COSH
COMMISSION FOR OCCUPATIONAL SAFETY AND HEALTH

Commission for Occupational Safety and Health
MINUTES – 2 February 2022

Meeting No:	**414**	**Time:**	**9.00 am**
Venue	**Koorling Dandjoo Conference Room, 1 Adelaide Terrace Perth**	**Secretariat:**	**Department of Mines, Industry Regulation and Safety (DMIRS)**

Attendees

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

Guests

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

Apologies

Mr Paul Moss	Chamber of Commerce and Industry WA (CCIWA)

Executive Support

Mr Vachel Spirason	Executive Officer, DMIRS

1 ADMINISTRATION

1.1 Opening and welcome

The Chair opened the meeting of the Commission at 9.00 am, welcoming all present back to the first meeting of the Commission for 2022. The Chair advised that the Commissioner would be leaving the meeting at around 11.00 am.

1.2 Apologies

Apologies were accepted from Paul Moss, Chamber of Commerce and Industry WA (CCIWA).

1.3 Confirmation of agenda

The agenda was confirmed as the business of the meeting.

The Chair acknowledged the number of late papers and informed members that the Executive Officer and DMIRS would do their best to avoid this wherever possible but current heavy workloads had made it unavoidable.

1.4 Declarations of Conflicts of Interest

Conflicts of interest were declared by a UnionsWA representative and a CCIWA representative, in relation to safety and health representative training.

The Chair proposed that in future meetings, once a conflict of interest has been registered and minuted, there should not be the need to keep repeating the conflict each meeting. The Chair noted that this would be discussed in more detail at Agenda Item 3.7.

1.5 Other Business admitted by the Chair

No other items were admitted by the Chair.

2 PREVIOUS MEETING/S

2.1 Confirmation of previous meeting minutes

The Commission **ENDORSED** the minutes of meeting 413, held on 1 December 2021, as presented to the Commission meeting of 2 February 2022.

2.2 Review action list from previous meeting

The Chair noted items completed and provided on the Agenda included:

- ***Action 12 of 7 July 2021*** *- DMIRS make changes to the Commission Handbook and Code of Conduct and provide the updated document to the Commission for endorsement.*

In relation to:

- ***Action 9 of 2 June 2021*** *- The Commission to ensure that an education program and guidance materials on occupational diving are developed, to support industry to supplement the WHS Regulations and Australian Standard AS 2299 requirements:* The Chair confirmed this action was ongoing.
- ***Action 2 of 6 October 2021 -*** *Commissioner to provide advice to the Commission in relation to SWA progress to include the prohibition of dry cutting of stone in the national model WHS Regulations:* The Commissioner advised that this work is currently with one of Safe Work Australia (SWA)'s subordinate committees and a consultancy group has been brought in to progress this work, which is still ongoing.

- ***Action 1 of 3 November 2021 -*** *Executive Officer to organise a meeting of Expert Commission members Dr Lin Fritschi, Dr Matthew Davies and Dr Julia Norris and a CCIWA representative to continue investigations into options for data linkages relating to occupational data:* The Executive Officer advised that a meeting has been set for 8 February 2022.
- ***Action 3 of 3 November 2021*** *- The Commission to liaise with DMIRS in relation to the process of developing the Managing Risks of Respirable Crystalline Silica from Engineered Stone in the Workplace Code of Practice for Western Australian purposes:* The Chair advised this action is ongoing.
- ***Action 9 of 3 November 2021*** *- Executive Officer to circulate adapted WHS codes out of session as they are finalised:* The Executive Officer clarified that this item refers to full list of model codes to be prepared by DMIRS for operation under the WHS Act and is ongoing.
- ***Action 4 of 1 December 2021*** *- Commissioner and Mr Munns to provide advice regarding the status of training if a Health and Safety Representative transitioning from the OSH Act to the WHS Act requests training:* Mr Munns advised that this information was not yet available.

The Chair advised that actions relating to automation and robotics were ongoing, including:

- ***Action 12 of 4 August 2021 -*** *Commission members to provide details of automation or artificial intelligence specialists that can speak about occupational safety and health matters to the Executive Officer;*
- ***Action 1 of 6 October 2021 -*** *Commissioner to seek and provide contact details to the Chair, in relation to a robotics project announced by Western Australian State Government;* and
- ***Action 8 of 6 October 2021 -*** *Chair to correspond with the Grain Producers Australia regarding the Commission decision to explore the development of a broader-based code that may assist in the safe use of autonomous machinery across a range of industries*.

Dr Lin Fritschi requested that an additional column be added to the Commission Action list to assist in tracking and referencing actions. The Executive Officer will implement this for future meetings.

A CME representative raised that at the 1 December 2021 meeting, Mr Ian Munns agreed to seek legal advice on whether OSH Act codes would apply to Petroleum and Geothermal Energy Operations (PAGEO) upon promulgation of the WHS Act and sought the outcome of that advice. Mr Munns informed members that the legal advice indicated that Occupational Safety and Health (OSH) codes of practice would not apply and indicated that an email sent to the Executive Officer could be forwarded to members.

Commission members had no further comments in relation to the general action list or the Legislative Advisory Committee (LAC) action list.

ACTION 1

Executive Officer to update Commission Action List with additional column to assist with tracking and referencing actions.

ACTION 2

Executive Officer to provide excerpt from legal advice obtained by Mr Ian Munns confirming that OSH Act codes of practice will not apply to PAGEO.

2.3 Codes of Practice for Work Health and Safety laws

The Chair presented the table of decisions for codes of practice (codes) under the new Work Health and Safety (WHS) laws, noting a decision regarding the code relating to managing the risk of falls was listed as 'waiting guidance from the Government on WHS regulations'. The Chair confirmed that the draft WHS Regulations were now available in exposure draft form and invited the Commissioner to provide advice.

The Commissioner informed members that the WHS Regulations covering falls have been drafted to contain two metre and three metre thresholds. This differs from Model WHS Regulations, which do not specify a height threshold. The Commissioner added that work will need be done to collect data and assess risks in relation to falls for a designated period post-promulgation of the WHS Act.

The Commissioner indicated that in light of publication of the WHS Regulations, the immediate task was to examine the Western Australian OSH Act code *Prevention of Falls from Height at Workplaces* (WA Falls Code) and all Safe Work Australia (SWA) codes and guidance covering falls and provide advice on which is the most appropriate for the Commission to adopt. The Commissioner suggested this is a significant piece of work and should be delegated to the Legislative Advisory Council (LAC) to complete and then make a recommendation to the Commission.

A UnionsWA member suggested a similar issue exists in relation to the *National Code of Practice for Precast, Tilt-up and Concrete Elements in Building Construction* and an assessment of this code would now need to be made in light of the WHS Regulations.

The UnionsWA member expressed a preference for the existing WA Falls codes as this code was only recently worked on and endorsed by the Commission.

Members **AGREED** that the work on falls from height codes be delegated to LAC.

The Chair sought members' view on the table entry regarding vinyl chloride. The Chair observed that the regulatory requirements in both the OSH Act and the WHS Act remained equivalent and that WorkSafe has not received a request regarding the use of vinyl chloride for at least five years.

A UnionsWA representative noted that the existing national code of practice was extremely out of date having been created in 1990 and would support not adopting it in Western Australia.

Dr Lin Fritschi shared that she had consulted the National Pollutant Inventory and reported that there were 36 sites in Western Australia that were reporting vinyl chloride and many of these were tips. Dr Fritschi concluded that this would indicate that there is little current activity taking place with vinyl chloride.

Members **AGREED** that the Commission would not adopt the *National Code for the Safe Use of Vinyl Chloride* after promulgation of the WHS Act and this code to be removed from the table of codes.

The Chair cited the list of codes marked in the table as 'review post-promulgation of WHS Act' and sought feedback from members regarding prioritising codes for review.

A CCIWA member observed that the *Styrene* Code of Practice may fall into the same category as vinyl chloride as styrene is a chemical which will be covered by WHS regulations. The member also noted that the *Prevention and control of Legionnaires Disease* Code of Practice was still evidently being used, as data previously provided by DMIRS indicated that there were approximately 500 web hits on the code annually.

A UnionsWA representative indicated that the *Ferry and charter boat industry* and *Man overboard: prevention and response* may have some overlap. Dr Julia Norris indicated she would like to prioritise work on *Fatigue management for commercial vehicle drivers.*

The Chair proposed that the list be referred to the LAC for prioritisation taking account of the comments from Commission members

ACTION 3

LAC to examine all relevant SWA materials on falls and the existing OSH Act code of practice 'Prevention of Falls from Height at Workplaces' in context of the WHS Regulations and make a recommendation to the Commission on the most appropriate code of practice for the Commission to adopt.

ACTION 4

The 'National Code for the Safe Use of Vinyl Chloride' will not be adopted in Western Australia after promulgation of the WHS Act and to be removed from the table of codes of practice.

ACTION 5

LAC to examine the list of codes marked 'for review post-promulgation' and order them from highest to lowest priority, with this list to be presented back to the Commission.

2.4 COVID-19 pandemic and recovery

The Chair sought members' views on future Commission meeting arrangements, given the community spread of COVID-19. Members expressed a preference for meetings to be either held entirely online or entirely in person, as a mixed model can prove difficult and ineffective. Several members predicted that the March 2022 meeting would need to be held online, due to COVID-19 spreading.

Members **AGREED** to plan for the March Commission meeting to be conducted remotely via Microsoft Teams, with a final decision regarding the format of the meeting to be confirmed closer to the 2 March 2022 meeting date.

The Commissioner outlined the new WorkSafe draft COVID-19 guidance circulated to members. A UnionsWA member expressed support for the new guidance and indicated that many employers may be confused about the interaction of public health directives and their work health and safety duties under either the OSH Act or WHS Act. The member indicated that guidance to help distinguish that the two sets of obligations are different would be useful.

The Commissioner noted that the Australian Health Protection Principal Committee (AHPPC) and the Infection Control Expert Group (ICEG) have produced new guidance over time, especially with respect to masks, which has changed the landscape with regard to 'reasonably practicable measures' to be taken by employers. The Commissioner highlighted the difficulty of synthesising this new advice into a risk assessment guidance for employers in a work health and safety context but indicated this is what the draft guidance is seeking to achieve.

Dr Julia Norris communicated that she found the guidance to be a significant improvement of previous COVID-19 guidance and considered it would be a useful tool.

A CCIWA member indicated some issues with the guidance including:

- the guidance does not make clear enough distinctions between the different sources of directions and obligations;
- the guidance has a health focus and perhaps other industry examples could be helpful;
- concerns around where certain actions have been placed in the hierarchy of control;
- that WorkSafe guidance should also link to current AHPPC guidance on RATs.

The Commissioner explained that the health focus of the advice was a result of the fact that healthcare, aged care and disability care are high risk industries and have been prioritised within the guidance for that reason.

Dr Julia Norris contended that the guidance was easy to use and noted the difficulty of trying to provide examples for every industry. A UnionsWA member indicated that a strength of the guidance was that it was short and concise.

A Unions WA member indicated that a guideline regarding notifying WorkSafe contained in the document needed updating and this was noted by the Commissioner.

Dr Matt Davies and Dr Julia Norris noted an amendment in the guidance to change 'fit check' to 'user seal check'.

The Commissioner thanked members for their input and **AGREED** to seek specific feedback on the WorkSafe draft COVID-19 guidance from members out of session in order to note and/or action the feedback where appropriate.

The Commissioner provided an update that SWA is currently working on producing national guidance on the use of Rapid Antigen Tests (RATs) and that this guidance will be forwarded to members once received. The Commissioner explained that this guidance will be receiving input from AHPPC and, as such, should align with federal Department of Health advice as the AHPPC includes Chief Health Officers.

A CCIWA member informed members that information is currently being sought from the Department of Health regarding the approval process for RATs. Many RATs in circulation have not yet been tested and approved for use with the omicron variant of COVID-19.

A UnionsWA member mentioned that there is a significant issue with unapproved and counterfeit P2 and N95 masks and RATS which exist in great numbers online. This heightens the risk that employers and individuals may be unknowingly purchasing ineffective products.

A CCIWA representative mentioned that Pfizer have released an information sheet to assist people to spot counterfeit masks and tests. Julia Norris noted that the Australian Institute of Occupational Hygienists has also produced similar guidance

A UnionsWA member added that current Department of Health guidance leaves open the possibility of revising guidelines for workplaces when more community transmission occurs and expressed concern about the possibility of workers being asked or required to attend a workplace when COVID positive, or RAT positive. It was noted that this has taken place in some industries such as aged care and disability care in other jurisdictions.

Members discussed what action could be taken to register this concern and acknowledged difficulty posed by the interaction of potentially conflicting public health advice and work health and safety duties or advice.

Members **AGREED** to write a letter to the Chief Health Officer to enquire about future health directives regarding COVID-19 positive workers and close contacts in circumstances of widespread community transmission, and express the Commission's concerns regarding COVID-19 positive workers being asked or required to attend a workplace.

ACTION 6

Executive Officer to plan for 2 March 2022 meeting of the Commission to be held remotely via Microsoft Teams.

ACTION 7

Commissioner to seek specific feedback on the WorkSafe draft COVID-19 guidance from members out of session in order to note and/or action these where appropriate.

ACTION 8

Commissioner to forward SWA guidance on RATs to members when received.

ACTION 9

Chair to draft letter to Chief Health Officer to enquire about future health directives regarding COVID-19 positive workers and close contacts in circumstances of widespread community transmission, and express the Commission's concerns regarding COVID-19 positive workers being asked or required to attend a workplace.

2.5 Commission Work Plan – update and to inform discussion

The Chair provided the updated Commission Work Plan for members' reference, to inform discussion and consideration of priorities, noting previous discussion during the meeting.

The Chair noted that LAC has now provided the Chair with a revised 'Issues Register'. The Commissioner informed members that the revised Issues Register still needs to be considered and approved by LAC at its next meeting before coming back to the Commission.

The Chair advised that the Work Plan could now be updated to reflect work completed.

The Commission **NOTED** the current Work Plan.

3 AGENDA ITEMS

3.1 Psychosocial Codes of Practice

The Chair informed members that she had communicated with the office of Minister Johnston and that the Minister plans to endorse both the OSH Act and WHS Act versions of the psychosocial codes, with the OSH Act versions to be gazetted and implemented before the WHS Act is promulgated, at which point the WHS Act versions will come into force. The Chair also informed member that the Minister intends to proceed with a launch event for the three codes on 15 February 2022.

Members indicated that the launch date was very soon. CME and UnionsWA representatives shared that they would like to support the launch in whatever way possible and would like to be kept informed regarding plans for the launch.

Mr Andrew Chaplyn reminded members that the mining industry would not be covered by the psychosocial codes in the brief period they are introduced as OSH Act codes, as they do not refer to the *Mines Safety and Inspections Act 1994*. However they will apply to the mining industry when rolled over as WHS codes. A CME representative indicated this would not prevent the codes being promoted for the launch by CME amongst its members.

A CCIWA representative informed members that work on the SWA national psychosocial code of practice is complete and that code is likely to be published at a similar time to the three Western Australian psychosocial codes. This could cause some confusion in industry.

Members **NOTED** the update.

3.2 WHS Act – Statement of Regulatory Intent

The Commissioner thanked members for their feedback on the Statement of Regulatory Intent (SORI), with most changes incorporated into the draft SORI. The most significant change has been to extend the period of application of the SORI from 6 months to 12 months. The document is currently being designed and would be shared with members once complete. Once published, the document could be further changed, if necessary.

Members **NOTED** the update.

A UnionsWA representative asked Mr Ian Munns whether the WHS Act was on track for implementation in March 2022. Mr Munns confirmed this to be the case. A CME representative inquired whether this would involve a gazettal ahead of time. Both the Chair and Mr Munns confirmed that the Minister's office had indicated that current planning was for gazettal of the codes in February 2022 and implementation in March 2022. A CME representative contributed that many of their members had enquired as to whether implementation would be delayed by COVID-19. Ian Munns indicated that there will be no delays due to COVID-19.

3.3 Model Code of Practice – Managing Electrical Risks in the Workplace

The Chair outlined the request from DMIRS to revise the model code *Managing Electrical Risks in the Workplace* to identify clearly the electrical safety legislation that applies to each section in the Western Australian context, as proposed in the agenda paper.

A UnionsWA representative stated concern that there was not enough focus on electrical work in roof spaces in the model code and this area needs further addressing when revising the code. Multiple members also mentioned high voltage switching and arc flashes in mining as an area for further focus as there have been recent fatalities in this area.

Mr Andrew Chaplyn observed that the model code appears to not apply to high voltage electrical work, while other members noted that there appear to be multiple references within the document to risks involving high voltage.

Dr Matt Davies observed an issue regarding the reporting of electric shocks - under the OSH Act these are reported to the network operator as opposed to WorkSafe.

The Commissioner confirmed that under the WHS Act, electric shocks will need to be reported to WorkSafe under section 37(e) of the WHS Act. Members agreed that it would be important to include this new reporting requirement in the code. Mr Ian Munns confirmed that there will be an issue with compliance around new reporting requirements such as s 37(e) of the WHS Act and there will need to be a communication and education piece to support this once the WHS Act commences.

The Commission **ENDORSED** the proposal to revise the model code of practice: *Managing Electrical Risks in the Workplace* for the Western Australian legislative environment, referencing all relevant electrical safety legislation.

The Commission **NOTED** concerns around electrical work in roof spaces, high voltage switching, arc flashes and reporting requirements under s 37 (e) of the WHS Act to be addressed when revising the code.

ACTION 10

DMIRS to revise the Model code of practice 'Managing Electrical Risks in the Workplace' for the Western Australian legislative environment, referencing all relevant electrical safety legislation and noting the specific areas of concern raised by the Commission.

3.4 Health and Safety Representative (HSR) training – Update and Approved Provider Application Process Proposal

The Chair noted that the attachment to this item was sizable and received as a late paper and acknowledged that members may require more time to digest the relevant information contained in the document. The Chair advised members to communicate any feedback on the document to the Chair and Executive Officer before COB Friday 4 February 2022.

The Chair indicated some concern at a provision in the draft document that HSR providers may not alter the prescribed materials without the consent of the Commission and the grounds that this may not provide training operators with sufficient flexibility.

A UnionsWA representative acknowledged the significant amount of work completed by DMIRS in this area since November 2021. The representative agreed with the Chair that some greater flexibility for training providers may be necessary to reasonably vary the prescribed training materials in certain circumstances.

The Chair remarked that there had not yet been a great deal of consultation with relevant Registered Training Organisations (RTOs) about the new training package and proposed that the Commission could assist to facilitate consultation with RTOs.

The Commissioner noted the information session currently scheduled for 14 February 2022 which will facilitate dialogue with RTOs. The Commissioner also added that some other jurisdictions who already administer a similar framework charge a fee to providers who wish to alter materials, with this money going towards funding a mapping exercise to ensure that the modified materials still comply with the relevant learning aims.

Dr Matt Davies enquired as to whether the revised documents being prepared for HSRs could include some opportunities for data gathering as there is currently a significant lack of information about HSRs in Western Australia.

The Commissioner enquired whether the Commission should be endorsing the materials before the session with providers on 14 February 2022 when it is anticipated that there will be feedback from RTOs.

The Commission **AGREED** to recommend the document in draft form for release to providers for consultation.

The Commission **AGREED** that members Dr Trish Todd, Dr Matt Davies and Ms Naomi McCrae will meet with RTOs to consult on the new HSR training materials and processes.

ACTION 11

Commission Chair to liaise with DMIRS regarding the 14 February 2022 event for HSR providers.

ACTION 12

Commission Chair, Dr Matt Davies and Ms Naomi McCrae to meet with a number of larger RTOs to consult on the new HSR training guidance and content.

3.5 Work Health and Safety Commission and Advisory Committees – Terms of Reference, Code of Conduct and Public Interest Disclosure

The Chair emphasised that advisory committee draft terms of reference will still be going out to the relevant advisory committees for consideration.

Members discussed processes for registering conflicts of interest and **AGREED** that a written register for conflicts of interest was necessary best practice. The Chair clarified that confidential conflicts of interest do not have to be minuted

Mr Chris White observed that the Commission Terms of Reference would be more correctly referred to as a ‘Charter’ or ‘Operational Charter’.

The Commissioner informed members that the Affected Families and Workers Advisory Committee (AFWAC) Terms of Reference have been developed with affected families and reflect this process.

The Commissioner contributed that the terminology in the current drafts of the advisory committee terms of reference to an ‘independent chair’ is inappropriate with respect to AFWAC and the Construction Industry Safety Advisory Committee (CISAC). Members discussed possible alternative wordings to ‘independent chair’ including ‘Commission-appointed chair’ which members supported.

The Commissioner indicated that the Agricultural Working Group (AWG) has largely fulfilled its initial ministerial function. When this existing task is completed, the Commission agreed to formalise the creation of a new permanent agricultural advisory committee. The former Minister for Industrial Relations indicated that this body should have as broad a representation as possible. The new body may be titled the ‘Agricultural Advisory Committee’. Members noted the importance of further activity and work in the agricultural sector given the disproportionate number of fatalities and serious accidents occurring in the sector.

A UnionsWA representative observed that the membership clause of the CISAC Terms of Reference should be amended to reflect the wording of other committees as 'members nominated by UnionsWA' and added that there are three places for union members on CISAC.

The Commission:

- **AGREED** to change the terminology within the advisory committee terms of reference from 'independent chair' to 'Commission-appointed Chair'
- **AGREED** to update the membership clause for CISAC to 'three members as appointed by UnionsWA'.
- **AGREED** to change clause 15.6 in the terms of reference documents, updating of wording from 'will' to 'may';
- **AGREED** that minutes for advisory committees should be completed within 7 days where possible.

ACTION 13

Executive officer to action the changes to the draft terms of reference documents agreed to by Commission members.

3.6 DMIRS WorkSafe Directorate 2022 Events Update

The Chair provide the Commission with an update on WorkSafe Directorate (WorkSafe) events coordinated by DMIRS during 2022.

The Commission **NOTED** the information.

3.7 Model Codes of Practice – References to Regulations

The Chair summarised a proposal from DMIRS to compile references to regulations within model codes of practice into an index format, noting DMIRS' concerns regarding the complexity of referencing three sets of WHS regulations.

A CME representative sought confirmation that references would be to specific regulations, as opposed to general in nature. The Chair confirmed that references would definitely be specific. A CCIWA representative requested that a one page example of each approach (indexed references to regulations vs in-text references) be provided to members to inform a decision on this matter.

A CCIWA representative indicated that the in-text referencing format employed in the model codes did not appear to be overly complex.

The Commission **AGREED** to seek a one-page example from DMIRS of both approaches to referencing regulations in model codes of practice to inform a final decision on the format of regulation references.

ACTION 14

Chair to request a one page example from DMIRS of both approaches to referencing regulations in model codes of practice for circulation to members.

4. STANDING ITEMS

4.1 Mines Safety Directorate Communique

Mr Andrew Chaplyn provided a summary of the 8 December 2021 Mining Industry Advisory Committee (MIAC) meeting. Discussion included:

- work on the WHS (Mining) Regulations is continuing;
- COVID-19 updates have been provided to industry around compliance with relevant public health directives such as vaccine mandates, along with a reminder that mines safety inspectors have been given powers to enquire about the vaccine status of operations;
- significant feedback was received on the Mine Safety Management System code of practice which will be discussed at the upcoming meeting of MIAC;
- information sheets on sexual harassment are currently being finalised with final input from WA Police and the Sexual Assault Resource Centre;
- past cases of sexual harassment and assault continue to be reported to Mines Safety in response to the additional media coverage of, and the parliamentary enquiry into, these issues;
- the recruitment of additional mental health and well-being inspectors is underway and there will now be four positions in this area within the Mines Safety Directorate.

Dr Lin Fritschi sought to clarify the legal status of an information sheet. Mr Andrew Chaplyn confirmed that these are intended to add to the body of knowledge for industry and can be published on a shorter timeframe on an urgent issue. Mr Ian Munns shared that upon implementation of the WHS Act, DMIRS will be standardising its approach to external documents of this sort across the different directorates so that terminology is consistent. Mr Munns offered to share this framework with the Commission.

The Commission **NOTED** the update.

ACTION 15

Mr Munns to provide the Commission with the DMIRS framework outlining standardised terminology to be adopted for published guidance material under the WHS Act.

4.2 WorkCover WA verbal update

Mr Chris White advised

- that there has been an increase in claims regarding sexual harassment and assault, with some complexities in determining whether ‘work-related’;
- the consultation period of the new Workers Compensation Bill has closed, with 79 responses received. WorkCover is now analysing those responses and packaging that up for Ministerial Consideration. Submissions have not been published online yet but will be shortly. The process is on track for implementation of the new act on 1 July 2023. Consultation on the accompanying regulations will commence in the near future;
- there were no new silicosis claims in the period since October 2021 and currently very few COVID-related claims;
- currently for the purposes of COVID claims, COVID cases amongst health workers are presumed to be work-related, but this may change as COVID begins to spread more widely in Western Australia;

Dr Matt Davies asked Mr White about the updated Deemed Diseases in Australia which was authored by Tim Driscoll and published by Safe Work Australia in December 2021. Mr White

indicated that WorkCover WA would like to use this updated list as part of revised WorkCover legislation due to the fact it is far more up to date.

The Commission **NOTED** the update.

4.3 Regulatory Activity Report – November & December 2021

The Commission **NOTED** the Regulatory Activity Report to 31 December 2021.

4.4 Fatalities and Significant Incidents Report

Dr Lin Fritschi commented that the number of unconfirmed work-related fatalities was very high at 59 and that this must be very distressing for the families of those involved. Mr Ian Munns explained that often this delay is due to the length of the Coronial process.

Mr Matt Davies noted the high fatality rate both in regional areas and in the over 65 age bracket.

4.5 Exemption Certificates

One exemption certificate was granted since the 1 December 2021 Commission meeting, relating to major inspections of a Crawler crane SCX2800.

A UnionsWA representative sought to clarify the conditions of the exemption certificate and requested that the certificate be circulated.

The Commission **NOTED** the granting of the exemption.

ACTION 16

Executive Officer to circulate copy of exemption certificate granted to Tutt Bryant Group Limited to members.

4.6 Commission Correspondence

The Chair drew members' attention to the following incoming correspondence:

- Response from Acting Minister Rita Saffioti to Commission Chair

The Chair drew members' attention to the following outgoing correspondence:

- Letter from Commission Chair to Minister Johnston – WHS and OSH versions of psychosocial codes
- Letter from Commission Chair to Mr and Mrs Hampton – WHS Regulations

The Commission **NOTED** the correspondence included in the agenda papers.

5 OTHER BUSINESS

No additional items for discussion were raised by members.

6 CLOSE AND NEXT MEETING

There being no further business, the Chair declared the meeting closed at 12.00 pm. The next meeting is scheduled for 2 March 2022.

MINUTES OF MEETING NO: 414

OF THE

COMMISSION FOR OCCUPATIONAL SAFETY AND HEALTH

HELD ON 2 FEBRUARY 2022

ENDORSED AS A TRUE AND ACCURATE RECORD OF THE MEETING

Dr Trish Todd

Chair Date