

## Work Health and Safety Commission ('the Commission') MINUTES – 1 February 2023

<b>Meeting No:</b>	<b>9</b>	<b>Time:</b>	<b>9.00 am</b>
<b>Venue</b>	<b>Koorling Dandjoo Conference Room, 1 Adelaide Terrace</b>	<b>Secretariat:</b>	<b>Department of Mines, Industry Regulation and Safety (DMIRS)</b>

### Attendees

Dr Patricia Todd	Chair
Mr Darren Kavanagh	WorkSafe Commissioner (Commissioner)
Dr Matthew Davies	Expert Member
Dr Lin Fritschi	Expert member
Ms Christina Folley	Acting Director Mines Safety Directorate, Department of Mines, Industry Regulation and Safety (DMIRS) (from 9.40am)
Ms Jennifer Low	Chamber of Commerce and Industry Western Australia (CCIWA)
Ms Naomi McCrae	UnionsWA
Mr Glenn McLaren	UnionsWA
Mr Owen Whittle	UnionsWA (from 9.15am)

### Guests

Mr Chris White	Chief Executive Officer, WorkCover
Ms Laila Nowell	Chamber of Minerals and Energy (CME)
Ms Agnes McKay	CCIWA
Mr Ian Munns	Deputy Director General, Department of Mines, Industry Regulation and Safety (DMIRS) (via TEAMS)

### Executive Support

Ms Helen Brown	Senior Policy Officer, DMIRS
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## 1 ADMINISTRATION

### 1.1 Opening and welcome

The Chair opened the meeting at 9.05am, welcoming members.

Ms Agnes McKay was welcomed as a guest and future representative of the CCIWA, replacing Mr Paul Moss. Ms McKay gave a brief summary of her professional background.

The Chair advised members that Mr Ian Munns is attending his final Commission meeting due to a departmental restructure, and thanked Ian for his contribution over ten years and for his valuable advice and assistance.

### 1.2 Apologies

Nil.

### 1.3 Confirmation of agenda

The agenda was confirmed as the business of the meeting.

### 1.4 Declarations of Conflicts of Interest

Nil.

### 1.5 Other Business admitted by the Chair

The Chair conveyed her intention to add the issue of psychosocial training for Health and Safety Representatives to Item 4.5.

## 2 PREVIOUS MEETING

### 2.1 Confirmation of previous meeting minutes

The CME representative queried Item 2.3 of the Minutes, requesting it be made clear that the PAGEO codes would be reviewed by the Mining and Petroleum Advisory Committee (MAPAC).

Subject to this amendment, the Commission **ENDORSED** the minutes of WHSC Meeting 8 held on 7 December 2022.

### 2.2 Review action list from previous meeting

The Chair guided members through the Action List, commenting that ongoing items are more appropriately listed on the Work Plan. Action List items listed below are those that required further clarification by the Chair.

Action item	Comments
<b>B</b> – The matter of industry codes, related terminology and their connection with the Commission will be discussed more broadly as an agenda item at the next meeting.	The Commission discussed this matter at length at a recent meeting when it was agreed that a better template or checklist could be prepared to guide industries when developing a code. This may alleviate concerns. The matter can be reviewed again when the template/checklist has been developed, which the Executive Officer will do in the next few months.

Action item	Comments
<p><b>X</b> – DMIRS to check to ensure that the endorsement by the Commission of the DMIRS wording for hierarchy of controls does not result in any legal issues, and advise the Commission accordingly.</p>	<p>Mr Munns informed the Commission that the legal advice is that the DMIRS wording concerning the hierarchy of controls (which amends Safe Work Australia’s wording in model codes) does not create any legal issues and makes the information clearer. A summary of the legal advice will be circulated after the meeting.</p>
<p><b>A</b> – Advice will be sought from DMIRS regarding whether the incorrect claim by an industry body that their code of practice was endorsed by the Commission is unlawful and what action, if any, should be taken.</p>	<p>Mr Munns informed the Commission that he has met with the industry body concerned who explained that they had already recognised that the claim that their code of practice had been endorsed by the Commission was inaccurate. The document has been removed from the web. The industry body is considering whether they will develop a new code of practice. The Chair thanked Mr Munns for resolving this matter.</p>
<p><b>S</b> – The Chair will liaise with the CCI representative when writing to the Department of Health suggesting the Centre for Disease Control include occupational health in its scope and have a role in the collection of data and surveillance of occupational diseases.</p>	<p>The Chair informed the Commission that she was waiting until the holiday period was over before completing this action. An expert member advised that the deadline for commenting has passed, so this action item can be closed.</p>
<p><b>U</b> – The Chair will follow up with the Australian Maritime Safety Authority (AMSA) to ascertain whether WA’s codes of practice relating to the charter boat industry are obsolete.</p>	<p>AMSA will be reminded again to respond to the Commission’s letter.</p>
<p><b>V</b> – The Chair will write to SWA (Safe Work Australia) to request that their COVID advice be updated.</p>	<p>As SWA has been updating their COVID advice, the Chair has not proceeded with this action item. The Western Australian advice is up to date. However, the WorkSafe Commissioner noted that SWA and the Infection Prevention and Control Expert Group set the standard regarding COVID advice for all regulators, therefore the SWA advice is applicable to WA. It was agreed that the Chair will proceed with this action item.</p>
<p><b>P</b> – DMIRS to review the removal of the notification requirement where an RTO’s accreditation status with TAC or ASQA is altered, and provide information to the Commission.</p>	<p>The WorkSafe Commissioner will meet with TAC shortly to discuss a Memorandum of Understanding which could cover such matters.</p>

Action item	Comments
<p><b>LA</b> – LAC to consider the <i>National Guide for Working with Silica and Silica Containing Products</i> along with the Western Australian Guidance Note: <i>Safe Stone Product Fabrication and Installation</i>. Ms Sally North to be advised when this occurs.</p>	<p>An expert member stated that the correct title of the Western Australian guidance does not contain the word “safe”. This will be corrected.</p>

Members **NOTED** the progress of the action items.

#### **ACTION 1**

Circulate to Commission members a summary of the legal advice concerning the hierarchy of controls.

#### **ACTION 2**

The Australian Maritime Safety Authority will be reminded again about the letter sent by the Commission seeking advice regarding regulation of the boating industry.

#### **ACTION 3**

Amend the document title cited in Action List ‘Item LA’ from *Safe Stone Product Fabrication and Installation* to the correct title of *Stone Benchtop Fabrication and Installation*.

### **2.3 Codes of Practice**

The Commission members were presented with a consolidated table for tracking the development of codes of practice and guidance that have been the subject of a decision by the Commission. In the process of consolidating the information, several questions arose about items in the table and were addressed by the Commission (outlined below).

With regard to Item 8, it was **AGREED** that the Code of Practice: *Styrene* should be revoked even though the information sheet to replace it has not been developed, given that the Code is very outdated. The Chair will write to the Minister for Industrial Relations recommending the revocation of the Code, and DMIRS will be consulted about development of the information sheet.

With regard to items 13 and 14 concerning Australian Standards AS 3610-1995 *Formwork for Concrete* and AS-NZS 4576-1995 *Guidelines for scaffolding*, the WorkSafe Commissioner explained the background. CISAC will review the Standards following other priority work to see whether there is any relevant information can be extracted and incorporated into codes or guidance.

There is nothing to replace the *Formwork for Concrete* Standard. Information within the *Guidelines for Scaffolding* Standard may be able to be incorporated into other codes or guidance. The Codes of Practice table will be amended to reflect that the Australian Standards will be reviewed following priority work.

With regard to Item 18, it was **AGREED** that the OSH Code of Practice: *Prevention and control of legionnaires disease* will not be reviewed until SWA has released material on the management of infectious diseases. An expert member stated that the Department of Health has an interest in this topic and any information they have should be taken into account.

With regard to Item 20 (Code of Practice: *Excavation*), the Worksafe Commissioner stated that there is a need to amend the code to incorporate the lessons learnt from the workplace fatality of a 26 year old man in Mosman Park in October 2018 whereby the trench in which he was working filled with sand and water following a burst water main. The current version of the code is deficient in the level of detail concerning emergency preparedness and plans. The Commission **AGREED** that amendment of this code be prioritised and DMIRS' Safety Education Branch be consulted accordingly.

A UnionsWA representative suggested that information in the Code of Practice: *Confined spaces* may be relevant.

An expert member asked whether the current code addresses the causes of collapse during excavation. The WorkSafe Commissioner believes that this is covered in the code but it will be checked during the review.

A CCIWA representative suggested that a prioritised list of codes and guidance being worked on by DMIRS be available to the Commission. DMIRS will be consulted accordingly.

#### **ACTION 4**

The Chair will write to the Minister for Industrial Relations recommending the revocation of the Code of Practice: *Styrene* and advising that supplementary information will be developed.

#### **ACTION 5**

The Commission will consult DMIRS regarding the development of an information sheet concerning styrene.

#### **ACTION 6**

The Executive Officer will amend items 13 and 14 in the Codes of Practice table to reflect that a review will take place by CISAC following priority work.

#### **ACTION 7**

The Commission will contact the Department of Health with regard to information and advice relating to the prevention and control of infectious diseases.

#### **ACTION 8**

The Commission will prioritise the amendment of the Code of Practice: *Excavation*, and liaise with DMIRS accordingly.

#### **ACTION 9**

The Executive Officer will consult DMIRS seeking access to a prioritised list of codes and guidance being worked on by DMIRS.

## 2.4 Commission Work Plan

Members were presented with the Commission Work Plan to help inform discussion and consideration of priorities. The Chair sought the views of members on various items in the Work Plan, as summarised below.

Item	Year	Description	Decision/comment
5	Aug 2021	Diving – Develop an education program and guidance materials relating to occupational diving.	Work is well advanced on this. The WorkSafe Commissioner will provide an update to the Commission.
2	-	Codes of Practice for review.	The Work plan will be amended to indicate that this topic is addressed in Standing Item 2.3 (Codes of Practice update).
7	Aug 2020	National reviews	Remove from work plan. The national reviews, such as the 2018 Boland <i>Review of the model WHS laws</i> , were released some time ago and have been addressed.
8	Jun 2021	High Risk Work Licences – Monitoring of issues related to training and assessments of High Risk Work Licences.	Remove as this is an ongoing issue.
9	Jun 2019	Health Regulations (2019) – Monitor the outcome of the review of Health (Air-handling and Water Systems) Regulations 1994, for the purpose of updating Codes of Practice and Guidance Notes.	Remove
10	Mar 2022	Health and safety representative (HSR) training – (a) determine content of Refresher Training module; and (b) various Commission members to consult Registered Training Organisations regarding the new HSR training guidance.	Remove

An expert member suggested Toby Walsh be a guest speaker in relation to the development of guidance on the use of autonomous machinery. This will be discussed at the Legislative Advisory Committee meeting on 15 February 2023.

A CCIWA representative asked whether the Commission will be holding a strategic planning session. The Chair responded that planning is commencing and it will take place when SWA have published their *Australian Work, Health and Safety Strategy 2023- 2033* which will be used as a reference.

The Commission **NOTED** the information provided in the agenda paper and accompanying Commission Work Plan.

#### **ACTION 10**

The Commission's Work Plan to be updated.

### **3 ITEMS FOR NOTING**

#### **3.1 HSR Training – Updates and Approvals**

The Commission is taken to have:

**ENDORSED** the application for additional trainers, approved out of session by the Chair:

- Pinnacle Safety and Training – Philip Lako
- Training Services Australia – James Thomson
- Trainwest Safety Institute –Keith Mogford
- Trainwest Safety Institute – Rosalene Hilhorst.

**ENDORSED** the application to conduct Refresher Training, approved out of session by the Chair:

- Construction Skills Training Centre.

#### **3.2 Construction Industry Safety Advisory Committee (CISAC) report**

No report

#### **3.3 Mining and Petroleum Committee Advisory Committee (MAPAC) report**

No report

#### **3.4 Agricultural Safety Advisory Committee report**

No report.

#### **3.5 Legislative Advisory Committee (LAC) Report – Meeting 26 October 2022**

No report.

#### **3.6 WorkSafe events update**

Following a request by a CCIWA member, DMIRS will be consulted regarding whether the videos submitted for the 2022 Work Health and Safety Excellence Awards can be made available to the public.

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

## **ACTION 11**

DMIRS will be consulted regarding whether the videos submitted for the 2022 Work Health and Safety Awards can be made available to the public.

### **3.7 Regulatory Activity Report**

The Commission **NOTED** the Regulatory Activity Reports for November and December 2022.

### **3.8 Fatalities and Significant Incidents Report**

The Commission **NOTED** the Fatalities and Significant Incidents Report for December 2022.

### **3.9 Exemption certificates**

The Commission **NOTED** five exemption certificates, which were for:

- items of plant to be registered (reg. 246) – 3 exemptions;
- plant design to be registered (reg. 243) – 1 exemption; and
- a general exemption from regulation 473(2) (clearance inspection for asbestos removal) for regional areas where an independent competent person is not available to conduct a site inspection following licensed non-friable asbestos removal work.

### **3.10 Correspondence**

- Commission Chair to Minister for Industrial Relations - 15 December 2022 - Prohibitive cost of asbestos assessor licence.
- Minister for Industrial Relations to Commission Chair – 22 December 2022 - Code of Practice for mentally healthy fly-in fly-out workers in the resources and construction sector.

The CME representative queried the statement “Development of the code for the design and management of mining and construction accommodation will commence after completion of the FIFO code, as these codes are related”, contained within Agenda Paper 2.3. Government representative Christina Folley clarified that both codes are currently being worked on.

The Commission **NOTED** the correspondence.



## 4 ITEMS FOR DISCUSSION

### 4.1 COVID-19 Pandemic and Recovery

Comments included:

- WorkCover have received relatively few compensation claims relating to COVID-19; and
- there is concern amongst hospital health workers that there is no guarantee after March 2023 about paid leave entitlements for staff who have COVID-19.

The Commission **NOTED** the discussion regarding COVID-19.

### 4.2 Safe Work Australia (SWA) update

No report on the SWA meeting of 8 December 2022 could be provided as the minutes have not been endorsed. It was **AGREED** that at future Commission meetings the agendas of the most recent and the next SWA meeting will be presented.

The WorkSafe Commissioner noted that the next SWA meeting will take place in Perth.

Following a suggestion by a CCIWA representative, it was **AGREED** that a representative of SWA be invited as a guest speaker to the next Commission meeting on the topic of SWA's Data Improvement Project.

Members **NOTED** the SWA update.

#### **ACTION 12**

The Commission will invite a SWA representative to address the Commission on the topic of SWA's Data Improvement Project.

### 4.3 WorkCover report

The WorkCover Chief Executive Officer, Mr Chris White, provided the WorkCover update saying that the new WorkCover legislation is well advanced and will hopefully be presented to Parliament in the near future. The accompanying regulations will then need to be developed.

WorkCover now has access to Australian Taxation Office data which has revealed that many employers do not have insurance against their liability for workers' compensation, as required by the *Workers' Compensation and Injury Management Act 1981*. This is particularly so for smaller employers of 10-15 workers. It has resulted in a high number of recent prosecutions of employers.

An expert member queried figures for 2022 in Victoria regarding 150 workplace amputations. Mr White stated that the figures do not sound credible but will investigate.

The WorkSafe Commissioner commented on the United Kingdom publication *HSE Workplace Health Expert Committee (WHEC) – Work-related suicide – WHEC Report 2022*, in particular the relatively high rate of suicide by men in skilled trades and low skilled occupations. It was **AGREED** that this publication will be circulated to Commission members following the meeting.

### **ACTION 13**

The publication *HSE Workplace Health Expert Committee (WHEC) – Work-related suicide – WHEC Report 2022* will be circulated to Commission members.

#### **4.4 Transition periods – Issues with meeting new requirements**

This standing item allows members to raise issues about transitional arrangements in relation to the WHS legislation.

The WorkSafe Commissioner noted that there are additional requirements in the WHS Regulations with respect to High Risk Work (HRW) licences that come into force on the expiry of the shorter transition period in late March 2023. There is anecdotal evidence that the training that would be expected to be taking place to fulfil these requirements is not underway. It is important for industry to be aware of the impending expiry of the shorter transition period, and there are details on the WorkSafe website.

A UnionsWA representative expressed concern about Health and Safety Representatives (HSRs) whose term expires during or at the end of the shorter transition period of the WHS legislation and who may not be replaced or re-elected. This could result in a significant drop in the number of HSRs. It was suggested DMIRS remind HSRs who were elected prior to the commencement of the WHS legislation about the expiry of the transition period and the need to re-train.

The CME representative noted that the statement of regulatory intent expires on the 31 March 2023. The WorkSafe Commissioner has asked industry representatives for comment.

The WorkSafe Commissioner drew attention to the recently granted general exemption from regulation 473(2) (clearance inspection for asbestos removal) for regional areas where an independent competent person is not available to conduct a site inspection following licensed non-friable asbestos removal work. An expert member commented on deficient work plans of asbestos removalists such as using the same document for all jobs, which is a compliance matter. The WorkSafe Commissioner commented that the licence application process under the WHS legislation is rigorous and should prevent poor operators from obtaining a licence or having their licence renewed.

### **ACTION 14**

DMIRS will be asked to remind HSRs about the expiry of the transition period and the need to be replaced or re-elected.

Commission members **NOTED** the discussion regarding transition periods.

#### **4.5 Auditing of providers of HSR training**

Agenda paper 4.5 proposed issues for discussion regarding monitoring of, and communication with, registered training organisations (RTOs) who provide HSR training. The paper also described WorkSafe Victoria's arrangements regarding oversight of HSR training.

The Chair emphasised the need to increase communication with RTOs rather than necessarily implementing an auditing regime. A recent meeting with an RTO demonstrated this need, with the RTO seeking better communication and advice. For example, the RTO asked if anything on the topic of the psychosocial regulations would be included in the training materials.

If the RTOs were regularly communicated with, these sorts of issues would be discussed. The Chair also raised the fact that there is no timeframe on qualifications and experience required of applicants to be approved as trainers of HSRs, meaning that experience gained long ago is acceptable.

The Chair sought the views of the Commission on what would be the role of WorkSafe and the Commission in progressing these issues.

A UnionsWA representative praised the Victorian model and recommended it for adoption in Western Australia, particularly in terms of communication with RTOs and the transparent auditing process. Another UnionsWA representative commented that being an HSR is a serious commitment and the Commission and WorkSafe have a strong obligation to ensure compliance by RTOs and the quality of training. A CCIWA representative endorsed this comment.

The WorkSafe Commissioner stated that there would be a significant amount of work to be done in setting up a regular auditing process to be carried out by WorkSafe, and suggested an interim step of engaging a contractor to conduct some audits and gather information.

The Chair asked members to consider whether an auditing regime is to be proactive or reactive. An expert member replied that a proper auditing framework allows for both proactive and reactive auditing; reactive auditing is most likely to occur in response to a complaint.

A CCIWA representative suggested that holding an event or forum for RTOs is something that could be done in the short term.

An expert member suggested using WorkSafe Victoria's auditing material, if possible, rather than 'starting from scratch'.

It was **AGREED** that the Commission would liaise with WorkSafe regarding the establishment of an auditing regime and the holding of a communication event or forum.

Discussion took place about the contracting out of training by approved providers, and it was noted that WorkSafe Victoria does not allow it. It was also noted that this is an example of an item for which it would be useful to obtain input from RTOs. A UnionsWA representative commented that the Commission should investigate this matter in depth.

The WorkSafe Commissioner commented that WorkSafe can assist with an event/forum, however the Commission needs to provide more detail about a proposed auditing plan before WorkSafe can consider it.

Commission members **AGREED** that:

- auditing of HSR training providers is necessary;
- information will be sought from Worksafe Victoria about their auditing arrangements;
- engaging a contractor to conduct auditing in the shorter term will be investigated; and
- the Commission will develop the details of a proposed auditing arrangement.

#### **ACTION 15**

The Commission will seek access to WorkSafe Victoria's auditing material to assist with plans for conducting audits of HSR training providers in Western Australia.

#### **ACTION 16**

The Commission will develop a detailed plan for auditing of HSR training providers in Western Australia.

#### **ACTION 17**

The Commission will investigate what is involved in procuring the services of a contractor to conduct some auditing of HSR training providers.

#### **ACTION 18**

The Commission will consult DMIRS with a view to holding a communication and information event with HSR training providers.

#### **ACTION 19**

The training materials for HSRs will be reviewed with a view to including material relating to the new psychosocial regulations in the WHS Regulations.

### **4.6 Public Sector Code of Practice – Response to suggestions of items for inclusion**

Agenda paper 4.6 contained a summary of the response from DMIRS to concerns raised about the scope of the proposed Code of Practice: *Work health, safety and injury management systems for the Western Australian public sector*.

The response confirmed that the Code would apply to local government. There will be a systems approach accompanied by an online 'one stop shop' containing guidance materials including materials relating to exposure to vicarious trauma by public service officers.

A UnionsWA representative expressed the view that the Code should not relate to local government as that sector is very different to State government. It is important to recognise the unique hazards in some sectors of the public sector.

The Chair suggested waiting until the first draft of the Code is reviewed before commenting further.

A UnionsWA representative noted a case relevant to the Code whereby a recent court case ruled that a security guard at a hospital did not have the power to prevent a patient from leaving the hospital. There is a lack of clarity on this matter.

Commission members **NOTED** the contents of the agenda paper.

### **4.7 Suggestion – Code of Practice for shooting animals on farms**

The Commission considered the suggestion by a member of the public that there be a code of practice or guidance for the safe shooting animals on farms.

The WorkSafe Commissioner commented that in some cases people are licenced to cull wildlife on both private and public land. An expert member commented that rangers sometimes have to put down animals and cull vermin.

A UnionsWA representative expressed the view that a code dealing with the use of autonomous machinery in the agriculture industry is a far higher priority. The suggestion for a code of practice for safe shooting on farms could be forwarded to the Department of Biodiversity, Conservation and Attractions.

An expert member commented that the suggestion may have arisen from insurance matters for farmers who host people on their property and is not based on health and safety issues.

Government representative Christina Folley suggested that the issue may be relevant to the Mining and Petroleum Advisory Committee (MAPAC) because commercial shooters stay in mining camps along with their vehicles, weapons and ammunition. This could be dealt with in the Code of Practice relating to accommodation on mine sites.

Deputy Director General Ian Munns sent a message via Microsoft TEAMS saying *Perhaps rather than a Code on shooting on farms, consideration could be given to a broader document/information product on the engagement and use of experts which could be applicable here as well as for other industries.*

It was **AGREED** that the Commission will liaise with DMIRS in the first instance regarding the possibility of producing an information sheet on the topic of the safe shooting of animals. Alternatives may be to forward the request to MAPAC and the Agricultural Safety Advisory Committee.

An expert member wrote some guidance for local government on this topic in the past, and will see if the information can be shared with the Commission.

#### **ACTION 20**

The Commission will consult DMIRS regarding the possibility of developing an information sheet on the topic of the safe shooting of animals.

#### **ACTION 21**

The Commission will refer the matter of safe shooting of animals to MAPAC for the purpose of consideration for inclusion in the Code of Practice relating to accommodation on mine sites.

### **4.8 Amendment to FIFO Code of Practice**

Commission members were provided the following items for endorsement relating to the revision of the *Code of practice for mentally healthy workplaces for fly-in fly-out (FIFO) workers in the resources and construction sectors* ('the FIFO Code'):

- scope;
- original introduction; and
- revised introduction.

Both the original and revised introduction were provided so that Commission members could see the extent of proposed changes and direction of the revised content.

The CME representative commented that it is important that the FIFO code aligns with the three psychosocial codes, including consistent use of language. In future a marked-up document would make it easier to see where the changes are.

The Chair emphasised that the documents were in the early stages of development and relate to the resources industry, and therefore MAPAC will have more jurisdiction over them. The Chair expressed appreciation that the documents had been provided to the Commission in their early stage, and asked members to review the documents in broad terms to identify any problems or omissions with the scope. The documents make clear that the FIFO Code will only deal with construction in the context of the mining industry.

The CME representative stated that the definition of “workplace” in section 1.5 of the revised Introduction was not consistent with the definition in the *Work Health and Safety Act 2020*. For example, it includes training, conferences and social activities.

A UnionsWA representative queried that the FIFO Code only relates to construction in the mining sector. For example, in Karratha an accommodation camp also accommodates workers from outside the mining industry. This matter needs to be clear in the FIFO Code.

The CME representative asked whether it is intended to include case studies within the FIFO Code. Government representative Ms Christina Folley took the question on notice.

The Chair noted the Minister for Industrial Relations’ wish for the FIFO Code to be revised expeditiously (as reflected in the letter at Agenda Item 3.10B) and therefore the Commission’s need to be aware of its progress.

Commission members **ENDORSED** the initial version of the Scope and Introduction of the revised FIFO Code for review by MAPAC.

#### **ACTION 22**

Ms Folley will provide a response to the question regarding whether case studies will be included in the FIFO Code.

#### **4.9 Proportion of HRW licence accredited assessors to applications for HRW licences.**

The WorkSafe Commissioner provided background to Agenda Paper 4.9 regarding the number of accredited assessors of HRW (High Risk Work) licence competencies compared to the number of applications for each type of HRW licence.

There are problems for industry when there is only a small number of assessors for a particular class of licence or a small number of assessors in relation to the number of applicants for the HRW licence. For example, there is only one accredited assessor for reach stacker licences.

The WorkSafe Commissioner said that there have been discussions on this matter with industry and assessor associations who need to play a part in rectifying the situation. The Commission may also have a promotional role to encourage people to become accredited assessors.

With regard to prerequisites to become a HRW licence assessor, the WorkSafe Commissioner explained that the process is robust. Applicants must be able to demonstrate that they have the experience and skills to be able to assess that category of HRW. Some applicants attempt to use experience in a training environment as evidence of relevant experience which is not acceptable because it is not the same as actually doing the work in a HRW environment.

Altering transitional provisions or issuing exemptions to various classes of work would be a last resort to address any shortage of accredited HRW licence assessors, and would be a short term solution.

A UnionsWA representative expressed concern over the limited number of assessors for HRW licences to use forklift trucks, and queried how robust the requirements were in terms of the experience that those seeking to become a HRW licence assessor must be able to demonstrate. Also queried was the currency of the experience of assessors in doing the class of work that they are assessing. The WorkSafe Commissioner responded that recent, varied, demonstrable and verifiable experience is required. The issue of currency of assessors' experience has arisen in relation to boilers, however technology is constantly evolving and assessors are not expected to be familiar with all types of new equipment. This is an ongoing area of concern in some areas such as with tele-handlers.

The Commission **NOTED** the issues surrounding limited numbers of HRW licence assessors for some classes of HRW work.

## 5. **OTHER BUSINESS**

An expert member queried the frequency of review of legislation and was advised that the WHS legislation must be reviewed every five years. A review of the South Australian WHS legislation had recently been published and recommended the establishment of a tripartite body. Currently most other States are not required under legislation to have a tripartite body such as the Commission.

## 6.0 **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 1 March 2023.