



<b>Meeting No.</b>	11	<b>Time:</b>	9.00am
<b>Venue</b>	Koorling Dandjoo Conference Room, 1 Adelaide Terrace	<b>Secretariat:</b>	Department of Mines, Industry Regulation and Safety (DMIRS)

## Work Health and Safety Commission (WHSC) Minutes – 5 April 2023

### Attendees

Dr Patricia Todd	Chairperson
Mr Darren Kavanagh	WorkSafe Commissioner (Commissioner)
Dr Matthew Davies	Expert member
Dr Lin Fritschi	Expert member
Ms Christina Folley	Acting Director Mines Safety Directorate, DMIRS (via Microsoft TEAMS)
Ms Jennifer Low	Chamber of Commerce and Industry Western Australia (CCIWA)
Mr Glenn McLaren	UnionsWA
Mr Owen Whittle	UnionsWA

### Guests

Mr Chris White	Chief Executive Officer, WorkCover
Ms Laila Nowell	Chamber of Minerals and Energy (CME) (nominated member)
Ms Agnes McKay	CCIWA (nominated member)
Ms Marianne Amato	DMIRS (for presentation at Agenda Item 4.3)
Mr Harry Nomikoudis	DMIRS (for presentation at Agenda Item 4.3)
Mr Vaughn Hinkley	DMIRS (for presentation at Agenda Item 4.3)

### Apologies

Ms Naomi McCrae	UnionsWA
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### Executive Support

Ms Helen Brown	DMIRS
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## 1 ADMINISTRATION

### 1.1 Opening and welcome

### 1.2 Apologies

Naomi McCrae.

### 1.3 Confirmation of agenda

The agenda was confirmed as the business of the meeting.

### 1.4 Declarations of conflicts of interests

Nil

### 1.5 Other business admitted by the Chairperson

The Chairperson listed the matter of Japanese encephalitis, as raised by the CME representative, for the “Other Business” section of the meeting.

## 2 PREVIOUS MEETING

### 2.1 Confirmation of previous meeting minutes

The Minutes were **ENDORSED** as a true and correct record subject to:

- deletion of the incorrect reference to there being no traumatic injury fatalities since the last WHSC on 1 February 2023, in section 3.8.

A CCIWA representative clarified her comment recorded in the last sentence of page 13. The CCIWA representative emphasised that her point regarding certificates signed by GPs being sufficient legally supported the comment by an expert member that medical certificates alone, without accompanying responsibility by management to take into account the implications of the medical issues, are inadequate.

### 2.2 Review action list from previous meeting

The Chairperson moved through the Action List, drawing attention only to items in progress and discussing by exception. Comments were:

- Item H (identifying programs available regarding psychosocial health in the workplace) – A Government member reported that she had asked the Policy Branch within DMIRS’ Safety Regulation Division to investigate programs available via CEO Gateway. The Executive Officer will pursue this.
- Item M (prioritised list of codes and guides being developed, reviewed or amended) – A Government member added that there are an additional 15 mining codes that require review and prioritisation; this will be discussed at the next meeting of the Mining and Petroleum Advisory Committee.

- Item O (Safe Work Australia representative to address the WHSC on the topic of the Data Improvement Project) – A CCIWA representative announced that Safe Work Australia’s new data website, Beta, has gone live. This website delivers national work health and safety and workers’ compensation data.
- Item S (incorporating material relating to the psychosocial regulations into training materials for Health and Safety Representatives) – DMIRS has been waiting on amendments to the NSW training material on which Western Australia’s materials are based. DMIRS will be consulted regarding the timeframe. The CCIWA observed that the training material does not go into every hazard in detail, and disproportionate time should not be spent on psychosocial hazards at the expense of other hazards. The training is not meant to cover every hazard. The Chairperson agreed and stated that training providers use examples to cover certain risks.
- Item Z (DMIRS to review removal of the notification requirement where a Registered Training Organisation’s accreditation status with TAC or ASQWA is altered) - The Worksafe Commissioner reported on efforts to establish a Memorandum of Understanding (MOU) with TAC and ASQWA. A draft MOU with TAC is in place, with signing imminent. The MOU includes sharing of relevant non-compliance information. There is not a consistent approach with respect to publishing such MOUs. Arrangements with ASQWA are still progressing.

The WHSC **NOTED** the Action List and related discussion.

**ACTION 1** – The WHSC Executive Officer will investigate CEO Gateway information to identify programs dealing with psychosocial health in the workplace.

\*At this point, the presenters for Agenda Item 4.3 arrived and delivered their presentation, however these Minutes cover the agenda items in numerical order.

### 2.3 Codes of Practice

The WHSC was presented with an updated consolidated table tracking the development of codes of practice and guidance that have been the subject of a decision by the WHSC.

The WHSC addressed the suggestion by DMIRS that guidance based on the Victorian *Industry Standard: Elevating Work Platforms* be developed for the use of elevating work platforms rather than a code of practice as agreed by the WHSC at the meeting of 2 November 2022. Given their heavy workload and competing priorities, the relevant DMIRS officers believe that guidance could be produced sooner and would contain more practical information.

The Commissioner provided background, stating that the Victorian *Industry Standard: Elevating Work Platforms* was produced in response to a move away from using Australian Standards, but largely repeats the relevant Australian Standard. The

Construction Industry Safety Advisory Committee (CISAC) had agreed that a code containing those standards be developed. A CCIWA representative drew attention to SWA's model guide for elevating work platforms, suggesting that a guide based on this could be produced. The CME representative reminded the WHSC that the SWA guide for elevating work platforms is one of the guides to be reviewed by the Legislative Advisory Committee (LAC).

The CME representative also reminded the WHSC that the Victorian *Industry Standard: Elevating Work Platforms* was recommended by CISAC because it was a very visual and practical document. The Commissioner noted that this document is quite technical. That level of prescription may more appropriately meet the threshold for a code of practice.

It was **AGREED** that:

- as an interim measure, a guide should be produced for elevating work platforms, given that it will be some years before a code of practice is developed; and
- when LAC reviews SWA's model guide for elevating work platforms, it also take into account the Victorian *Industry Standard: Elevating Work Platforms*.

Discussion turned to the attached table *Codes of practice or guidance for review*. A CCIWA representative queried whether the review type of "major" means that there will be an external consultation process. The Chairperson responded that the decision on consultation is made on a case by case basis. A CCIWA representative queried why the review type is categorised as "minor" for the *Guidance for alcohol and other drugs in the workplace*. The Executive Officer explained that categorisations of "major" or "minor" are legacy designations from some years ago. A CCIWA representative suggested that the categorisations be reviewed and updated and the list *Codes of practice or guidance for review* be re-organised to better illustrate timeframes to enable forward planning.

The Government member suggested that relevant DMIRS officers present to the WHSC on the process for producing and amending codes and guides, including the consultation process.

The Chairperson concluded by saying that the WHSC can check on the consultation process for codes and guides when such documents are presented to the WHSC for review.

The WHSC **NOTED** the update on codes of practice and guides.

**ACTION 2** – LAC will be asked to consider both the model SWA guide for elevating work platforms and the Victorian *Industry Standard: Elevating Work Platforms* when reviewing the SWA guide for elevating work platforms.

## 2.4 WHSC Work Plan

The WHSC was presented with the updated WHSC Work Plan to help inform discussion and consideration of priorities. Codes of practice have been removed from the Work Plan as they are tracked in Agenda Item 2.3 in the table *Codes of practice or guidance for review*. The Commissioner noted that the usefulness of the Work Plan is questionable. The Chairperson added that, following development of the Commission's new Strategic Plan, the Work Plan will be renewed.

The WHSC **NOTED** the updated Work Plan.

## 3 ITEMS FOR NOTING

### 3.1 HSR Training – Updates and approvals

The WHSC was presented with applications by training providers of Health and Safety Representatives (HSRs), for endorsement.

The WHSC:

- **ENDORSED** the approvals for the following training providers to deliver refresher training for HSRs, approved out of session by the Chairperson:
  - Central Regional TAFE
  - Healthy Business Training Academy;
- **ENDORSED** the approval for the following training provider to deliver the 5-day course of training for HSRs, approved out of session by the Chairperson:
  - Civic Construction and Engineering Pty Ltd (nominated trainer David Horvath);
- **ENDORSED** the approvals for the following additional nominated trainers, approved out of session by the Chairperson:
  - Mark Edwards (Civic Construction and Engineering Pty Ltd)
  - David Schwarzl (Aveling).

### 3.2 Construction Industry Safety Advisory Committee (CISAC) – Meeting report

The WHSC **NOTED** the report of the CISAC meeting of 21 March 2023.

### 3.3 Mining and Petroleum Advisory Committee (MAPAC) – Meeting report

Nil

### 3.4 Agricultural Safety Advisory Committee (ASAC) – Meeting Report

The CME representative queried whether the report of the independent Inquiry into the Agricultural Industry has been released. The Commissioner advised that the report will be submitted to the Government by the end of April 2023. Following this, the report will be presented to the WHSC.

The WHSC **NOTED** the report of the ASAC meeting of 3 March 2023.

### 3.5 **Legislative Advisory Committee (LAC) – Meeting report**

See agenda item 4.2.

### 3.6 **WorkSafe events update**

The WorkSafe events update presented to the WHSC included that Safe Work Month in October 2023 will return to face-to-face events, with virtual options provided. The theme will be *Our way forward: Prioritising healthy and safe workplaces*, with each week having a different focus:

- Occupational health and hygiene
- Psychosocial hazards
- Repeat exposure safety hazards (agricultural safety)
- Health and Safety Representatives (to be incorporated in the Work Health and Safety Excellence Awards).

Submissions for the Work Health and Safety Excellence Awards close on 30 May 2023.

The CME representative provided positive feedback on the Registered Medical Practitioners Forum that took place on 24 March 2023, and asked whether consideration would be given to future events for occupational hygienists regarding health monitoring in the workplace. The Commissioner responded that nothing was planned at this stage, but it could be considered as part of the Dust Strategy. The Government member informed the CME member that if particular topics are requested, a small event could be organised.

A CCIWA representative confirmed that she is prepared to be a judge for the Work Health and Safety Excellence Awards, and also queried if WorkSafe's Safe Work Month activities consider alignment with national activities to be able to better utilise these resources. The Commissioner responded that themes are based on what is happening in Western Australia and the events last year were very well done.

The WHSC **NOTED** the WorkSafe events update.

### 3.7 **Regulatory Activity Report**

An expert member noted that the number of calls to the Customer Help Centre increased significantly in the 2022-2023 period, while the number of investigations and notices issued reduced. The expert member asked how the WHSC can help with this situation. The Commissioner responded that one cause is the difficulty in attracting and retaining inspectors, which has meant not all positions are filled. In turn, finding the balance between proactive and reactive work has been difficult. The Commissioner was of the view that the WHSC could not do anything to alleviate this problem.

The Government member commented on the increased calls and emails to the Customer Help Centre in 2022-23 (83,645 compared with an average of 70,849

over the previous three periods), despite the data not including calls relating to mining and petroleum safety. It was felt that this is positive, and reflects the trend of people being more willing to engage with WorkSafe about incidents in industry.

An expert member queried the significant increase in injury/disease notifications to 3,954 from an average of 2,328 over the previous three periods, and whether there is a pattern within this data. This question will be taken on notice. The Government representative suggested it could be related to the breakdown of notifiable versus reportable incidents. The Commissioner suggested another factor may be the new psychosocial regulations and the associated reporting requirements.

The WHSC **NOTED** the Regulatory Activity Report to 28 February 2023.

**ACTION 3** – The WHSC will seek breakdown of the data for injury/disease notifications.

### 3.8 **Fatality Update Report**

The Commissioner informed the WHSC that WorkSafe has been developing procedures to capture data regarding work-related fatalities involving vehicles on public roads. This has been a topic of the WHSC for some time. Access has been sought to data from the Road Safety Commission, WAPOL and Main Roads. It is intended that this data will be incorporated into the Fatality Update Reports that are presented to the WHSC.

The Chairperson requested that the Executive Officer convey to DMIRS the WHSC's appreciation for the data regularly provided to the Commission.

A UnionsWA representative commented on the Fatality Update Report, noting that vehicle incidents form part of the second largest category of work-related fatalities, with 28 fatalities in the period 2013-14 to 2022-23. The UnionsWA representatives expressed appreciation for the efforts to obtain data relating to work-related vehicle incidents on public roads, commenting that this will properly inform the WHSC's deliberations on the matter.

The Commissioner commented that investigating work-related incidents involving vehicles on public roads can be complex and resource intensive, such as when the driver was under the influence of drugs. In this situation the role of WorkSafe is unclear.

The Government member noted that the issue of work-related incidents involving vehicles on public roads was particularly relevant to the mining industry and was raised at Mining Industry Advisory Committee meetings. DMIRS' Mine Safety Directorate deals with traffic management on mine sites and can only control what happens on the mining leases and not what happens on public roads. This issue is more appropriately addressed by the WHSC.

The WHSC **NOTED** the "Fatality Update Report March 2023".

**ACTION 4** – The WHSC Executive Officer will convey the appreciation of the WHSC to DMIRS for the data provided.

### 3.9 Exemptions granted under the WHS Regulations

The WHSC was informed of exemptions granted under the Work Health and Safety Regulations 2022 for the period 11 February to 15 March 2023, which included exemptions relating to:

- regulation 85(1) (evidence of licence: duty of person conducting business or undertaking);
- regulation 81 (licence to carry out high risk work); and
- regulation 246 (item of plant to be registered).

The WHSC **NOTED** the exemptions granted.

### 3.10 Correspondence

- 3.10 – Letter - Chairperson of Work Health and Safety Commission to Minister for Industrial Relations – Recommendation to revoke “Code of Practice: Styrene”

The WHSC **NOTED** the correspondence.

## 4 STANDING ITEMS AND ITEMS FOR DISCUSSION

### 4.1 WorkCoverWA report

Mr Chris White reported that the Workers’ Compensation and Injury Management Bill 2023 is currently in the Lower House of Parliament and no issues have been raised. Planning for the regulations and related consultation is underway. Recommended premium rates for the next financial year will be announced on 6 April 2023. The WorkCover WA Conference will take place on 13 October 2023 and it is likely that places will be quickly filled.

### 4.2 Legislative Advisory Committee (LAC) – Meeting report – 15 March 2023

The LAC report covered discussion relating to the review of the *Working Alone Guidance Note* (2009), which will be circulated to other advisory committees for feedback. The terms ‘working alone’, ‘working in isolation’ and ‘working remotely’ were addressed by LAC and it was agreed to deal with these three components separately in the revised guidance. Psychosocial hazards will also be included. Whether to include working from home in the revised guidance will be addressed at a later LAC meeting.

The LAC report sought endorsement of a prioritised list of Safe Work Australia publications for review. These publications will only be changed by exception. The WHSC **ENDORSED** the prioritised list.



An expert member commented that WorkSafe used to have a guidance note on duty of care which was very helpful. The Commissioner responded that an interpretive guideline is being developed, which should fill the breach.

The WHSC **NOTED** the LAC report.

#### 4.3 **Presentation – Worker consultation in PAGEO Safety Cases**

Ms Marianne Amato, Mr Harry Nomikoudis and Mr Vaughn Hinkley from WorkSafe Petroleum Safety joined the meeting and delivered a presentation titled *Worker consultation in PAGEO Safety Cases*. The Work Health and Safety (Petroleum and Geothermal Energy Operations) Regulations 2022 provide that a geothermal energy operation or petroleum operation must not proceed unless there is a Safety Case in force for the operation. Safety Cases are a way of mitigating and managing hazards.

This agenda item was in response to a concern expressed at the previous WHSC meeting about alleged lack of consultation with workers during the development of Safety Cases. The presentation covered why Safety Cases are necessary, elements of a Safety Case and the role of inspectors in relation to Safety Cases. There are 110 in-force Safety Cases administered by Worksafe Petroleum Safety.

The Chairperson asked how workers are involved in development of Safety Cases, given that a Safety Case must be approved before an operation begins. Presenters responded that operators may consult workers at similar sites during the development phase. Once in place, inspectors test operators to ensure that Safety Cases are user friendly, reference people on site and are not a static document. The language must be relevant to the people on site. Safety Cases are continuously improved.

A CCIWA member asked whether the Safety Supervisor Competence program was still running. The presenters replied that it is not, and was never a requirement. There are other ways of getting the right people on site such as inductions, competencies and training.

An expert member asked whether the introduction of the new WHS legislation has resulted in changes to the regulatory framework. The presenters responded that the duties of PCBUs (persons conducting a business or undertaking) as detailed in the *Work Health and Safety Act 2020* (WHS Act) are a key driver.

A UnionsWA representative sought explanation on the comment during the presentation that Safety Cases are reviewed by “third party SMEs (subject matter experts)”, questioning their impartiality and how workers can be consulted when the project has not started. The UnionsWA representative claimed that most Safety Cases are voluminous documents developed overseas, and workers dare not ask for access to them. The UnionsWA representative also claimed that when there is a change in design of the operation, workers are not consulted.

The presenters responded that WorkSafe Petroleum Safety accept the scope of the terms of the validation prior to third party validation of Safety Cases. Inspectors check for consultation with workers by, for example, checking attendance at risk assessment workshops, and can reject the workshop if the appropriate SMEs were not present.

The Commissioner emphasised that the sort of questions asked by the UnionsWA representative are also asked by inspectors. In respect of the broader issue of the understanding by PCBUs and officers of their duties under the WHS Act, and whether they are meeting their obligations, the Commissioner added that this is something that is being reviewed across all industries.

The presenters stated that one of the first questions inspectors ask when on site is “where is the Safety Case?” Inspectors also seek information from Health and Safety Representatives (HSRs) independently of other company representatives, including about understanding of, and access to, the Safety Case. This is a key theme for inspectors, who are passionate about having Safety Cases written in appropriate language for workers, being accessible and being communicated to workers.

The UnionsWA representative stated that the majority of workers at geothermal energy and petroleum operations work for subcontractors and are often in precarious employment. It is unlikely that they would feel confident to request access to Safety Cases, particularly workers at the ‘bottom of the chain’. The presenters responded that inspectors investigate and test the different layers of responsibility when conducting inspections, and stated that internal communication with contractors and the workforce in general is also something that is assessed. Safety Cases must constantly be updated and made available, otherwise enforcement action will be taken.

The Chairperson thanked the presenters, stating that it was an interesting and useful discussion that raised the fundamental issue of consultation and the role of workers in terms of workplace safety. The Government member suggested that the Mining and Petroleum Advisory Committee may also be interested in the presentation, adding that there are synergies with the Mine Safety Management System that is required by the Work Health and Safety (Mines) Regulations 2022.

The WHSC **NOTED** the presentation and discussion regarding Safety Cases.

#### 4.4 **Formal arrangements between WorkSafe WA and Comcare**

A UnionsWA representative spoke to the agenda paper that raised the issue of a lack of clarity for Health and Safety Representatives and workers regarding the jurisdiction of WorkSafe WA and Comcare at defence facilities such as the Australian Submarine Corporation and the British Aerospace Engineering precincts in Henderson. This is particularly relevant given the proposed increase in visits from US and UK Navies.

The UnionsWA representative stated that there is concern about inaction by Comcare and alluded to an inadequate number of inspectors. The workload for Comcare will increase significantly with the AUKUS agreement. At present, HSRs cease to be HSRs once they step onto the gangway of a vessel. This is an unsatisfactory situation. The matter of mutual recognition of HSRs will be pursued by the unions with the relevant Federal Minister.

The Commissioner was asked if the Memorandum of Understanding (MOU) between the two entities regarding investigations is accessible. The Commissioner responded that he was not at liberty to provide the MOU but undertook to provide information to the WHSC on the consultative arrangements between WorkSafe and Comcare.

Another UnionsWA representative raised the issue of whether WorkSafe can get onto Department of Defence land in the event of a critical incident.

The Commissioner acknowledged that there is a structural problem which cannot be fixed by WorkSafe. WorkSafe has a good relationship with Comcare and both entities are striving for a safe workplace. The Commissioner approves of the concept of mutual recognition of HSRs.

The WHSC **NOTED** the concerns regarding the jurisdiction of WorkSafe and Comcare at defence facilities and the fact that HSRs have no authority on Commonwealth vessels and facilities.

**ACTION 5** - The Commissioner will provide information to the WHSC on the consultative arrangements between WorkSafe and Comcare.

#### 4.5 Regulation of commercial vessels

The WHSC **NOTED** the update on the regulation of commercial vessels, in the context of the need to update the:

- Code of Practice: *Man overboard – prevention and response* (COSH code, 2010); and
- *Ferry and Charter Boat Industry* Code of Practice.

The agenda paper refers to the [Draft Interim Safety Report – Independent Review of Domestic Commercial Vessel Safety Legislation and Costs and Charging](#) which contains recommendations to address confusion between the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* and the States' Work Health and Safety legislation. An MOU is in place between WorkSafe and the Australian Maritime Safety Authority (AMSA) but needs updating due to the new WHS legislation in Western Australia. However, AMSA is now considering having an MOU that covers all WHS jurisdictions rather than an MOU with each State and Territory.

The Chairperson concluded that the WHSC will need to wait until the MOU is finalised before proceeding with work on reviewing the two codes of practice.

4.6 **Amendments – “Code of Practice: *Managing the risks of respirable crystalline silica from engineered stone in the workplace*”**

The agenda paper contained a request by the Construction Industry Safety Advisory Committee for endorsement by the WHSC of minor changes to the Code of Practice: *Managing the risks of respirable crystalline silica from engineered stone in the workplace* (the Code). These changes mainly involve explicitly stating the requirements of regulation 184A(1)(2) of the Work Health and Safety Regulations 2022.

A CCIWA representative supported the proposed amendments and expressed thanks to the Director Worksafe Service Industries and Specialists for adding to the original version information about Safe Work Method Statements that is not in the model code. This is very useful. The CCIWA member also referred to the fact that there are numerous regulatory changes underway or proposed in relation to silica, such as the potential import ban and the new uncontrolled dry cutting regulation to be finalised. Stakeholders are not keeping up with these changes. The WHSC needs to keep updated and aware of the collective impacts.

An expert member supported this, saying that other current projects are the National Dust Diseases Prevention Plan, National Dust Diseases Strategy, National Dust Diseases Registry and the National Silica Exposure Registry, all being driven by different organisations.

An expert member referred to information in the agenda paper regarding the fact that a slab of engineered stone does not meet the definition of a hazardous chemical and therefore a Safety Data Sheet is not required. The Commissioner pointed out that Safety Data Sheets in this context are not the same thing as Material Safety Data Sheets for use of hazardous chemicals. The expert member stated that this is a flaw in the legislation because it is the *use* of the material that is relevant. Section 23(4) of the *Work Health and Safety Act 2020* imposes a duty of care on manufacturers to provide information about their product including in relation to any hazardous properties. Another expert member commented that there is much discussion in Europe about how to regulate process-generated chemicals, and also that Safety Data Sheets have been shown to be neither comprehensive nor standardised (reference Kumarasamy et al, 2022).

A UnionsWA representative queried that the reference in the Code to SWA information will be deleted. A CCIWA representative responded that such links are not usually included in codes of practice and that links often break.

The WHSC **ENDORSED** the changes proposed for the Code of Practice: *Managing the risks of respirable crystalline silica from engineered stone in the workplace* with the exception of the proposal to remove the sentence “More information about safety data sheets can be found on the Safe Work Australia website”.

**ACTION 6** – Executive Officer to liaise with DMIRS regarding amendment of the Code of Practice: *Managing the risks of respirable crystalline silica from engineered stone in the workplace*.

#### 4.7 **Australian Work Health and Safety Strategy 2023-2033**

The WHSC discussed the *Australian Work Health and Safety Strategy 2023-2033* (the Strategy) in the context of it informing the development of the WHSC's Strategic Plan, paying particular attention to targets, the environmental scan, and actions and enablers.

In relation to targets, an expert member commented that there is no baseline data by which to measure the target of "reduce work-related severe injury or illness". An enabler would be better data collection for illnesses and diseases. WorkSafe does not have any better data. A UnionsWA representative noted that there is no specific information about what diseases may be targeted. A CCIWA representative noted that targets should be measurable and achievable. Another CCIWA representative commented that SWA had made the targets high level to accommodate the different focuses of the States while at the same time providing consistency across the different jurisdictions. The Chairperson stated that the targets are logical starting points.

The Commissioner expressed support for the Strategy, noting that it reflected a great deal of work and consultation and there are not many other drivers for improving work health and safety. It is important to incorporate the Strategy into WorkSafe's work.

In terms of the environmental scan, a UnionsWA representative noted that it does not include the issue of sexual harassment, which has been identified as a major issue for Western Australia. A CCIWA representative explained that this is included in the Strategy under psychosocial risks.

The WHSC **NOTED** the *Australian Work Health and Safety Strategy 2023-2033* and **AGREED** that it was a useful base from which to develop the WHSC's Strategic Plan.

#### 4.8 **Strategic Plan for Work Health and Safety Commission**

A purpose of this agenda item was to provide the WHSC with data to inform development of the WHSC's Strategic Plan. The WHSC was provided with a document titled *Work-related Injuries Overview 2012-13 to 2021-22 Summary*.

Mr Chris White delivered a presentation titled *WorkCover WA's claim and policy data*, noting that the data is "strong on injury and very weak on diseases". Data is collected from 32 insurers and self-insurers and includes claim types, nature of injury, costs, duration and occupational diseases. For the period 1982 to 2021 inclusive, there has been a very pleasing 70% decrease in workers' compensation claims, with a plateauing in the past decade. Given that this data is based on raw figures and industry has grown significantly over that time, the decrease is even more remarkable. The following five industries account for 58% of all claims in 2021-22 and also for the most serious injuries:

- health care and social assistance
- manufacturers
- construction

- mining
- education and training.

Mr White stated that it could be argued that we disregard claims and focus on serious injuries, adding that the rate of decline of serious injury over the 1982 to 2021 period is much less than the 70% decrease in claims.

The Commissioner queried the correlation between the seriousness and duration of injuries, with serious claim costs representing 81% of total claim costs. Mr White responded that costs are a better measure of severity than working days lost. The CCIWA asked whether the claim costs for the mining and construction industry are disproportionate due to higher wages. Mr White responded that the high wages do influence the costs although costs are capped, and added that the rate of injury in mining is low but injuries that do occur are usually costly in terms of workers' compensation.

Mr White commented that workers' compensation is "all about manual handling", with traumatic joint/ligament and muscle/tendon injury accounting for 46% of claims. Mental health claims in Western Australia are relatively low compared to other claim categories and other States. Reasons for this could be the preventative work done, an unwillingness to report or that a wave of claims is on the way. The growth in mental health claims relates to bullying and harassment rather than acute cases.

Mr White noted that mesothelioma and asbestosis claims continue to be lodged. In the period 2009/20 to date there have been 41 silicosis claims lodged with 20 accepted.

According to Mr White, 90% of employers had no claims in 2021-22. Of the 10% with claims:

- 65% had a single claim
- 15% had 2 claims
- 11% had 5 or more claims.

The Commissioner commented that the term "employer" has been replaced with "person conducting a business or undertaking" (PCBU) in the WHS legislation, and asked whether the claim statistics regarding employers (as above) in other jurisdictions were affected by introduction of the harmonised legislation. Mr White responded that the change from "employer" to "PCBU" with the introduction of the WHS legislation did not impact on WorkCover's definition of employer. Workers' compensation does not cover volunteers or non-employees; such people may make common law claims.

The Chairperson and members thanked Mr White for the very useful presentation. In the context of development of the WHSC's Strategic Plan, the WHSC **AGREED** that the vision and purpose of the *COSH Strategic Plan 2019-22* still apply, as follows:

- VISION – Our purpose is for continual improvement in work health and safety for the benefit of all Western Australians.

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

The WHSC **NOTED** the information presented to help inform development of the WHSC's Strategic Plan.

#### 4.9 Matters relating to HSR training providers

The WHSC **NOTED** the agenda paper updating on matters relating to HSR training providers. This included advice that it is unlikely that the WHSC can prevent training providers from engaging third parties to deliver training on their behalf. It also included that an Audit Plan for auditing the delivery of HSR training has been developed.

The Chairperson commented on the constructive nature of the forum for HSR training providers held on 3 April 2023 and their appreciation for the opportunity to meet. Seventeen training providers attended.

The Chairperson asked members for their views on the anticipated request by a training provider that approval be granted to deliver refresher training online for HSRs who are not within a reasonable distance of a training provider. It is claimed that forcing HSRs to travel long distances to receive refresher training would be costly and place a strain on the resourcing of critical staff. Comments included:

- Online training is acceptable for refresher training as it is only a one day course, whereas it is not acceptable for the 5-day foundational course.
- What does online training mean? Is it interactive or is it a matter of the HSR clicking through online slides?
- The Chairperson would prefer "one off" requests for approval on a case-by-case basis.
- Equity for country people should be considered. If it is too expensive to attend refresher training then HSRs will be unable to attend.
- The WHSC would need to review the online courses that accompany this type of request.
- More detail is required. The proposal cannot be supported in its current form.
- It would be more practical for a training provider to go the regions and deliver training.
- It would be preferable for the HSRs concerned to attend an HSR training course that may be offered within their geographical area rather than considering a course specifically solely for those HSRs.

It was **AGREED** that requests to deliver refresher training should be submitted to the Commission with accompanying information that shows that the training will be effective and appropriate.

#### 4.10 Application of principles of MARS Program more widely

The WHSC **NOTED** the agenda paper containing information relating to applying the principles of the MARS (Mental Awareness, Respect and Safety) Program more widely. The paper reiterated that there is not funding for the MARS Program to be

delivered beyond the mining industry. The program is funded through the Mines Safety Inspection levy which was introduced to fund the delivery of improved services for mines safety regulation.

The agenda paper also contained information about the [Safetyline Smartmove](#) program in terms of its potential to include information on psychosocial safety. The program is a WHS online educational program for senior high school students, young workers entering the workforce on work placement, work experience, or as school based trainees/apprentices, and new workers entering the workforce for the first time.

Almost every senior high school in Western Australia (91%) is using Safetyline Smartmove, with an average yearly registration of 32,165 users. To receive a certificate, students must complete a general module plus a module specifically relating to the industry in which they will work. The training includes sections on “Bullying” and “Speaking up”. Students may also access “Additional resources”, including a module titled “Workplace bullying – Learn to recognise bullying behaviours at the workplace”. This non-compulsory module has been completed by a relatively low 1,591 users. The Commissioner commented on Safetyline Smartmove being an excellent program.

#### **4.11 SWA (Safe Work Australia) Update**

The Commissioner informed the WHSC that he is still unable to update in detail on SWA’s December 2022 meeting because the Minutes have yet to be endorsed.

A clear position was not reached at the SWA meeting regarding the issues arising from the prosecution of Boral in relation to failing to enforce exposure standards for silica at Peppertree Quarry in NSW. The Court’s decision included that respiratory protective equipment cannot be factored into the breach of regulation 49 (exceeding exposure standards for substances and mixtures not exceeded) of the Work Health and Safety (General) Regulations 2022. There was also discussion about silica exposure limits and how industry will deal with its measuring and analysis, and how it poses problems for industries that have extended shifts. The Commissioner emphasised that the health based advice is that people exposed to levels of 0.02mg/m<sup>3</sup> are at increased risk.

A CCIWA representative stated that the new workplace exposure standards might be approved by Ministers without clarifying whether RPE can be factored in or not.

#### **4.12 COVID-19 pandemic and recovery**

This item was not discussed due to a lack of time.



## **5 OTHER BUSINESS**

### **5.1 Members to advise**

The CME representative reported that testing of chickens in Newman revealed the presence of mosquito-borne Japanese encephalitis. There is a global shortage of vaccinations for this illness. A vaccination may be provided to residents only. This is something for people working in the North West to be aware of.

The Chairperson wished the Commissioner a much deserved and enjoyable holiday during his forthcoming extended leave.

## **6 CLOSE AND NEXT MEETING**

There being no further business, the Chair declared the meeting closed at approximately 12.10pm.

The next meeting is scheduled for 7 June 2023 (the meeting scheduled for 3 May 2023 will now be a Strategic Planning Workshop for the WHSC).