regulation and Safety (DMIRS).

The Commission's functions include:

- inquiring into and reporting to the Minister upon any matters referred to it by the Minister;
- advising and cooperating with Government departments, public authorities, unions, employer organisations and other interested parties;
- examining, reviewing and making recommendations to the Minister in relation to existing and proposed registration or licensing schemes relating to OSH;
- developing and reviewing OSH legislation and associated standards and making recommendations to the Minister;
- publishing information on OSH;
- promoting education and training in occupational safety and health; and
- formulating reporting procedures and monitoring arrangements for the identification of workplace hazards.

Composition of the Commission

In accordance with section 6 of the OSH Act, the Commission consists of:

(a) an independent Chairperson, nominated by the Minister and appointed by the Governor;

(b) the WorkSafe Western Australia Commissioner;

(c) two officers of the Public Service nominated by the Minister, one of whom must be an officer from the department responsible for the administration of the *Mines Safety and Inspection Act 1994* (MSI Act); and

(d) nine persons appointed by the Governor, as follows:

- two members nominated by the Chamber of Commerce and Industry of WA (CCIWA);
- one member nominated by the Chamber of Minerals and Energy of Western Australia (CMEWA);
- three members nominated by UnionsWA, one of whom must have knowledge of and experience in the mining industry in Western Australia; and
- three members nominated by the Minister, having knowledge of, or experience in OSH.

The following Commission members held office during 2020–21:

- independent Chairperson: Dr Patricia Todd (commenced 22 December 2020);
- WorkSafe Western Australia Commissioner: Mr Darren Kavanagh (acted as Chairperson from 7 June 2020 to 21 December 2020);
- officer of the Public Service: Mr Andrew Chaplyn, Director Mines Safety, DMIRS;
- members nominated by the CCIWA: Mr Paul Moss, Ms Andrea Roelofs (until 2 April 2021) and Ms Jennifer Low (commenced 3 April 2021);
- member nominated by the CMEWA: Ms Elysha Millard (commenced 6 October 2020);
- members nominated by UnionsWA: Mr Owen Whittle, Mr Glenn McLaren and Ms Erin Gisborne (commenced 3 April 2021); and
- members with knowledge of, or experience in OSH, nominated by the Minister: Dr Matthew Davies, Dr Lin Fritschi and Dr Julia Norris.

In March 2019, the Minister appointed the WorkSafe Western Australia Commissioner as Deputy Chair of the Commission, in accordance with Section 6A of the OSH Act.

The Commission Executive Officer is Ms Anika Moore, Acting Senior Policy Officer, DMIRS.

Section two: Governance disclosures

Commission's Governance Framework

The Commission's *Handbook and Code of Conduct*, which was endorsed at the 1 May 2019 Commission meeting, sets out the Commission's governance principles, including its:

- values;
- accountability;
- role and operation;
- administration;
- record keeping; and
- coordination with DMIRS.

Compliance with Public Sector Standards and Ethical Codes

Under section 9 of the *Public Sector Management Act 1994*, the Commission is obliged to comply with any code of conduct applicable to the public sector body or employee concerned.

Conflicts of Interest

Commission members are required to openly declare any matters of interest that may create a conflict, or a perceived conflict, at the beginning of each meeting.

Declared conflicts of interest are managed and, in some circumstances, the relevant Commission member may be asked to restrict or remove themselves from discussions and decisions relating to the relevant matter.

Recordkeeping

The Commission's recordkeeping and use of information policy is contained within its Handbook and Code of Conduct. The handbook includes information on the documentation of decisions, use of confidential information, security of information and compliance with freedom of information legislation.

Public Interest Disclosure

The Commission maintains a Public Interest Disclosure Register. No matters were raised in 2020–21 under the *Public Interest Disclosure Act 2003*.

Advertising and Sponsorship

In accordance with section 175ZE of the *Electoral Act 1907*, the Commission is required to report annually on any expenditure for advertising, market research, polling, direct mail or media advertising that was incurred by or on behalf of the Commission. Any such information is included in the *DMIRS Annual Report for 2020–21*.

Section three: Report on 2020–21

Work Health and Safety Laws

In November 2019, the Work Health and Safety Bill 2019 (WHS Bill) was introduced to the Western Australian Parliament. The intention of the WHS Bill was to implement the Government's commitment to adopt the national model Work Health and Safety (WHS) laws.

The WHS Bill was passed by the Parliament and in November 2020 the *Work Health and Safety Act 2020* (WHS Act) received assent. When fully enacted, the WHS Act will replace the *Occupational Safety and Health Act 1984* and work health and safety related laws currently contained in the *Mines Safety and Inspection Act 1994* and petroleum and geothermal energy operations laws.

The WHS laws will not commence until the WHS regulations are finalised. The 2021 election included a commitment for the WHS Act, and its accompanying three sets of regulations, to commence in January 2022. DMIRS is working to meet this commitment.

The Commission is providing its full support to meet the Government's commencement deadline. Extensive work has been undertaken to develop recommendations in relation to existing, model and new codes of practice across the workplaces that are within the jurisdiction of the WHS laws.

National Safe Work Month 2020

Safe Work Month 2020

Each year National Safe Work Month is held in October. To coincide with the national event DMIRS also focuses on health and safety during the month.

Due to COVID-19, DMIRS decided that the safest approach to deliver departmental messages would be to hold a virtual program of events for Safe Work Month (SWM) 2020.

The theme **"Staying focused on workplace health and safety"** was a reminder that even though in a pandemic it's important not to lose focus on overall health and safety, and accidents can still happen if we become complacent. The free virtual program of events included on-demand videos hosted on the SWM website and live question and answer webinars.

Registrations exceeded expectations with 2,651 registrations received – 77 per cent more than the goal.

2,651
people registered for the event.

77%
more than the attendance goal.

Work Safety Western Australia Awards

The Work Health and Safety Excellence Awards 2020 were cancelled due to the impact of COVID-19.

Commission accredited training courses for safety and health representatives

Under section 14(1)(h) of the OSH Act, the Commission may accredit training courses in OSH.

Details of the accreditation process for providers of training courses for safety and health representatives are provided in the *Guidelines and criteria for accreditation of training courses for safety and health representatives*, which are available on the DMIRS website.

In 2020–21, the Commission re-accredited eight registered training organisations (RTOs) to conduct safety and health representative training courses. As of 30 June 2021, 24 RTOs were accredited to deliver the training course in Western Australia. An annual report of participation in training courses for safety and health representatives will be published on the DMIRS website towards the end of 2021.

The RTOs providing Commission accredited training courses for safety and health representatives are listed on the DMIRS website.

Publications

The Commission published the following documents in 2020–21:

Accredited training course for safety and health representatives - Annual report 2019–20

Training courses for safety and health representatives snapshot 2019–20

Code of Practice - Prevention of falls from height at workplaces

Commission for Occupational Safety and Health - Annual report 2019–20

Guidance note - Working with stone: Product fabrication and installation

Guidance note - Working with stone: Product fabrication and installation - Simplified Chinese

Changes to Legislation

The Commission approved the following amendments to the Occupational Safety and Health Regulations 1996 (OSH Regulations) in 2020–21:

Schedule 5.3 of the OSH Regulations (Government Gazette No. 13 of 2021)

Effective from 15 April 2021, Schedule 5.3 of the OSH Regulations requires a low-dose, high-resolution computed tomography (HRCT) scan, in place of a chest X-ray, for workers' crystalline silica health surveillance. If a worker is at risk from exposure to crystalline silica at the workplace, the employer must provide the worker with health surveillance including a low dose HRCT scan, supervised by an appointed medical practitioner. Schedule 5.3 was amended as follows (updated section in bold):

Schedule 5.3 - Hazardous substances for which health surveillance is required	
Hazardous substance crystalline silica	▸ Type of health surveillance ▸ Demography, occupational and medical history and health advice. ▸ Completion of a standardized respiratory questionnaire. ▸ Standardized respiratory function tests such as FEV1, FVC and FEV1/FVC. ▸ **Low dose high resolution computed tomography of the chest at less than 1 millisievert equivalent dose for the entire study. The study must image the whole of each lung on inspiration at 1.5 mm slice thickness or less, without an interslice gap, and must include expiratory imaging. The images must be of adequate quality to detect subtle abnormalities, including groundglass opacities and small nodules.** ▸ Records of personal exposure.

Regulation 3.37 amendment (as per Government Gazette No. 161 of 2020)

In regulation 3.37 in the definition of ***toxic atmosphere*** delete paragraph (a) and insert:

(a) an atmosphere in which there is an atmospheric contaminant in a concentration exceeding the exposure standard for the contaminant —

  (i) specified in the *National Exposure Standards* [NOHSC: 1003 (1995)]; or

  (ii) if the Minister determines an exposure standard under regulation 5.1(3) for that contaminant - as so determined

Regulation 5.1 amendment (as per Government Gazette No. 161 of 2020)

In regulation 5.1(1) delete the definition of ***exposure standard*** and insert:

exposure standard, in relation to a substance specified in the *National Exposure Standards* [NOHSC: 1003 (1995)], means -

(a) the exposure standard specified in those Standards for the substance; or

(b) in relation to such a substance for which a different exposure standard is determined by the Minister under subregulation (3) — the exposure standard as so determined;

After regulation 5.1(2) insert:

(3) The Minister may, on the recommendation of the Commission, determine in writing that an exposure standard other than that specified for a substance in the *National Exposure Standards* [NOHSC: 1003 (1995)] applies to that substance.

The National Arena

During 2020–21 the Commission considered and discussed the following national issues and resources, which have a bearing on occupational safety and health in Western Australia:

- national model Work Health and Safety codes of practice and their implementation in Western Australia;
- the COVID-19 pandemic and recovery, including the national Statement of Regulatory Intent – COVID-19 and guidance materials developed by Safe Work Australia (SWA);
- High Risk Work Licence assessors and related issues;
- The Australian Government report - *They never came home — the framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*;
- reports commissioned by SWA, looking in to jurisdictional arrangements for providing support to families affected by an industrial death;
- the Australian Human Rights Commission *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* report;
- guidance materials developed for the national COVID-19 vaccination roll-out strategy;
- review of national workplace exposure standards being undertaken by SWA;
- review of National Assessment Instruments for high risk work licence units of competency being conducted by SWA;
- SWA information sheet *Managing risks of diesel exhaust exposure in the workplace* and *Guide to Managing risks of exposure to diesel exhaust in the workplace*;
- draft SWA Guide to inspecting and maintaining elevating work platforms;
- *National Strategic Plan for Asbestos Awareness and Management 2019–23*;
- SafeWork South Australia Publication - *Guide to Buying Respirators for use in the Australian & New Zealand Work Environment*; and
- Australian Rehabilitation Providers Association report *The Gig Economy: Workers' Compensation and Return to Work – Have we created a second class of workers?*

The Commission's purpose is **to drive improvement and awareness, as the peak consultative forum for work health and safety in Western Australia.**

Commission Strategic Plan (2019–22)

Our vision is for continual improvement in work health and safety for the benefit of all Western Australians.

Our purpose is to drive improvement and awareness, as the peak consultative forum for work health and safety in Western Australia.

Regulatory Framework

Ensure a relevant framework of work health and safety laws.

- **S1** Pursue legislative compliance as the minimum acceptable standard for all workplaces.
- **S2** Support Government reform of work health and safety legislation in WA.
- **S3** Review existing codes of practice and guidelines to determine relevance and update to meet the work health and safety framework.
- **S4** Provide input on the ongoing harmonisation agenda.
- **S5** Incorporate aspects of good practice from international, national and state jurisdictions into to the WA framework.
- **S6** Identify technical and industry training requirements resulting from regulatory changes.

Communication, Cooperation and Coordination

Improve engagement with all Western Australians.

- **S1** Promote contemporary research, expertise and knowledge to support health and safety outcomes.
- **S2** Participate in and promote events to improve consultation, cooperation and positive health and safety outcomes.
- **S3** Promote community understanding of work health and safety.
- **S4** To collaborate and promote the sharing of knowledge, resources, research and expertise to deliver improved and more timely health and safety outcomes.
- **S5** Invite community feedback on health and safety matters being considered by the Commission.
- **S6** Communicate enhanced technical and industry training requirements under new work health and safety laws.

Hazards and Risks

Promote the effective management of workplace hazards and risks.

- **S1** Identify new and emerging hazards and risks arising from the changing nature of work.
- **S2** Monitor and evaluate the physical, chemical and biological agents that cause occupational disease using evidence-based research.
- **S3** Influence and promote the elimination of hazards and risks through good design.

Reinvigorate Health and Safety Culture and Understanding

Improve the knowledge and understanding of work health and safety.

- **S1** Encourage consultation and cooperation, to empower people at all levels to contribute to positive health and safety outcomes.
- **S2** Engage with the education and training sector to raise health and safety standards.
- **S3** Identify and promote positive health and safety leadership.
- **S4** Identify ways to strengthen licensing schemes to better ensure safety outcomes.
- **S5** Support the development of technical and industry training, to improve knowledge and understanding of work health and safety.

Enabling Function

Leading through innovative thinking and action.

S1 Leverage key stakeholders and experts.

S2 Ensure strategies are fit for purpose.

S3 Secure and manage adequate resources.

Strategic Plan 2019–22

Focus area 1: Regulatory framework

Strategies

- Pursue legislative compliance as the minimum acceptable standard for all workplaces.
- Support Government reform of work health and safety legislation in WA.
- Review codes of practice, guidelines and regulatory frameworks, to determine relevance and update to meet the work health and safety framework.
- Provide input on the ongoing harmonisation agenda.
- Incorporate aspects of good practice for international, national and state jurisdictions into the WA framework.
- Identify technical and industry training requirements resulting from regulatory changes.

Focus area 2: Communication, cooperation and coordination

Strategies

- Promote contemporary research, expertise and knowledge to support health and safety outcomes.
- Participate in and promote events to improve consultation, cooperation and positive health and safety outcomes.
- Promote community understanding of work health and safety.
- To collaborate and promote the sharing of knowledge, resources, research and expertise, to deliver improved and more timely health and safety outcomes.
- Obtain community feedback on health and safety matters being considered by the Commission.
- Communicate enhanced technical and industry training requirements under new work health and safety laws.

Focus area 3: Hazards and risks

Strategies

- Identify new and emerging hazards and risks from the changing nature of work.
- Monitor and evaluate the physical, chemical and biological agents that cause occupational disease based on evidence-based research.
- Influence and promote the elimination of hazards and risks through application of good design.

Focus area 4: Reinvigorate health and safety culture and understanding

Strategies

- Encourage consultation and cooperation to empower people at all levels to positive health and safety outcomes.
- Engage with the education and training sector to raise health and safety standards.
- Identify and promote positive health and safety leadership.
- Identify ways to strengthen licensing schemes to better ensure safety outcomes.
- Support continual improvement of technical and industry training, to improve knowledge and understanding of work health and safety.

Section four: Advisory committees to the Commission

Under section 15 of the OSH Act, the Commission may appoint advisory committees made up of employer and employee representatives and people with specialist knowledge or experience in OSH, to assist in the performance of its functions and duties.

Advisory committees consider matters referred to them by the Commission and make recommendations on aspects of OSH specific to their area of expertise. Each committee and working group is chaired by a member of the Commission.

Legislative Advisory Committee (LAC)

The key objectives of the LAC are to assist the Commission in:

- ensuring a relevant and effective legislative framework by contributing to a review of monitoring and recommending changes to existing regulations;
- influencing state and federal governments on OSH issues by contributing to the development of national standards and codes of practice;
- promoting and delivering effective OSH programs, and in maintaining and promoting effective tripartite relationships and workplace safety and health decision making; and
- providing information and guidance on safety and health that is relevant, credible and accessible.

Members of LAC in 2020–21:

- Mr Darren Kavanagh, Chair
- Ms Elysha Millard, Chamber of Minerals and Energy WA
- Mr Paul Moss, Chamber of Commerce and Industry WA
- Mr Owen Whittle, UnionsWA
- Dr Ivor Roberts, DMIRS
- Mr Anil Atri, DMIRS

Key achievements and matters considered by LAC in 2020–21:

The main focus of LAC during the 2020–21 year was to, at the request of the Commission, review the following codes of practice and make recommendations in the context of Western Australia implementing a version of the model Work Health and Safety (WHS) legislation:

- Violence and Aggression at work code of practice;
- Workplace behaviour code of practice;
- Mentally Healthy Workplaces code of practice; and
- Occupational Diving in Western Australia code of practice.

Another major item of business addressed by LAC was assisting the Commission in establishing the prioritisation for reviewing the model Safe Work Australia codes of practice and the existing WA codes of practice to determine which codes will be adopted or amended when the WHS laws are introduced in early 2022.

Construction Industry Safety Advisory Committee (CISAC)

The key objectives of CISAC are to identify:

- the major health and safety issues in the construction industry and develop an OSH profile of the construction industry;
- determinants of good safety and health performance in the construction industry; and
- appropriate short and long term OSH goals for the construction industry.

Members of CISAC in 2020–21:

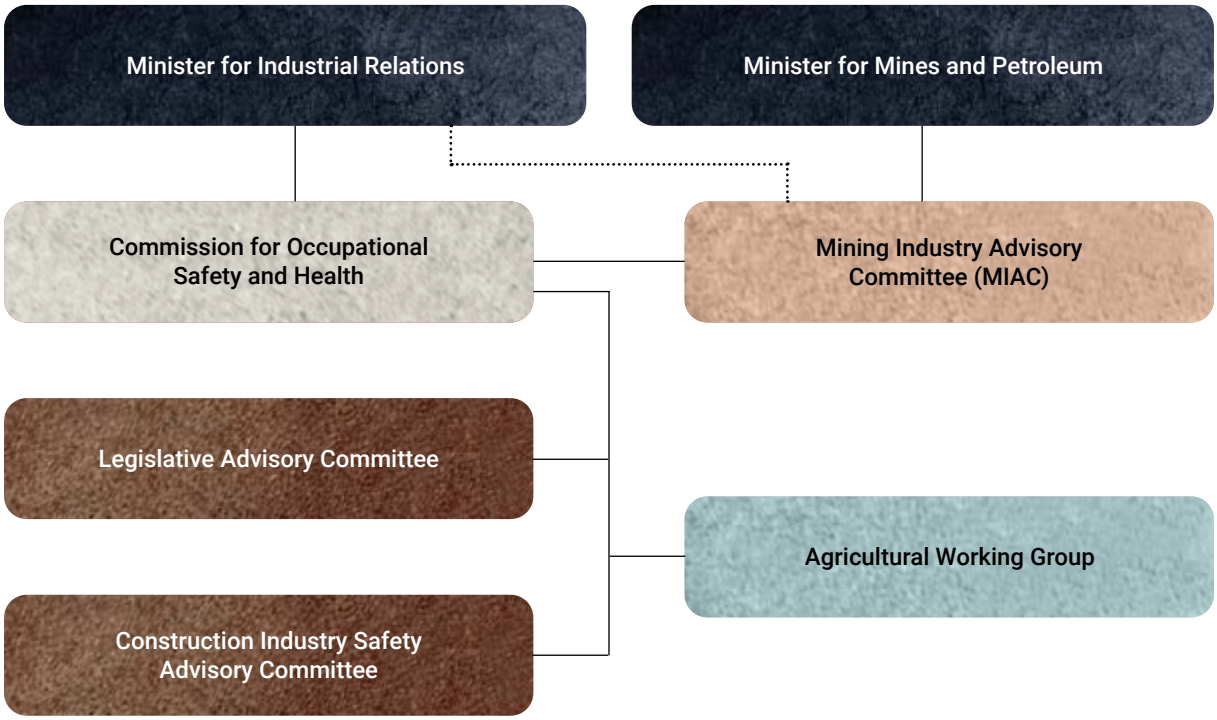
- Mr Darren Kavanagh, Chair, WorkSafe Western Australia Commissioner
- Ms Michelle DeGalt-Rohlf, Master Builders Association WA
- Mr Kim Drew, CCIWA
- Ms Kiran Kaur, Housing Industry Association WA (HIAWA), until 18 August 2020
- Ms Libby Pracilio, HIAWA, commenced 19 August 2021
- Mr Bob Benkesser, Construction, Forestry, Mining and Energy Union WA
- Mr Steve McCartney, Australian Manufacturing Workers' Union WA, proxy Mr Glenn McLaren
- Mr Owen Whittle, UnionsWA, until 15 September 2020
- Mr Chris Kirwin, DMIRS, until 18 August 2020
- Mr Tony Poulton, DMIRS, commenced 19 August 2020

Key achievements and matters considered by CISAC in 2020–21:

- Conducted a review of Code of Practice: *Excavation*.
- Monitored good practice and non-compliance, in relation to silica dust and hazards generally, at construction workplaces.
- Maintained a watching brief on the industry compliance practices and strategies set-out in the *Mentally healthy workplaces for fly-in fly-out (FIFO) workers in the resources and construction sectors*.
- Conducted an assessment of the need for further guidance materials for concrete placing units.
- Provided a forum for discussion of construction industry practices relating to the impact of COVID-19 and assessment of available public information.
- Reviewed Commission codes of practice and guidance materials applicable to the construction industry and provided advice to Commission.
- Assessed current industry information concerning traffic management and the safe movement of vehicles at construction sites.

Section five: Working Groups 2020–21

Structure of the Commission and its advisory committees and working groups



Statutory Committee established under the *Occupational Safety and Health Act 1984*. MIAC advises the Minister on matters concerning the *Mines Safety and Inspection Act 1994*.

Advisory Committees are established by the Commission, or when requested by the Minister to assist the Commission's functions and duties.

Working Groups are established by the Commission or when requested by the Minister to complete certain defined tasks and provide a report.

To pursue the objectives of its Strategic Plan, and to comply with the directives of the Minister, the Commission formed or maintained the following working group during 2020–21 and achieved the following outcomes:

Agricultural Working Group (AWG)

Key objectives of the AWG:

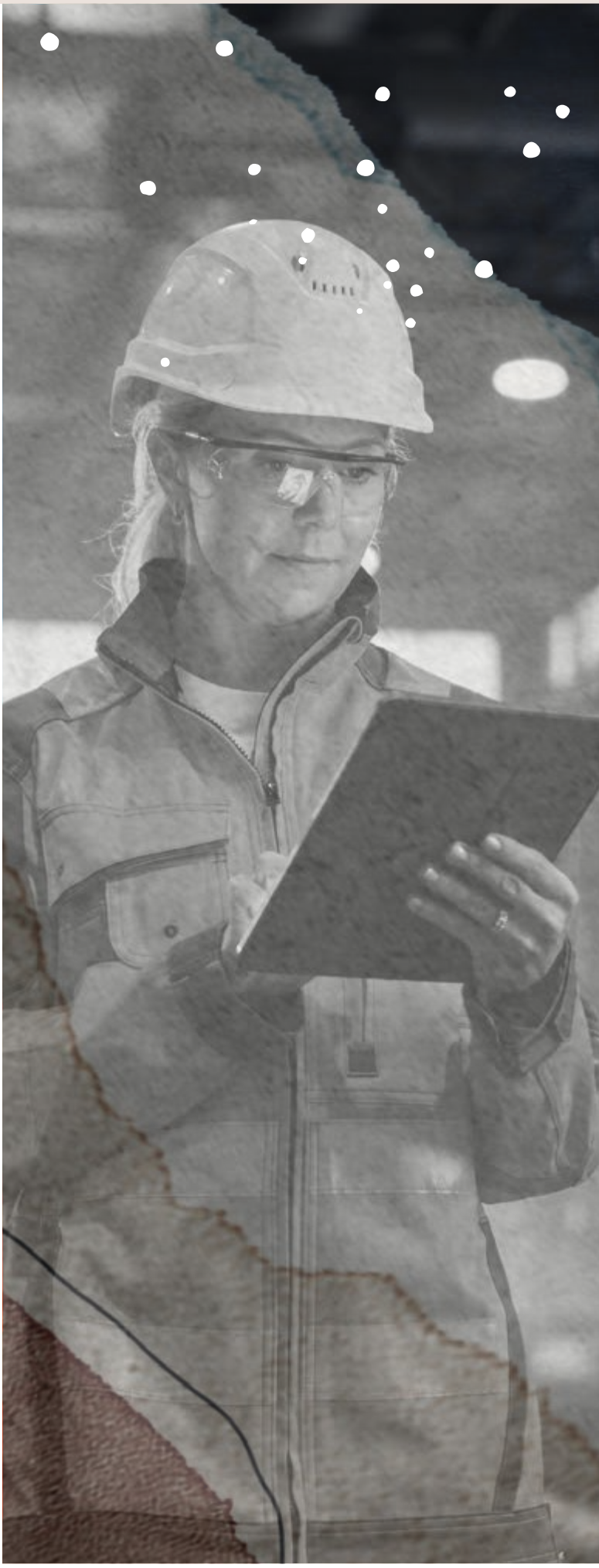
To develop an industry funded agricultural campaign to inform the agriculture sector about safety, employer/employee obligations and risk reduction as requested by the former Minister for Mines and Petroleum; Energy; Industrial Relations.

Members of AWG in 2020–21:

- Mr Darren Kavanagh, WorkSafe Western Australia Commissioner (Chair)
- Mr Nigel Martin (4 months), DMIRS
- Mr Brett Cooper (8 months), DMIRS
- Ms Nicola Kelliher, Country Women's Association of WA
- Mr Trevor Naughton, Chamber of Commerce and Industry WA
- Mr Peter Nunn, Chamber of Commerce and Industry WA
- Mr Darren Spencer, WA Shearing Industry Association
- Mr Antony Pearson, UnionsWA
- Mr Doug Hall, Pastoralists & Graziers Association of WA
- Mr Trevor Whittington representing WAFarmers

Key achievements and matters considered by AWG in 2020–21:

- Met four times during the reporting period. Meetings were disrupted in 2020–21, due to the COVID-19 pandemic.
- Completed a social media safety campaign on agricultural safety, and provided a campaign report to the Minister for Industrial Relations.



Section 6: Mining Industry Advisory Committee (MIAC)

Mining Industry Advisory Committee (MIAC) was established in April 2005 under section 14A of the OSH Act. It is a statutory body advising the mining industry on matters relating to OSH.

During the 2020–21 reporting period, MIAC met on eight occasions, including two special meetings to consider key focus areas stemming from the Brady Review and to prioritise Codes of Practice for the new Work Health and Safety legislation.

Mining Industry Advisory Committee (MIAC)

Key Objectives

The key objectives of MIAC are to:

- advise and make recommendations to the Ministers and the Commission on OSH matters concerning the mining industry;
- liaise with the Commission to coordinate activities and to maintain parallel standards;
- inquire into and report to the Ministers regarding any matter referred to it by the Ministers relating to OSH in the mining industry;
- make recommendations to the Minister for Mines and Petroleum regarding the formulation, amendment, or repeal of laws relating to OSH for which the Minister is responsible;
- prepare or recommend the adoption of codes of practice, guidance material, standards and specifications; and
- provide advice on education and training matters in the mining industry.

Membership

Membership of MIAC is determined by the Minister responsible for the administration of the OSH Act and the *Mines Safety and Inspection Act 1994* (MSI Act). The Hon Bill Johnston MLA, Minister for Mines and Petroleum, Energy and Corrective Services is responsible for administering the MSI Act.

MIAC consists of 12 members; two from Government, three industry representatives, three worker representatives and four independent expert members.

MIAC members during the 2020–21 reporting period are listed below:

1. Mr Andrew Chaplyn – Government member (Chairperson)
2. Ms Christina Folley – Government Member – replaced by Mr Graham James on 14 October 2020
3. Mr Peter Burton – Industry representative – replaced by Ms Vanessa Colmer on 17 November 2020
4. Ms Adrienne LaBombard – Industry representative – replaced by Ms Elysha Millard on 5 October 2020
5. Mr Robert Watson – Industry representative
6. Mr Gregory Busson – Worker representative
7. Ms Pearl Lim – Worker representative
8. Mr Glenn McLaren – Worker representative
9. Ms Helen Anderson – Expert Member
10. Dr Gary Bryant – Expert Member
11. Ms Meagan Smart – Expert Member
12. Mr Gregory Stagbouer – Expert Member

Key achievements and matters considered by MIAC in 2020–21:

- Reviewed and provided feedback to planned and prioritised projects initiated by both DMIRS and this committee.
- Considered the impact of the COVID-19 pandemic on the mining industry in Western Australia, the effect on the mental health of workers and the consequence of lock-downs on the movement of interstate workers.
- With the Department of Health, considered the opportunity of utilising mine site medical facilities to assist with roll-out of the COVID-19 vaccine to mine workers and remote communities.
- Considered the Brady Review *A review into all fatal accidents in Queensland mines and quarries from 2000 to 2019* in the context of the Western Australian mining sector and endorsed focus areas to address ongoing issues of injury and fatalities.
- Based on advice from the Nano Diesel Particulate Matter (nDPM) Working Group (nDPMWG), MIAC recommended to the Minister that he use powers under the Mines Safety and Inspection Regulations 1995 to determine a 100 µg/m^3 (0.1 milligrams per cubic metre) exposure standard for nDPM, to be applied for an 8-hour working day in Western Australian mining operations. The revised nDPM workplace exposure standard came into force on 4 December 2020.
- Provided feedback and approved the nDPMWG close-out report.
- Approved work undertaken by the Mental Health Strategies Working Group (MHSWG) on the final instalment of webpages to support mentally healthy workplaces.
- Provided feedback and approved the MHSWG close-out report.
- Following closure of the MHSWG, mental health became a standing agenda item to be considered at each meeting.
- Raised concerns with the Minister for Mines and Petroleum regarding the possible compromised quality of the mines emergency response training.
- Prioritised mining-related codes of practice for review and development for the new WHS legislation and provided input into the strategy for developing mining codes of practice.
- Provided feedback on Managing Naturally Occurring Radioactive Material in Mining and Mineral Processing – Norm-V – Dose Assessment – Guideline.
- Considered fatalities, significant incident reports, Mines Safety Bulletins, mines safety statistics and progress on the WHS legislation at each meeting.

MIAC Working Groups

Mental Health Strategies Working Group

The Mental Health Strategies Working Group (MHSWG) was formed following MIAC's 14 April 2016 meeting to assist in identifying a framework to support good practice for positive mental health and wellbeing in the resources sector.

The key objectives of the MHSWG were to:

- consider the relevant recommendations in the Standing Committee's report on *The impact of FIFO work practices on mental Health*;
- report regularly to the MIAC on its progress and timelines; and
- provide a final report and recommendations to MIAC on or before 30 July 2020.

The MHSWG held its final meeting on 29 July 2020.

Members of MHSWG in 2020–21 were:

- Ms Christina Folley (Chair) Government Member, DMIRS
- Ms Amy Douglas-Martens - Government Member, DMIRS
- Mr Rodney Powell - Government Member, DMIRS

- Ms Elysha Millard - Industry Member (Chamber of Minerals and Energy)
- Mr Rob Watson - Industry Member (AMEC)
- Mr Bob Benkesser - Union Member
- Mr Glenn McLaren - Union Member (AMWU)

Key achievements and matters considered by MHSWG in 2020–21:

- Contributed to the development of the DMIRS Mentally Healthy Workplaces Online Hub.
- Contributed to the development of the DMIRS Mentally healthy workplaces audit tool and associated technical guide.
- A close-out report was published on 14 September 2020 and is available on the DMIRS website.

Nano Diesel Particulate Matter Working Group (nDPMWG)

Diesel engine exhaust is a known hazard for mining operations, especially in underground mines, where widespread use of diesel vehicles and equipment means control at source, and providing appropriate ventilation is critical to ensure worker health and safety. Recent research has suggested that the extremely fine components of diesel engine exhaust, called nano Diesel Particulate Matter (nDPM) may be responsible for negative health impacts, especially lung cancer, in exposed workers.

In 2016, MIAC commissioned research projects into the physical-chemical properties of nDPM in an underground mine and the potential health effects on workers from exposure. DMIRS and the Mineral Research Institute of Western Australia co-funded the first research project.

DMIRS also funded a second research project, looking into the possible health impacts of diesel engine exhaust exposures.

The nDPMWG, a sub-committee of MIAC, provided oversight to the research projects being managed by DMIRS.

The key objectives of the nDPMWG were to:

- provide oversight to the research projects on nDPM;
- report regularly to the MIAC on progress and timelines; and
- provide a final report and recommendations to MIAC on conclusion of research projects.

The nDPMWG held its final meeting in June 2019.

Key achievements and matters considered by nDPMWG in 2020–21:

- The nDPMWG, through MIAC, recommended to the Minister that a time weighted average workplace exposure standard for Diesel Particulate Matter of 100 µg/m^3 be adopted for an 8-hour working day in Western Australian mining operations.
- The DPM workplace exposure standard was implemented on 4 December 2020.
- A close-out report was published on 2 November 2020 and is available on the DMIRS website.

COSH

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