



<b>Meeting No.</b>	25	<b>Time:</b>	9.00am
<b>Venue</b>	Koorling Dandjoo Conference Room, 1 Adelaide Terrace, East Perth		

## Work Health and Safety Commission Minutes – 2 October 2024

### Attendees

Dr Patricia Todd	Chairperson
Ms Sally North via TEAMS	Ex-officio member – WorkSafe Commissioner
Mr Tony Robertson via TEAMS	Public service representative with knowledge of, and experience in, mining – A/Director WorkSafe Mines Safety
Mr Glenn McLaren	Member - UnionsWA
Ms Naomi McCrae	Member - UnionsWA
Mr Antony Pearson for Mr Owen Whittle	Temporary Member - UnionsWA
Ms Michelle Gadellaa	Member – Chamber of Minerals and Energy Western Australia (CME)
Ms Jennifer Low	Member – Chamber of Commerce and Industry of Western Australia (CCIWA)
Mrs Agnes McKay via TEAMS	Member – CCIWA
Ms Tracey Bence	Expert member
Dr Lin Fritschi	Expert member
Dr Matthew Govorko	Expert member
Ms Helen Brown	Executive Officer – Senior Policy Officer, WorkSafe

### Apologies

Mr Owen Whittle	Member – Unions WA
Mr Chris White	Regular guest – Chief Executive Officer, WorkCover WA

## Guests

Ms Tracy Lacey	A/General Manager Information and Stakeholder Engagement, WorkSafe (regular guest)
Ms Joyce Inma	A/Manager Safety Education, WorkSafe (observing)
Mr Alan Layton	Policy Officer, WorkSafe (assisting EO)

## 1 WELCOME, APOLOGIES, AGENDA

### 1.1 Opening and welcome

The Chairperson welcomed all attendees, noted the attendance via TEAMS of Ms North, Mr Robertson and Mrs McKay, and extended a special welcome to Mr Pearson, Ms Lacey and Ms Inma.

When advising the apology of Mr White, the Chairperson noted his reappointment as CEO, WorkCover WA, for a five-year term.

### 1.2 Apologies

Apologies were accepted from:  
Mr Owen Whittle - UnionsWA  
Mr Chris White - WorkCover

### 1.3 Confirmation of agenda

The agenda was confirmed as the business of the meeting.

### 1.4 Declarations of Conflicts of Interest

In response to the Chairperson, no conflicts of interest were declared.

## 2 PREVIOUS MEETING/S

### 2.1 Confirm minutes of previous meeting

Dr Fritschi requested item 4.4 Amended Public Sector Code, paragraph 3, be amended to read as follows:

“LF recommended that there be mention of legionnaires disease and air quality with a reference to additional information. Other members agreed, noting that the model code on infectious diseases is still being developed.”

Subject to this amendment, the minutes of the WHSC meeting held 4 September 2024 were **ENDORSED** as a true and correct record.

### 2.2 Review action list from previous meeting

Action items were discussed by exception, as follows.

The Chairperson advised the completion of:

- Action K, Amend the Guide for HSR training providers to include advice about optimal class size; and
- Action L, Review the role and functioning of the Affected Families and Workers Advisory Committee.

Referring to action I, concerning an MoU with ASQA, the WorkSafe Commissioner (‘the Commissioner’) advised that she had met with ASQA. It was agreed that the current

informal arrangement for sharing information in keeping with the legislation be continued. Members agreed that this action is now completed.

### 2.3 Codes of Practice - Update

The WHSC was presented with a table providing updates regarding codes of practice and other guidance that have been the subject of a decision by the WHSC.

The Chairperson noted that Item G (*Guidance for alcohol and other drugs in the workplace*) is with the Legislative Advisory Committee (LAC) and requires a considerable amount of work. The Commissioner advised that the medicinal cannabis information sheet is nearing completion. The WHSC will have the opportunity to provide comment when in a draft stage.

With respect to Item Q, the Chairperson advised that the code working group for *Managing electrical risks in the workplace* has met. The A/Director WorkSafe Mines Safety advised that the development of the code is progressing well, noting that a lot of technical input is required.

Ms Lacey advised that the Public Sector Code is currently awaiting the Minister's approval and it is anticipated that the code will be out for public consultation later this week or early next.

## 3 AGENDA ITEMS FOR NOTING

(Discussed by exception)

### 3.1 HSR Training

As recommended by the agenda paper, the WHSC:

- **ENDORSED** the application for an additional nominated trainer, Warren Uyen, Pinnacle Safety and Training, as approved by the Chairperson out-of-session;
- **NOTED** that the amended *Guide - Operating as an approved provider of HSR training in Western Australia*, will be published in October 2024 when WorkSafe's SafetyLine Hub is launched; and
- **NOTED** that the training provider, Saferight, has now been removed from the list of HSR training providers following their advice that they no longer deliver HSR training.

### 3.2 Construction Industry Safety Advisory Committee (CISAC) - Report

The WHSC **NOTED** the report of the CISAC meeting held on 17 September 2024

Key points discussed at the meeting were:

- White Card review being undertaken by the Western Australian Building and Construction Consultative Committee (BCCC), assisted by WorkSafe;
- Risk of falls in housing construction, including the Minister's decision to extend the transitional period for the industry to comply with regulation 79 of the Work Health and safety (General) Regulations 2022;
- Draft code of practice: *Psychosocial hazards at work for fly-in fly-out workers in the resources and construction sectors*, out for public consultation; and
- Review of the *National Code of Practice for Precast, Tilt-Up and Concrete Elements in Building Construction, 2008* – noting that the relevant Australian Standard, AS3850 parts 1 and 2, had recently being reviewed and updated.

In response to a CCIWA representative, it was agreed to request from the BCCC advice of the timelines for the conduct of the review and request a presentation on the outcomes of the White Card review.

A Unions WA representative:

- suggested that the WHSC presentation by the BCCC await the completion of a survey by the BCCC seeking the views of CISAC stakeholder members; and
- noted that the White Card induction training is a national system.

Ms Lacey advised that she had received from the BCCC the survey sent to CISAC members and agreed to make it available to the Executive Officer to send to WHSC members.

### **Action 1**

**Executive Officer to:**

- **send to WHSC members upon receipt the BCCC stakeholder survey; and**
- **request from the BCCC advice concerning the timelines of the White Card review and request a presentation to the WHSC on the outcomes of the review.**

The WHSC **ENDORSED** CISAC's recommendation to cite in the Work Health and Safety (General) Regulations 2022 and the Work Health and Safety (Mines) Regulations 2022, the latest versions of AS3850 parts 1 and 2.

### **3.3 Mining and Petroleum Advisory Committee (MAPAC) - Report**

No report.

### **3.4 Agricultural Safety Advisory Committee (ASAC) - Report**

The WHSC **NOTED** the report of the ASAC meeting held on 12 September 2024.

Key points discussed were:

- update of the Agricultural Safety Implementation Work Group, concerned with the implementation of the recommendations of the Inquiry into the Agricultural Industry in Western Australia, 2023;
- report by WorkSafe of the activities of the Agriculture Team, focussing on inspections and event attendance;
- reports from stakeholder members and issues raised; and
- the Safer Farms 2024 Agricultural Injury and Fatality Trend Report produced by Farmsafe Australia.

The Chairperson expressed her support of WorkSafe producing five safety awareness videos which will be featured at a Bunbury event in October. The WorkSafe Commissioner added that WorkSafe is currently seeking from ASAC stakeholder members feedback on a safety video, *Choosing the right vehicle*.

In response to Ms Bence, who asked whether improvements in farm safety practices were being achieved, the WorkSafe Commissioner acknowledged that progress is slow and improvement required cultural change. Resistance to WorkSafe regulatory activity is stronger than in other sectors. WorkSafe is devoting considerable educative efforts and resources to improve relationships with the agricultural sector and "get the message over" that WorkSafe is here to assist and is not only a prosecutor.

A UnionsWA representative agreed that there is “a massive cultural issue” and that will take time and resources to overcome.

Dr Fritschi queried the fatality and injury statistics on page 6 of the Farmsafe Australia report which recorded for Western Australia two fatalities and one non-fatal injury in 2023. These figures contrasted with the higher figures recorded by WorkSafe. Members agreed that the report figures, on the face of it, could not be correct. The WorkSafe Commissioner agreed that the discrepancy is worthy of investigation.

A CCIWA representative suggested that any chemical training or unit of competency be developed as a “BSBWHS” unit through the Jobs and Skills Council responsible for business packages under which WHS qualifications sit. This way any unit (or package) could be imported into other qualifications as needed as an elective for anyone interacting with Agvet chemicals.

### 3.5 Legislative Advisory Committee (LAC) - Report

The WHSC **NOTED** the report of the LAC meeting on 2 August 2024.

Key points discussed were:

- review of Safe Work Australia *Managing the risks of working in heat – Guidance material*, October 2021 – input from union and industry members concerning WA heat conditions; and
- review of *Managing electrical risks in the workplace - Code of Practice* – recommendation to form a subgroup with specialist expertise in codes and electrical work to consider consultation feedback.

Ms Bence raised the issue of including heat stress in the guidance material, and not relying on hydration testing as a singular control. The Chairperson advised that a range of information materials, including the SWA guide, had been assessed regarding content and presentation style.

The WorkSafe Commissioner noted the LAC recommendation to seek further examples and input from industry representatives on effective controls that have been used in addressing heat conditions and look to drafting a guide that is more specific that includes assessment and controls.

Members agreed that, while acknowledging the objectives of national harmonisation, the overriding responsibility of the WHSC is to produce within reasonable timeframes industry information materials suited to Western Australian conditions.

### 3.6 WorkSafe events and promotions update

The WHSC **NOTED** the WorkSafe events and promotions update, which included an update on stakeholder guidance being produced, public consultations and promotions, and WorkSafe events.

Key points were:

- Stakeholder guidance -
  - Codes of practice
  - Reports – “Enough is Enough”, PwC response, psychosocial hazards, WHSC Annual Report
  - Guides produced
- Stakeholder relations
- Digital engagement
- Invitation to WHS Excellence Awards 2024.

The Chairperson referred to the 20-year psychosocial report focusing on mine safety. Mr Robertson agreed with the Chairperson on the value of the report in highlighting the importance of the issues. It was agreed that the report will be circulated to WHSC members out-of-session.

### **Action 2**

#### ***Executive Officer to circulate the psychosocial report to members out-of-session.***

The Chairperson requested that when the report is publicly released that the point is made that this work has been undertaken over a period of years, prior to the “Enough is Enough” report which served to bring attention to the issues.

A CCIWA representative added it is important to emphasise that the understanding of psychosocial hazards has advanced considerably over the 20-year period.

With respect to the publication of the guide, *Death in the Workplace: Information for families*, the Workplace Commissioner advised that the document was an update to an existing document.

In response to the Chairperson, Ms Lacey advised that she would provide the report, *Human factors: Industry baseline project 2022-23*, to the Executive Officer for circulation to members.

### **Action 3**

#### ***Executive Officer to circulate the human factors report to members out-of-session.***

The Chairperson noted the relevance of automated vehicles when considering human factors.

## **3.7 Regulatory Activity Report**

No report (review being undertaken on data collected and process of collection).

## **3.8 Exemptions**

Nil

## **3.9 Correspondence**

The following correspondence was included with the meeting agenda papers:

### **3.9A - Reply from the Training Accreditation Council (TAC to WHSC regarding concerns about the audit of high risk work training.**

The WorkSafe Commissioner advised that, at her meeting with TAC on 19 September 2024, she had reiterated in the context of the recent audit report the general concerns expressed and that WorkSafe would continue to raise specific concerns as appropriate and encourage others to do likewise.

The WorkSafe Commissioner, noting that WorkSafe is not the only regulator with responsibilities in the training space, canvassed with TAC the opportunity for WorkSafe to develop good practice guidance for courses that are of particular relevance to WorkSafe, in consultation with TAC and ASQA.

A Unions WA representative:

- expressed serious concerns over the lack of tripartite consultation on the part of TAC;

- noted the lack of effective regulatory action by TAC in response to complaints made with respect to the performance of State-based RTOs;
- questioned whether it is the role of WHSC to monitor RTO performance, it being the proactive role of TAC;
- pointed out that, when accredited assessors are assessing high risk work licences (HRWLs), they are public servants required to comply with the *Public Sector Management Act 1994*;
- complimented WorkSafe on removing the accreditation of some assessors who have failed in their responsibilities when assessing for HRWLs;
- commented on the difficulties receiving timely information from ASQA concerning its regulatory activities, particularly regarding its decisions to deregister an organisation; and
- noted that data received by WorkSafe on assessments conducted indicate issues of concern, noting the case of an assessor who had his accreditation removed arising from the questionable number of forklift assessments conducted.

The Chairperson emphasised the importance of stakeholder members of the WHSC raising with TAC any specific problems with training they experience and requested they bring the problems raised to WHSC meetings and the responses received.

The WorkSafe Commissioner commented that another officer had been employed to look at assessor compliance and a media release will be issued to inform assessors of the cancellation of an assessor's accreditation for not meeting their obligations. In response to a Unions WA representative, the WorkSafe Commissioner advised that an email, including the media release, will be sent to all accredited assessors reminding them of their obligations.

### **3.9B Chairperson WHSC email to Office of Minister for Industrial Relations – Query re extension of transition period for reg. 79.**

- The Chairperson noted the importance of the WHSC having regular meetings with the Minister to maintain effective communication.
- The Commissioner advised that in the light of the Minister's decision:
  - current information materials on falls from height would be updated and WorkSafe would conduct educative activities during the transition period.

### **3.9C – Chairperson WHSC to CEO SWA – Request for clarity on technical basis for decision re workplace exposure standard for diesel particulate matter**

- Noted

### **3.9D – Chairperson WHSC to Saferight – Revocation of approval to deliver HSR training.**

- Noted

### **3.9E – EO to Asbestos Safety and Eradication Agency – Misspelling in Draft Silica National Strategic Plan 2024-30.**

- Noted

## **4 ITEMS FOR DISCUSSION**

### **4.1 WorkCover WA report (standing item)**

In the absence of Mr White, there was no report.

## 4.2 WHSC role to advise Minister

An agenda paper requested members to consider ways the WHSC can initiate and maintain effective lines of communication with the Minister for the purposes of raising and discussing important work health and safety issues.

In response, members agreed that:

- regular meetings with the Minister, perhaps quarterly, are of importance with respect to keeping the Minister informed of WHSC decisions and priorities, consistent with Schedule 1, Section 18, of the *Work Health and Safety Act 2020*;
- providing the Minister with a briefing report, as appropriate, highlighting WHSC key and critical issues would enhance communication; and
- establish a relationship with the Ministerial staff person(s) who reads WHSC communications.

## 4.3 Fatality Update Report (standing item)

The WHSC **NOTED** the Fatality Update Report to August 2024.

The WorkSafe Commissioner commented that SWA recently released a fatality report, pointing out that the SWA reports on calendar basis, whereas WorkSafe reports on a financial year, something to bear in mind when noting the information presented in these reports. Ms North also advised that two recent fatalities which attracted local media coverage were currently the subject of investigation by WorkSafe, which includes establishing whether or not they were work related.

## 4.4 Licensing for use of earthmoving machinery as a crane

A UnionsWA representative provided some background to the issue, advising that the use of earthmoving machinery as a crane is common in civil construction where, for example, a fixed jib is attached to a front-end loader to lift drainage pipes. Front-end loaders and excavators are not designed to be used as cranes. Such workplace practices are hazardous and have resulted in serious safety incidents.

Schedule 3, Items 14A and 15A of the Western Australian Work Health and Safety (General) Regulations 2022 deviate from the model regulations by licensing earthmoving machinery for use as a crane, effective from 10 August 2025. There are no equivalent licences in the other jurisdictions.

An agenda paper recommended that WHSC members discuss the regulatory approach to using earthmoving machinery (with a capacity greater than 3 tonnes) as a crane. The Minister has sought advice on the issue from WHSC and its relevant advisory committees in light of views of the Civil Contractors' Federation who believe that the prescribed training course for an Item 14A licence is "wholly unsuitable", being directed at cranes rather than earthmoving machinery. The CFF have developed their own training course for use of earthmoving machinery as a crane, and this was provided to the WHSC for consideration.

The agenda paper notes that Safe Work Australia (SWA) is currently reviewing the issue of crane licensing with a cross-jurisdictional tri-partite crane licensing working group in place.

A CCIWA representative stated that the issue under discussion fits within the SWA review, expressing the view that a macro approach needs to be taken when resolving the issue, rather than supporting the proposals of particular industry segments.

The WorkSafe Commissioner supported the CCIWA approach, noting that WorkSafe Victoria is preparing a position paper and is seeking input from other jurisdictions.



Members agreed that developing a national approach will take some time for SWA to arrive at a consensus, which brings into focus whether or not to extend the current transition date of 10 August 2025, at which time the Western Australian regulations come into force. In the context of seeking to extend the transition period, members noted the length of the legislative procedures and the caretaker period in the lead up to the State election, to take place on 8 March 2025. Union members stated that they would not support an extension of the current transitional arrangement.

With respect to SWA developing a consensus, the WorkSafe Commissioner agreed that WorkSafe seeks informal advice from SWA and reports back to WHSC's November meeting to facilitate further discussion.

#### **Action 4**

***WorkSafe seeks informal advice from SWA concerning the progress of SWA developing a consensus on crane licensing.***

#### **4.5 Intern appointment to investigate codes of practice**

An agenda paper advised that two interns are to be appointed by WorkSafe, for the period 11 November to 13 December 2024, to undertake a project to research and report matters surrounding codes of practice, such as their usefulness and effectiveness.

The agenda paper informed members that during their research of the issues the interns will request information from the WHSC Chairperson and members.

Ms Lacey provided details of the research work the interns will undertake, noting that SWA is also examining the effectiveness of codes of practice. Is a code necessary, or are there other more effective ways, or additional ways, to reach the target audience, keeping in mind cultural issues and those whose first language is not English? As an example of effective communication, Ms Lacey referred to the recent WorkSafe publication, *First Steps to Farm Safety* which is in simple language and has been translated into two other languages.

In response to the Chairperson, Ms Lacey advised that the focus of the research project will be on effective communication.

WHSC members expressed their enthusiastic support of the initiative.

#### **4.6 SWA update (standing item)**

No report.

#### **4.7 Silica (standing item)**

In answer to the Chairperson, Ms Bence advised she is comfortable with dropping the issue as a standing item, but what is important in her view is the WHSC tracking the incidence of cases. A formal report from WorkCover would be helpful in this regard. The WorkSafe Commissioner commented that not all silicosis cases are the subject of a workers compensation claim.

#### **Action 5**

***WorkSafe to approach Mr White to provide at WHSC meetings data, say quarterly, on silicosis cases.***

## **5 OTHER BUSINESS**

### **5.1 Members to advise**

In response to a Unions WA representative, the WorkSafe Commissioner advised the following factors which determine the priorities for WorkSafe inspector activity:

- the WorkSafe 3-year high level strategy;
- national and WorkSafe data;
- other information such as stakeholder advice and inspector input.

Major proactive campaigns, for example site fencing, are the subject of a media release.

In response to Ms Bence, the WorkSafe Commissioner advised that the next Strategy Snapshot is scheduled for May 2025.

## **6 NEXT MEETING**

6.1 The next WHSC meeting is scheduled for 6 November 2024.

### **CLOSE**

There being no further business, the Chairperson declared the meeting closed at 11.37am.