

Commission for Occupational Safety and Health MINUTES – 4 August 2021

Meeting No:	409	Time:	8:30
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 Lin Fritschi	Expert Member
Ms Jennifer Low	Chamber of Commerce and Industry WA (CCIWA)
Mr Paul Moss	Chamber of Commerce and Industry WA
Ms Debbie Larson	UnionsWA, proxy for Ms Erin Gisborne
Mr Glenn McLaren	UnionsWA
Mr Owen Whittle	UnionsWA
Mr Andrew Chaplyn	Director Mines Safety, DMIRS

Guests

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

Apologies

Ms Erin Gisborne	UnionsWA
Ms Elysha Millard	Chamber of Minerals and Energy (CMEWA)
Dr Julia Norris	Expert Member

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 Chair opened the meeting of the Commission at 8.35am, welcoming Ms Debbie Larson as proxy for Ms Erin Gisborne.

1.2 Apologies

Apologies were accepted from Ms Erin Gisborne, Ms Elysha Millard and Dr Julia Norris.

1.3 Confirmation of agenda

The agenda was confirmed as the business of the meeting.

1.4 Declarations of Conflicts of Interest

No conflicts of interest were declared.

1.5 Other Business admitted by the Chair

No other business was admitted by the Chair.

2 PREVIOUS MEETING/S

2.1 Confirmation of previous meeting minutes

The Commission **AGREED** to the Chair's request for an addition to Agenda Item 2.3 relating to the publication of the Excavation Code, to read:

*"The Commission **ENDORSED** the updated Excavation Code and **AGREED** to recommend to the Minister that it be published without being released for a public consultation period."*

The Commission **ENDORSED** the minutes of meeting 408, held on 7 July 2021.

ACTION 1

Executive Officer to include the additional sentence at Agenda Item 2.3, relating to the publication of the Excavation Code.

2.2 Review action list from previous meeting

The Chair drew members' attention to the following general action list items:

Actions 10 and 11 of 3 March 2021 - *Commission members to provide materials relating to previous work and SHREP research to the Executive Officer **AND** DMIRS to prepare an agenda paper for consideration by the Commission, with background information regarding increasing SHREP numbers.*

The Chair advised that information is continuing to be gathered and reviewed with a view to determining the best way to approach the issues involved. She confirmed that the matter is on her radar and will come back to the Commission for consideration.

Action 1 of 7 July 2021 - *Executive Officer to delay publication of the minutes of the previous meeting until a response is received from the Minister.*

The Chair advised that the Minister had responded and the minutes have been published.

Action 2 of 7 July 2021 - *Executive Officer to organise a meeting between the Data Linkage Project contact and Commission members, Dr Lin Fritschi, Dr Matthew Davies, Dr Julia Norris and CCIWA representative Ms Jennifer Low.*

Commission members noted the importance of accessing data. The Commissioner raised issues in relation to workers requiring medical treatment in hyperbaric chambers which he advised are not currently notifiable to WorkSafe.

Dr Lin Fritschi noted that medical procedures are often better recorded than other activities.

Mr Ian Munns advised the new WHS laws have a broader range of issues which are required to be reported and the Commission has the opportunity to have such events prescribed.

Dr Fritschi supported the Chair's suggestion of a separate agenda item to discuss events which could be prescribed. The Commissioner suggested mapping be done across regulators to discover how other jurisdictions address related issues and that a paper be prepared for the Commission to consider.

The Executive Officer **AGREED** to organise a meeting as soon as possible with the Data Linkage Project team.

The Commissioner **AGREED** to provide a paper with advice about reporting of diving related incidents for the Commission's consideration.

Action 8 of 2 June 2021 - *The Chair to seek clarification as to whether a pearling industry code of practice was endorsed by the Commission.*

The Chair informed attendees that Mr Ian Munns had provided advice that the pearling industry code of practice had not been endorsed by the Commission. In response to a concern raised by a Unions WA representative about industry understanding of the authorisation of codes under the OSH Act, the Commissioner commented that several industries have produced their own codes and the Commission can decide whether or not to adopt or endorse an industry code under the OSH Act. He noted that the Commission does not have a patent or control over the use of the term code of practice.

The action **NOTED** as completed.

Actions 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 Commissioner suggested that development of diving guidance material be added to the Commission Work Plan.

The Commission **AGREED** to include development of diving guidance materials in the Commission Work Plan.

Action 11 of 2 June 2021 - *The Commissioner to work with the Chair, to determine an appropriate approach to communicate the decision, to cease further development of the draft Diving Code, to industry and the community.*

The Chair advised that she and the Commissioner has communicated with the Hampton family and the item is complete.

Action 6 of 7 July 2021 - *Mr Ian Munns to report back to the Commission about possible changes made to the model WHS regulations, in relation to vinyl chloride.*

The Chair advised that Mr Munns had provided advice that the WHS regulations are consistent with the model regulations, which was circulated to members, and the item is complete.

Action 8 and 9 of 7 July 2021 - *The Chair to send a letter to accredited training providers, advising them of the approach and timeframes for accreditation transition and seeking information about how they are preparing for the introduction of the WHS Act AND DMIRS to update the Guidelines and criteria for accreditation of training courses for safety and health representatives to align with the Work Health and Safety Act 2020 and provide to the Commission for approval.*

The Chair advised that a letter is being drafted and updated guidelines are being prepared for Commission review.

Action 16 of 7 July 2021 - *The Commissioner to provide further, more specific, details of the DMIRS WHS laws communications strategy at the next meeting.*

The Chair advised that the Commissioner will complete this action as part of agenda item 3.5.

The Commissioner drew members' attention to the following general action list items:

Actions 4 and 5 of 2 June 2021 – *The Commissioner to send a letter to SWA, raising HRWL issues and seeking support for the proposed changes to mandate minimum hours AND The Commissioner to write to the Australian Industry Skills Committee, the Training Accreditation Council, the Australian Skills Quality Authority, the Construction Training Fund and the WA Registered Assessors Association, in relation to HRWL training and assessment issues, highlighting the possibility of mandating nominal hours and maximum class sizes.*

The Commissioner advised that Action 5 is completed, with letters sent to TAC, ASQA and the Construction Training Fund, with the letter to SWA yet to be finalised (Action 4).

Action 18 of 7 July 2021 - *The Commissioner to report on the timeframe for the SWA work to develop materials in relation to gig economy delivery riders at the next Commission meeting.*

The Commissioner advised that no specific date had been obtained from SWA in relation to development of materials. A CCIWA representative advised that draft content had been sent for review and industry comment will go to the next SWA meeting in November. Once presented to SWA, the Commissioner undertook to share the materials with the Commission.

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

ACTION 2

The Commissioner to provide a paper with advice about reporting diving related incidents for the Commission's consideration.

ACTION 3

Executive Officer to add development of guidance materials on occupational diving to the Commission Work Plan.

ACTION 4

The Commissioner to share SWA materials in relation to gig economy delivery riders at a Commission meeting later in the year.

2.3 Codes of Practice for Work Health and Safety laws

The Chair provided an updated table of decisions for codes of practice, which the Commission **NOTED**.

In confirming whether the decision set out in row 1 of the updated table of WHS and OSH codes also applies to row 23, *Model Code of Practice Managing the work environment and facilities* (Model Facilities Code), Commission members raised concerns about the absence of personal protective clothing provisions in the Model Facilities Code.

The Commission **AGREED** that elements of the OSH Code *First aid-workplace amenities – personal protective clothing* should be incorporated into the Model Facilities Code.

In determining which elements of the OSH *Safeguarding of machinery and plant Code* (Safeguarding Code) will be incorporated into the *Model Code of Practice: Managing risks of plant in the workplace* (Model Plant Code) Commission members referred to advice from LAC, which proposed incorporating design elements as set out in the OSH Safeguarding Code. Dr Matthew Davies highlighted the design principles and considerations set out in Chapter 4 of the OSH Safeguarding Code, which are not included in the Model Plant Code.

A UnionsWA representative confirmed that the LAC recommendation to include design elements in the Model Plant Code had been **AGREED** at the May 2021 Commission meeting.

ACTION 5

Executive Officer to update information in the table of WHS and OSH codes as agreed by the Commission.

2.4 COVID-19 pandemic and recovery

The Chair asked if attendees had issues to raise in relation to the COVID-19 pandemic and recovery.

Commission members had no particular issues to raise for consideration.

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.

Dr Lin Fritschi requested that the adoption of low dose computed tomography (CT) scans as a health surveillance requirement in the Western Australian stone industry be included in the achievements column of Line 5 – Crystalline silica and silicosis activities.

The Commission **AGREED** to add the low dose CT achievement to the Work Plan and **NOTED** the updates.

ACTION 6

Executive Officer to include the adoption of low dose CT scans as a health surveillance requirement in the Western Australian stone industry in the achievements column of the Work Plan, in Line 5 – Crystalline silica and silicosis activities.

3 AGENDA ITEMS

3.1 Psychosocial hazards in the workplace Code of Practice

The Commissioner sought agreement from the Commission to release the draft Psychosocial Hazards in the Workplace Code of Practice (PHW Code), for a two-month consultation period. The PHW Code was formerly known as the Mentally Healthy Workplaces Code of Practice.

The Commissioner recognised the significant work of LAC and DMIRS in developing a much improved document, which is reflective of guidance materials from around Australia. He noted that the issues covered by the PHW Code are very important to workers and the community. The Commissioner acknowledged that the two-month consultation period would put pressure on industry, but highlighted the importance of providing employers with a code to enable them to fully understand their responsibilities.

A CCIWA representative raised concerns about releasing a code that will require modification soon after it is released, as the new WHS laws are scheduled to come into force in early 2022.

A UnionsWA representative noted these concerns, but suggested that the Commission should prioritise finalising work on codes, which has been underway for a long time.

The Commissioner reminded members that existing codes will be transitioned under the WHS legislation and will continue to apply. Mr Andrew Chaplyn suggested highlighting that the PHW Code would be transitioned under the WHS laws, when releasing it for consultation.

Mr Ian Munns suggested that the consultation timeframe would result in feedback being considered for incorporation in the document by late October 2021, at which time modifications could also be made to recognise issues such as *person conducting a business or undertaking*.

There was general agreement that, after the consultation period and prior to publication, the PHW Code could be updated to reflect the terminology in the new WHS Act.

Commission members **AGREED** to release the PHW Code for a two-month consultation period.

Concerns were raised about possible requests for extension and the impact on the timeframe. The Chair asked the Executive Officer to notify her if any requests for extension are received and advised that she would consider on a case-by-case basis.

ACTION 7

DMIRS to release the draft Psychosocial Hazards in the Workplace Code of Practice, for a two-month consultation period.

ACTION 8

Executive Officer to notify the Chair of any requests for extension to provide comments in relation to the Psychosocial Hazards in the Workplace Code of Practice.

3.2 National Dust Disease Taskforce Final Report

The Chair invited Dr Lin Fritschi to provide a summary of the *National Dust Disease Taskforce Final Report* (NDDT Report).

Dr Fritschi noted that the NDDT Report refers to many different issues relating to dust and is blurred in its focus. The important issue raised in the report is that one in four people who work with engineered stone develops silicosis. Dr Fritschi expressed disappointment that the National Dust Disease Taskforce (Taskforce) did not call for a ban on engineered stone, instead calling for it to be considered in 2024 if considerable improvement has not been achieved which, in Dr Fritschi's view, is a "wait and see" approach.

Dr Fritschi highlighted that in order to show measurable improvement data collection is required, including measurement whether:

- businesses are managing the risk;
- silica levels are being measured and are they below the WES;
- workers are having health monitoring;
- workplaces are being proactively inspected;
- if a licencing scheme is introduced, how many businesses are being licenced and failing to meet licence criteria;
- HRCTs being done and what are the findings;
- silicosis and other dust diseases are being notified;
- workers with silicosis and their families are being supported; and
- education and training is being done, to what extent and how successful is it.

Dr Fritschi commented that data currently goes into different areas of DMIRS and questioned how data could be used, to determine if improvements have been made at the end of 2024. She suggested initiating a pilot industry based data project to consolidate the required data, to make it easier to provide regular reports and have relevant evidence. A pilot project would also indicate that a data collection process is of benefit in managing work health and safety.

A UnionsWA representative was critical of the NDDT Report, noting it took two years to deliver and provides a four-year period to make a decision about what action to take. He noted that the Taskforce would be aware of the dangers of engineered stone and silica and suggested that the report was disgraceful.

A UnionsWA representative agreed with the comments made by Dr Fritschi and praised the *WorkSafe Western Australia silica compliance project report* (Silica Project Report) previously presented to the Commission by the Director WorkSafe Service Industries and Specialists at DMIRS, Ms Sally North. Dr Fritschi agreed that the Silica Project Report demonstrates the dangers of working with engineered stone.

A UnionsWA representative supported a data collection project, but suggested that evidence was already available to show the dangers of silica and that education about the dangers had improved. He sought clarity as to how much evidence is required before action is taken to enforce standards, what timeframe is appropriate for industry to improve procedures when employers are failing in their duty of care and at what point the Commission should make a decision to make stronger recommendations to the Minister.

The Commissioner was supportive of the data collection initiative, noting criticisms that the regulator should use stronger enforcement tools and highlighted the substantial amount of educational material and resources provided to industry to motivate improvements.

A CCIWA representative did not support a ban on all materials containing high quantities of silica, suggesting that while there is a lot of regulatory activity occurring, it is being done in isolation rather than with a view of the bigger picture.

The Commissioner expressed disappointment in the changes made by the Western Australian stone industry to date. He reminded members that more than 1000 notices had been issued by WorkSafe during the silica compliance campaign, that guidance material and resources had been published and yet there were still repeat offenders. The Chair recalled information provided by Ms North during her presentation to the Commission, which provided evidence of no changes being made at certain workplaces, even after enforcement action was taken.

In response to a question from CCIWA, the Commissioner suggested that while there should already be enough motivation for the Western Australian industry to improve, prosecution may have to be the next step.

Dr Matthew Davies asked how the Taskforce was proposing to measure the improvements, as there is not currently a baseline measure. Dr Fritschi agreed with Dr Davies and reiterated that there is a need to also measure preventive measures.

The Commissioner noted the impost on capacity in continually going to the same workplaces for inspections, which is not an effective use of resources.

Dr Fritschi highlighted NDDT Report recommendation 1b:

Development and introduction of an industry funding model to support ongoing regulatory activities;

which she suggested may force some of the less complaint operators out of business.

Dr Davies noted the underestimation of the signs of risk in the past where procrastination has occurred, and suggested with this form of acute silicosis this stance is dangerous. The industry has a large turnover of employees and surveillance of such an industry is problematic in that it will miss people who have been exposed.

A CCIWA representative noted that a licensing scheme is one of the measures proposed in the NDDT Report and suggested that considering the effectiveness of a licensing scheme may worthwhile.

The Chair raised that the NDDT Report recommendations seemed to suggest that no silica monitoring has occurred in the industry, however information and data has been collected. Dr Fritschi reiterated the need to continue to collect the data, to ensure that in the future the Taskforce cannot suggest there is a lack of evidence.

In response to a question from CCIWA, the Commissioner advised that the Silica Project Report has been provided to SWA and the Taskforce.

The Chair asked about prosecution and the Commissioner agreed it is one of the tools that can be applied, but also reiterated that a range of tools had already been used, which have not been effective. The Commissioner noted that there is a lack of support for a licensing regime and highlighted the number of products already on the market that can replace engineered stone. The Commissioner highlighted the work done to reduce exposure levels, including implementing a new exposure standard and emphasised that at the end of the day it is the responsibility of the industry to respond and address the problem.

The Commissioner advised that the Government has a responsibility to respond to the report, while the Commission can write to the Minister or the Taskforce to express its views. He agreed that it was important to start collating the data, so it can be provided in the future. All work health and safety Ministers have been asked to provide a response to the Federal Attorney General who will provide a national response to the NDDT Report.

The Chair sought Commission agreement to draft a letter to the Minister about the NDDT Report. A UnionsWA representative supported a letter to the Minister and suggested that it include the request for data collection to begin as soon as possible. He also suggested that further consideration be given to including specific measures in the Work Health Safety Regulations.

A CCIWA representative agreed with Dr Fritschi's comment that the NDDT Report confuses engineered stone with all silica containing products.

The Chair emphasised the importance of supporting workers affected by silicosis, noting the consequences to health and of losing their job. Dr Fritschi commented that the problem is not that workers are not willing to be tested, it is that workers are not supported.

In response to information sought by Dr Davies about the type of notice issued if silica is measured above required levels, the Commissioner advised that a number of prohibition notices have been issued in relation to levels of dust. At the national level a prohibition on dry cutting is being considered. The Commissioner advised that if an inspector was to observe work without controls it would enable issuing of a prohibition notice.

A CCIWA representative reported that there is industry agreement about the risks of dry cutting engineered stone, but noted that debate was continuing on dry cutting of all silica containing materials.

The Commission **AGREED** to send a letter to the Minister, setting out the Commission's concerns regarding the NDDT Report, in light of evidence already available and particularly the recommendation to give industry until 2024 to improve.

The Commission **AGREED** that data collection must continue to occur. The Chair noted previous data collection had required a lot of WorkSafe resources, which she suggested should also be recognised in a letter to the Minister.

The Commission **AGREED** that the Commissioner and Dr Fritschi will consider the data sets to be collected, with the information to be included in the letter to the Minister.

The Commission **AGREED** to express alarm at the time frame of the assessment and include the Commission's view on dry cutting of engineered stone in the letter to the Minister.

The Chair **AGREED** to draft a letter and circulate it out of session, for review by the Commission.

ACTION 9

The Chair to draft a letter to the Minister highlighting Commission concerns in relation to engineered stone and the National Dust Disease Taskforce Final Report, and circulate it out of session for review by the Commission.

3.3 Strategic role of Commission

The Chair noted that discussion of strategic priorities for the Commission had been suggested as an agenda item by CCIWA at the previous meeting.

During discussion about priorities and future focus, a CCIWA representative highlighted:

- The need for a greater focus and connection between the Commission and Safe Work Australia (SWA) including the option to view SWA agenda papers and for the Commissioner to present Commission views to SWA;
- The option of drawing work from a broader, national resource base; and
- Focussing on education and training of health and safety representatives in view of harmonisation.

The Commissioner noted the importance of consultation, while retaining his role as the Western Australian representative on SWA. He highlighted past willingness to bring issues to the Commission from SWA, noting the benefit to the Commission in developing an interaction framework in relation to SWA. The Commissioner advised that SWA meets quarterly and has a broad range of responsibility and numerous working groups.

A UnionsWA representative was appreciative of the opportunity given to Commission members to consider COVID-19 items published by SWA. He noted the current pipeline of work that the Commission is involved in, in relation to harmonisation and suggested that a detailed strategic conversation would be timelier after current work was nearer to completion.

A CCIWA representative supported the view that the Commission currently has a full agenda with its focus on regulation and codes of practice. She suggested that in the future the Commission could have greater impact on promoting or assisting with training and education.

The Chair highlighted the need for the strategic plan to be supported by an operational plan, which maps out shifts in focus and priorities.

Commission members **AGREED** to target mid-2022 as the most suitable time to develop a new strategic plan, in light of the current focus on regulations and drafting of codes of practice in line with the new WHS laws. The current strategic plan is in effect from 2019 to 2022.

ACTION 10

The Commission to commence development of a new strategic plan in mid-2022.

3.4 Code of Practice for Autonomous Farm Machinery and Vehicles

The Commissioner provided the *Code of Practice for Agricultural Mobile Field Machinery with Autonomous Functions in Australia* (Autonomous Farm Machinery Code) for consideration by the Commission. He explained that Grain Producers Australia (GPA) is seeking Commission endorsement of the Autonomous Farm Machinery Code.

The Commission Chair noted that the Autonomous Farm Machinery Code was based on the MIAC and DMIRS Code *Safe mobile autonomous mining in Western Australia* (Autonomous Mining Code). Mr Andrew Chaplyn advised that GPA had communicated with the Mines Safety Directorate of DMIRS and sought permission to use the Autonomous Mining Code.

The Commissioner advised that he had met with GPA and committed to providing the Autonomous Farm Machinery Code to the Commission for consideration. He explained that he had informed GPA about the tripartite composition of the Commission. The Commissioner highlighted that Commission endorsement of the Autonomous Farm Machinery Code would be interpreted as Government endorsement.

A UnionsWA representative raised concerns about content in the draft code which appeared to be produced by the manufacturers of the machinery. He suggested that it would require substantial editing and, in-line with Commission processes, would have to be released for public consultation before it could be considered for endorsement.

Dr Matthew Davies and a CCIWA representative supported the view that the document would require modification if the Commission were to endorse it. The Commissioner commented that the GPA may be happy to make changes based on Commission feedback.

Members noted that the Autonomous Mining Code is supported by many other inter-related codes, but there is not an equivalent framework in the agricultural industry.

There was consensus amongst Commission members that the Autonomous Farm Machinery Code could not be endorsed in its current form. Members agreed to hold off on making a decision until a later meeting.

Mr Ian Munns noted that the code of practice review process would require the Commission to take control of the document. He informed attendees that in the past, when industries have provided codes for endorsement by the Commission, they have often withdrawn the request when advised that they would lose control of the document.

The Commissioner suggested inviting the GPA to present to the Commission, in relation to development of the Autonomous Farm Machinery Code. This would provide an opportunity for Commission members to ask questions, raise concerns and for GPA to explain why certain decisions were made.

The Chair recommended that GPA be made aware that the Commission has concerns about the Autonomous Farm Machinery Code and be advised that giving a presentation to the Commission would not guarantee endorsement.

The Commission **AGREED** to extend an invitation to GPA, to make a presentation in relation to the Autonomous Farm Machinery Code.

Dr Davies suggested that the Commission request a presentation from a robotics and automation specialist about the impact on health and safety in different fields, including psychosocial impacts. The Commissioner noted that autonomous operations are a growing area and agreed that it would be beneficial for the Commission to develop a more detailed understanding of the topic.

The Commission **AGREED** to invite a robotics and automation specialist to present to the Commission. The Chair asked Commission members to provide details of suggested robotics and automation specialists to the Executive Officer.

ACTION 11

The Commissioner to extend an invitation to Grain Producers Australia (GPA), to present to the Commission in relation to development of the Code of Practice for Agricultural Mobile Field Machinery with Autonomous Functions in Australia. The invitation must include advice that the Commission has concerns about the Autonomous Farm Machinery Code and that GPA giving a presentation to the Commission will not guarantee endorsement.

ACTION 12

Commission members to provide details of robotics and automation specialists that can speak about occupational safety and health matters to the Executive Officer.

3.5 Communication and education for WHS laws

The Commissioner advised of DMIRS' intention to commence communications on 13 September 2021 using multiple media sources, including webinars and a range of materials including guidance materials. Key events such as Safe Work Month would also be utilised as a forum to deliver information about the new WHS laws. The emphasis will be on online media. Key topics will include:

- *Work Health and Safety Act 2020* – concepts of laws;
- New duties such as officers' duties;
- Compliance and enforcement;
- New licensing requirements and transition of current licensing arrangements;
- Mines safety management systems;
- Notifications – and how to contact regulators; and
- Codes of practice.

A CCIWA representative expressed interest in leveraging the information being developed to assist with incorporation into the information being prepared by CCIWA for their stakeholders.

The Commission **NOTED** the update.

3.6 DMIRS WorkSafe Directorate 2021 events update

The Commission **NOTED** an update of WorkSafe Directorate (WorkSafe) events coordinated by DMIRS that are planned for 2021. Events include the 2021 Work Health and Safety Excellence Awards and plans for Safe Work Month 2021.

3.7 Appointment of new CISAC member

The Commissioner sought Commission endorsement of the appointment of a new Master Builders Association (MBA) representative, Ms Charlotte Sutton, to join the Construction Industry Safety Advisory Committee (CISAC).

The former MBA representative on CISAC, Ms Michelle DeGalt-Rohlf, no longer works for the organisation. As such, a new member is to be appointed as a replacement.

Commission endorsement is required for new appointments to sub-committees, as prescribed in section 15 of the *Occupational Health and Safety Act 1984* (OSH Act).

The Commission **ENDORSED** the appointment of Ms Sutton to CISAC, to represent MBA.

ACTION 13

DMIRS to arrange for Ms Charlotte Sutton to be appointed to CISAC to represent MBA.

4 STANDING ITEMS

4.1 Legislative Advisory Committee meeting – 14 July 2021

The Commissioner presented a report of the 14 July 2021 Legislative Advisory Committee (LAC) meeting, highlighting the discussions regarding the *Code of Practice for Mentally Healthy Workplaces* (MHW Code) and that the discussion regarding *Violence and Aggression at Work Code* – Appendix 3 was deferred to the next LAC meeting.

The Commission **NOTED** the report.

4.2 Construction Industry Safety Advisory Committee meeting - 20 July 2021

The Commissioner provided an update of the 20 July 2021 meeting, advising the key topics discussed included:

- traffic management, noting a recent incident involving a road worker;
- elevated work platforms safety documents, with discussion highlighting a preference for the approach taken in the WorkSafe Victoria document *Industry Standard – Elevating work platforms – safe use*; and
- pre-cast concrete installation, during which CISAC members considered a case-for-change document and expressed concerns about the potential of it to lower industry standards and agreed their preference was to retain the relevant Western Australian regulatory arrangements.

The Commissioner advised that CISAC will consider demolition licensing at its next meeting.

Dr Matthew Davies sought information regarding work continuing after an incident. The Commissioner explained that the new WHS legislation will improve safety and reporting requirements, as the new laws require an incident scene to be automatically preserved. He advised that the recent incident where work had continued after a road worker was injured occurred at night and had been notified some days later.

The Commission **NOTED** the report.

4.3 Mines Safety Directorate verbal update

Mr Andrew Chaplyn provided an update and advised that the next MIAC meeting will be held on 11 August 2021. He informed attendees that letters advising of DMIRS reporting expectations in relation to sexual assault had been sent to principal employers and registered managers. Mr Chaplyn informed attendees that information would also be included in a bulletin.

Mr Ian Munns advised that DMIRS had made a contribution to the Western Australian whole of Government submission to the Western Australian Parliamentary Committee inquiry into sexual harassment against women in the FIFO mining industry.

The Commission **NOTED** the update.

4.4 WorkCover WA verbal update

Mr Chris White provided a verbal report informing Commission members of one new silicosis claim. He advised that work on the draft workers compensation legislation is continuing and expected to advise at the next meeting of the release of the draft Bill for consultation.

The Commission **NOTED** the update.

4.5 Regulatory Activity Report – June 2021

Mr Ian Munns informed members that a reduction in regulatory activity is anticipated for the next year. He advised that some DMIRS key performance indicators had been lowered to account for activities relating to the introduction of the new WHS laws, upskilling of the DMIRS inspectorates and educational activities.

The Commission **NOTED** the Regulatory Activity Report to 30 June 2021.

4.6 Fatalities and significant incidents

The Commissioner advised that there were no confirmed work-related traumatic injury fatalities notified to DMIRS for the 2021–22 financial year (as at 2 August 2021), falling within the Department's recording guidelines.

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

4.7 Exemption Certificates

There were no exemption certificates granted since the July 2021 meeting.

The Commission **NOTED** the report.

4.8 Commission Correspondence

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

- Letter from Minister Dawson to Commission Chair – Draft Occupational Diving Code of Practice; and
- Letter to Commissioner Chair from Minister Dawson regarding funding for WISE

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

5 OTHER BUSINESS

5.1 Hydrogen Safety

Dr Matthew Davies raised the issues surrounding hydrogen safety in the United Kingdom, with some concerning reports released of safety impacts on workers. He noted the possibility that Amazon is planning to open a packing base in Australia.

The Commission **NOTED** the information.

5.2 Institute of Health and Safety 2 December 2021 Symposium

Dr Matthew Davies advised of his involvement with the 2021 Institute of Health and Safety Symposium, in relation to seeking speakers for the event. He suggested that there was an opportunity to raise the profile of the Commission at the event and highlight the publication of the three new psychosocial codes of practice which should be published by that time.

The Chair noted the opportunity to highlight the work of the Commission and its role.

The Commission **NOTED** the information.

6 CLOSE AND NEXT MEETING

There being no further business, the Chair declared the meeting closed at 11.55am. The next meeting is scheduled for 1 September 2021.

**MINUTES OF MEETING NO: 409
OF THE
COMMISSION FOR OCCUPATIONAL SAFETY AND HEALTH**

HELD ON 4 AUGUST 2021

ENDORSED AS A TRUE AND ACCURATE RECORD OF THE MEETING

Dr Trish Todd

Chair

Date