



Meeting No.	26	Time:	9.00am
Venue	Koorling Dandjoo Conference Room, 1 Adelaide Terrace, East Perth		

Work Health and Safety Commission Minutes – 6 November 2024

Attendees

Dr Patricia Todd	Chairperson
Ms Sally North	Ex-officio member – WorkSafe Commissioner
Mr Tony Robertson	Public service representative with knowledge of, and experience in, mining – A/Director WorkSafe Mines Safety
Ms Naomi McCrae	Member – nominated by Unions WA
Ms Michelle Gadellaa	Member – nominated by the Chamber of Minerals and Energy Western Australia (CME)
Mrs Agnes McKay	Member – nominated by Chamber of Commerce and Industry of Western Australia (CCIWA)
Ms Tracey Bence	Expert member
Dr Matthew Govorko	Expert member
Ms Helen Brown	Executive Officer – Senior Policy Officer, WorkSafe

Guests

Mr Chris White	Regular guest – Chief Executive Officer, WorkCover WA
Ms Bec Naylor	General Manager Information and Stakeholder Engagement, WorkSafe
Mr Antony Pearson	To cover Unions WA vacancy
Mr Cory Harding	To cover CCIWA apology
Ms Wah Wah Reesana	Assistant Executive Officer – Assistant Policy Officer, WorkSafe

Apologies

Ms Jennifer Low	Member – nominated by CCIWA
Mr Glenn McLaren	Member – nominated by Unions WA
Dr Lin Fritschi	Deputy Chairperson, expert member

1 WELCOME, APOLOGIES, AGENDA

1.1 Opening and welcome

The Chairperson welcomed attendees and noted the resignation of Mr Owen Whittle from the Work Health and Safety Commission (WHSC). In his absence the Chairperson expressed gratitude for Mr Whittle's outstanding service to the WHSC and commitment to work health and safety and wished him well for the future.

1.2 Apologies

Apologies were accepted from:

Jennifer Low – CCIWA

Glenn McLaren – Union WA

Dr Lin Fritschi – expert member

1.3 Confirmation of agenda

Confirmed as business of the meeting.

1.4 Declarations of Conflicts of Interest

No conflicts of interest were declared.

2 PREVIOUS MEETING/S

2.1 Confirm minutes of previous meeting

The Minutes of the WHSC meeting of 2 October 2024 were **ENDORSED** as a true and correct record, subject to amendments requested by the WorkSafe Commissioner ('the Commissioner'), Naomi McCrae and Tracey Bence.

Ms Bence referred to Section 3.9A of the Minutes and queried whether any further action would be taken on the matter of high-risk work licence trainers and assessors failing in their duties. The Chairperson responded that the Commissioner has met with the Training Accreditation Council (TAC) and it was emphasised that where problems with training are identified, a report should be made to TAC (or the Australian Skills Quality Authority if applicable). The WorkSafe Commissioner added that some guidance for good practice will be developed.

2.2 Review Action List from previous meeting

Action items were discussed by exception and **NOTED** by the WHSC.

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. Items were discussed by exception as follows:

Item B (draft 'FIFO Code'): Feedback from the public consultation is being collated, and a summary will be released to the WHSC. Some feedback focuses on confusion caused by having several 'psychosocial codes' and which one should be used. The Chairperson acknowledged the need to rationalise the 'psychosocial' codes.

Item L (Code of Practice: *Prevention and control of legionnaires disease*): Advice will be sought from Safe Work Australia (SWA) regarding the progression of the management of infectious diseases code of practice.

Item Y (Code of Practice: *Workplace behaviour*): It was agreed that WorkSafe will be asked to proceed with the minor amendments previously requested to this code to enable progression of the new Code of Practice: *Sexual and gender-based harassment*.

ACTION 1 – Ask SWA for an update on the progression of the development of the management of infectious diseases code of practice.

3 AGENDA ITEMS FOR NOTING (Discussed by exception)

3.1 HSR Training - approvals

Nil

3.2 Construction Industry Safety Advisory Committee (CISAC) – Report

Nil

3.3 Mining and Petroleum Advisory Committee (MAPAC) - Report

Nil

3.4 Agricultural Safety Advisory Committee (ASAC) - Report

Nil

3.5 Legislative Advisory Committee (LAC) - Report

The WHSC **NOTED** the report of the LAC meeting on 19 September 2024. LAC addressed issues relating to the following documents being developed/reviewed, and provided recommendations for the drafters:

- Draft Code of Practice: *Sexual and gender-based harassment*;
- Guidance note: *Alcohol and other drugs in the workplace*; and
- Information sheet: *Medicinal cannabis*.

With regard to the Information sheet: *Medicinal cannabis*, the Commissioner queried at what point people disclose their use in a work context and who should be responsible for disclosure? LAC had suggested a doctor could be responsible for disclosure. However, the WorkSafe Occupational Physician was of the view that doctors don't always understand the role requirement and it would be better if the person conducting the business or undertaking designated which role/s should

disclose the use of medicinal cannabis. The Commissioner expressed concern that if it is left to workers to disclose their use of medicinal cannabis because they have varying perceptions of the risk involved arising from use. The Information sheet: *Medicinal cannabis* is a priority given the number of queries being received by WorkSafe.

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:

- public consultation for the draft Code of Practice: [Work health and safety management systems in the Western Australian public sector](#) is now open, closing on 31 January 2024;
- the first Safe Work Month (SWM) event *EveryBODY matters – musculoskeletal disorder forum* took place on 15 October at full capacity, with 480 registrations in person and 388 online registrations;
- the second SWM event *Farm safety matters – Agricultural safety forum* took place on 25 October in Bunbury, with 105 registrations in person and 115 online registrations;
- the WorkSafe website's redevelopment project is continuing, with the new website due to be launched on 27 November 2024, replacing the current legacy Commerce and Department of Mines and Petroleum websites; and
- the new SafetyLine Hub containing *HSR Matters* was launched at the Work Health and Safety Excellence Awards on 31 October 2024.

In response to a query regarding the Code of Practice: *Managing noise and preventing hearing loss at work*, the meeting was informed that information from the existing guidance regarding control of noise in the music industry will be incorporated, along with audiometric testing requirements. The draft may be presented to the February 2025 WHSC meeting. Tracey Bence suggested that it would be worthwhile to include the aspect of acoustic engineering.

Tracey Bence congratulated WorkSafe on the conduct of the WHS Excellence Awards and noted that the Minister for Industrial Relations attended the entire event, reflecting a commitment to work health and safety and acknowledging the Chairperson of the WHSC.

3.7 Regulatory Activity Report

Nil (data collected and process of collection being reviewed)

3.8 Exemptions

The WHSC **NOTED** the exemptions from requirements of the Work Health and Safety (General) Regulations 2022 granted by the Commissioner during the period 13 August to 15 October 2024 inclusive.

3.9 Correspondence

The WHSC **NOTED** the following correspondence:

- 3.9A – Resignation of Owen Whittle from WHSC
- 3.9B – Response from Safefarms re data query
- 3.9C – Response from CEO Safe Work Australia (SWA) to WHSC's query regarding the technical basis for the proposed workplace exposure standard for diesel particulate matter

4 ITEMS FOR DISCUSSION

4.1 WorkCover WA report (standing item)

The WHSC **NOTED** the first WorkCover WA *Dust Diseases Report* which will be delivered quarterly. The report contains data relating to workers' compensation claims for dust diseases including silicosis, with claims for silicosis declining in the last financial year.

Tracy Bence suggested that the WHSC be updated with data from the National Occupational Respiratory Disease Registry.

The WHSC **NOTED** the verbal report delivered by the Chief Executive Officer of WorkCover WA, with the key points being that:

- implementation of the *Workers Compensation and Injury Management Act 2023* has gone smoothly; and
- Owen Whittle has also resigned from the WorkCover WA Board and his contribution will be missed.

4.2 Fatality Update Report (standing item)

The WHSC **NOTED** the Fatality Update Report for September 2024 and the unfortunate continual increase in the number of workplace fatalities.

4.3 Data from 2023-24 Annual Reports of health and safety representative (HSR) training providers

The WHSC **NOTED** the annual report containing data collated from the annual reports submitted by providers of the five-day HSR training course. Key findings were that:

- more HSRs who work in regional areas than the metropolitan area were trained;
- the total number of HSRs who did the five-day course (5,229) fell slightly from the previous reporting period (5,569);
- by far the most HSRs who did the five-day course were from mining, followed by 'health care and social assistance' and then 'education and training'; and
- eight approved training providers did not conduct any five-day courses.

The Chairperson noted that some of the providers have not conducted HSR training for the previous two reporting periods and will be asked to justify any application for renewal.

4.4 Auditor's Report – HSR training

The WHSC **NOTED** the *Report – Audit of the five-day Health and Safety Representatives (HSR) Training courses being delivered by the Western Australian Work Health and Safety Commission (WHSC) Approved Providers (second round)* by auditor Dr Irene Ioannakis.

The auditor found that training providers were compliant with auditable items and a “standout feature” was the knowledge, wealth of experience and background in health and safety demonstrated by the trainers.

The WHSC was asked to consider what is gained from audits and how often they should take place. Discussion took place about which providers should be targeted for audits, how well received the audits were and whether refresher training should be audited. It was noted that the audits had provided the WHSC with a detailed picture of the level of compliance and quality in the training of HSRs. Tracey Bence suggested that the most dominant provider be audited again, given its impact on HSRs, and also supported a regular three-year cycle of audits as a form of governance.

It was **AGREED** that audits are worthwhile and should be continued.

4.5 Course materials for training of HSRs

The WHSC was asked to consider whether the current course materials for the five-day course for HSR training should be reviewed. The course materials are based on the NSW materials and were introduced with the commencement of the WHS legislation in WA in March 2022.

Last year NSW produced an updated version of the course materials and provided them to WorkSafe upon request. Training providers were invited to review the new version of the materials, with five training providers responding. Their feedback was not conclusive, with mixed views about the updated materials, therefore it was decided to retain the current version.

The Chairperson commented that, given that the training providers are required to follow the provided training materials closely, it is incumbent on the WHSC to ensure that the training materials are periodically reviewed. It was noted that major change would be costly to the training providers and that this should be taken into consideration. It was **AGREED** that the course materials should be reviewed, with the WHSC to decide on the scope such as a technical or holistic review.

4.6 SWA Draft Model Code of Practice: *Managing fatigue risks at work*

The WHSC discussed and **NOTED** the draft Model Code of Practice: *Managing fatigue risks at work*. The public consultation process will close on 27 November 2024. Comments included that, if the code were to be adopted in Western Australia (WA), it would need to include information relevant to:

- commercial drivers (it is proposed that WA’s Code of Practice: *Fatigue management for commercial vehicle drivers* be incorporated);
- mining and the length of shifts, particularly given that workers are often expected to attend a meeting prior to their 12-hour shift and then also have to make their way home after the shift;
- the factors leading to burnout; and
- the agriculture and the fishing industry and for contractors moving between sites.

A Unions WA representative commented that many elements, such as information about rest breaks, are useful from an industrial relations perspective

4.7 Update of SWA model codes of practice to incorporate psychosocial aspects

The WHSC was asked to discuss the implications of updates to model codes of practice by Safe Work Australia (SWA) to incorporate psychosocial aspects. It was **AGREED** in principle that WorkSafe can automatically update equivalent WA codes according to the SWA 'psychosocial amendments' and then submit them to the WHSC for approval. The Commissioner noted that the drafting team currently have more urgent priorities.

4.8 Crane licensing – Potential extension of transition period and draft training course

The WHSC was asked to discuss matters relating to classes of high-risk work licences for the use of earthmoving equipment as a crane. These licence classes are unique to WA and are Items 14A and 15A of Schedule 3 of the Work Health and Safety (General) Regulations 2022. The matters for discussion were:

- an extension of the transition period for Items 14A and 15A beyond 10 August 2025 requested by the Chief Executive Officer of SWA to allow time for consideration of such licences at a national level; and
- the request by the Minister for Industrial Relations for feedback on the draft training package developed by the Civil Contractor's Federation (CCF) as an alternative to the prescribed course for Items 14A and 15A.

The Chairperson reported that SWA provided information that the issue of licensing of earthmoving equipment used as a crane at a national level will be discussed in March 2025, along with other issues related to cranes. If members agree to prioritise this work it could take a further 6-12 months to consider the issue via the decision-making framework. If a licence is ultimately agreed, there would be a further need to consult and develop a suitable training package.

The Commissioner noted that transitioning and re-training could be complicated by various factors. Crane operators may be affected by the new requirements accompanying implementation of Items 14A and 15A and also by potentially new requirements arising from amendments to the Model WHS Regulations which may be adopted by WA. This could be mitigated by amendments only being applied to future licences.

The Chairperson recounted the views of Unions WA representative Glenn McLaren, who was unable to attend the meeting. Mr McLaren was of the view that WA should not delay the implementation of Items 14A and 15A while the matter is considered nationally because this could be a period of several years. Mr McLaren also expressed the view that the prescribed course for Items 14A and 15A is not appropriate and the CCF draft training package is a good starting point for a more suitable course.

Some members commented that the safety of workers must be prioritised over harmonisation of legislation across jurisdictions. Chris White questioned whether decisions about licensing of earthmoving machinery as cranes were based on evidence and whether the matter is a priority.

The Commissioner noted that, if an alternative training course is to be developed, industry should be notified so that they do not proceed with the prescribed course.

The Commissioner also suggested a different option whereby a licence to use earthmoving machinery as a crane would not be needed but instead mandatory training would be required for use of such equipment, and this could be inserted into Chapter 5 (Plant and structures) of the Work Health and Safety (General) Regulations 2022. This would make it easier to adopt at a later date any related amendments to the Model WHS Regulations.

It was **AGREED** that the response to the Minister for Industrial Relations will be that the WHSC:

- is not supportive of delaying the transition period for Items 14A and 15A;
- agrees that the prescribed course for Items 14A and 15A, *TLILIC0022 Licence to operate a slewing mobile crane*, is not suitable for earthmoving equipment given that the description of the course at training.gov.au states that the course is not intended for earthmoving equipment when configured for crane operation; and
- a working group should be formed by WorkSafe to develop a suitable training course as an alternative to the prescribed course, based on the CCF draft course, as soon as possible so that the course is available several months before the expiry of the transition period on 10 August 2025.

4.9 Survey results – Exposure to diesel exhaust and second-hand tobacco smoke and vape aerosols

The WHSC **NOTED** a summary of key results from a survey conducted by the Cancer Council WA in October 2023 that measured WA workers' experiences of workplace exposure to diesel engine exhaust (DEE) and second-hand tobacco smoke and vape aerosols. Key points were:

- nearly three quarters of the 384 workers who used or worked close to diesel engines were not aware of any health effects associated with DEE, with a concerning number of workers reporting that no actions were taken to manage the risks; and
- nearly half of the 1,111 workers surveyed were exposed to second-hand tobacco smoke and/or vape aerosols at least some days, with most workers concerned about exposure.

Dr Govorko provided background to the conduct of the survey and added that analysis found that exposure to tobacco smoke and vape aerosols is highest amongst males, younger adults and workers in the private sector, with no geographic patterns to exposure. Three in five workers reported that they were protected in the workplace from tobacco smoke and vape aerosols, with the lowest perceived protection provided in the agriculture, forestry and fishing industries where over one third of respondents indicated that they were not protected. This was followed by the transport, postal and warehousing industries where over a quarter of employees reported that they were not protected. The industry with the highest perceived protection against tobacco smoke and vape aerosols was the education and training industry with more than 80% of respondents reporting that they were protected, followed by the health care and social assistance industries.

Dr Govorko reported that survey respondents were asked for comments about tobacco smoke and vape aerosols in the workplace. The themes that emerged were concerns about health effects of exposure and how it exacerbated existing health conditions, that smoking should be banned in the workplace, and workers should be safe from exposure in the workplace. There were some comments about personal

choice and the perceived right to smoke or vape, and other comments about smoke-free zones not being enforced in the health sector with concerns about violence if the policies were enforced.

Dr Govorko stated that reforms are still needed because workers are not equally protected from second-hand exposure to tobacco smoke or vape aerosols. Some workers are particularly susceptible to this because of their roles, including outdoor workers, home care workers, hospitality workers in liquor licence venues, community and social service workers in accommodation settings and prison workers.

Dr Govorko was commended for sharing the information and it was concluded that the survey highlighted the ongoing need to continue educating about the health hazards associated with exposure to diesel exhaust emissions, tobacco smoke and vape aerosols.

4.10 **Amended Guide: Health and safety representative (HSR) refresher training course requirements**

The WHSC **ENDORSED** minor amendments proposed to the *Guide: Health and safety representative (HSR) refresher training course requirements*. The amendments remove the requirement that applicants for approval to deliver refresher training must nominate at least one suitably qualified trainer at the time of the application.

This has been replaced by adding a condition of approval to the application signifying that applicants agree that refresher training will only be delivered by trainers who have been approved to deliver the five-day course.

ACTION 2 – Ask WorkSafe to amend and publish the *Guide: Health and safety representative (HSR) refresher training course requirements*.

4.11 **Indoor air quality**

The WHSC **NOTED** a paper reporting on a meeting between the Chairperson, Deputy Chairperson and representatives of QED Environmental Services ('QED') who had expressed interest in discussing the Code of Practice: *Work environment and facilities* with a focus on indoor air quality. QED proposed that the WA Government consider establishing an indoor air quality rating system for office buildings along the lines of the NABERS building sustainability performance rating system.

Antony Pearson referred to ACTU *Healthy Work Conference* in October 2024. Dr Lidia Morawska, Director of the International Laboratory for Air Quality and Health, was a guest speaker and part of a panel for the session titled *Future proofing workplace health: Mandating indoor air quality for public buildings*. The panel identified problems with air quality in public places such as schools and hospitals and would like to see a code of practice on this matter. The problem is not so much with ventilation as infection risks.

Comments are below.

- The Commissioner commented on a complaint received by WorkSafe regarding air quality in pathology collection rooms with reverse cycle air-conditioners that do not bring in fresh air.
- Some guidance, Safety Alerts or social media posts on this matter would be helpful.
- Those leasing buildings may have difficulty in making changes to improve air quality by means such as improved ventilation in a building they do not own. In

such cases the Commissioner would expect that an effort had been made to address the matter.

The Chairperson noted that QED's work relates to office buildings rather than public spaces and they have not found a problem with office buildings. WorkSafe will integrate this topic into a future magazine.

4.12 SWA update (standing item)

Nil

4.13 Silica (standing item) – Ban on importation of engineered stone

The WHSC **NOTED** information regarding the forthcoming ban on importation of engineered stone from 1 January 2025. An exemption will apply in certain circumstances such as for research purposes.

5 OTHER BUSINESS

5.1 Members to advise

Bec Naylor mentioned that two interns who will undertake a Co-usability Project Review in relation to codes of practice will be commencing with WorkSafe shortly. Their findings will be presented to the WHSC.

6 NEXT MEETING

6.1 The meeting **CLOSED** at 11.42am.

Next WHSC meeting – 4 December 2024

CLOSE