



DRAFT MINUTES

Attachment A
Agenda Item 1

Document tendered by
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Received by
Merrin Thompson

Date: *4 / 11 / 13*

Resolved to publish Yes / No

Attendees: John Watson (Chair), Kylie Emery (CTH), Jodie Deakes (NSW), Linda Timothy (VIC), Paul Goldsborough (QLD), Ian Munns [T] (WA), Marie Boland (SA), John Rees [T] (ACT), Stephen Gelding (NT), Wendy Clarkson (TAS), Jarrod Moran (ACTU), Cathy Butcher (ACTU), Carolyn Davis (ACCI), Carol Bullivant (Ai Group) and Rex Hoy (Safe Work Australia).

Observers: Megan Saxby (NSW), Rosemary Cranney [T] (ACT), Steve Baltas (VIC) and Toulia Papadopoulos [T] (ACCI).

Safe Work Australia: Julia Collins, Drew Wagner, Emma Sadler and Belinda Casson.

Apologies: Chris Wicks (NT), Simon Blackwood (QLD), Bryan Russell (SA) and Tracey Browne (Ai Group).

[T] = teleconference attendance

Agenda Item 1: Opening remarks and outcomes from previous meetings

Members:

- a) **agreed** to the draft minutes from the 24 July 2013 SIG-WHS 09 meeting, and
- b) **noted** progress on the actions arising.

The Chair opened the meeting at 10.00 am and welcomed SIG-WHS members and observers to the meeting.

Actions Arising

The Agency provided an update on the following actions arising from the previous meeting:

Agenda Item 3 – Implementation Issues

Incident Notification Factsheet

The factsheet was discussed at the Implementation Temporary Advisory Group meeting on 5 September 2013 and will be published shortly.

Disability support Factsheet

The factsheet will be circulated to the nominated consultative group for review. A teleconference to discuss the factsheet will be convened.

Agenda Item 4.2 – Model Code of Practice for Diving

The Agency has received names of experts and will start undertaking targeted consultations. Some amendments have been made to the draft Code and the revised version will be circulated to the experts for feedback before being provided to SIG-WHS.

Agenda Item 8 – MHF Regulations (Schedule 15) – GHS Translation Proposal

Liaison with technical experts to resolve technical issues has commenced. As agreed at the meeting the Agency will commence consultation with industry also.

Agenda Item 2: Progress on recommendations of the report *Workplace Bullying: "We just want it to stop"***Members:**

- a) **noted** the Agency's progress against the recommendations of the House of Representatives Standing Committee on Education and Employment's report *Workplace Bullying: "We just want it to stop"*, and
- b) **provided comment** on the development of a tool to determine whether a situation meets the definition of workplace bullying.

The Agency provided an overview of the paper, and advised that Safe Work Australia Members had agreed at their 14 March 2013 meeting to proposed actions to progress the then Australian Government response to the relevant recommendations of the report *Workplace Bullying: "We just want it to stop"*. ACCI requested it be noted it raised concerns at the Members' meeting regarding the process and did not endorse all the recommendations put forward in the report.

SIG-WHS received a presentation from Dr Carlo Caponecchia and Dr Anne Wyatt on the development of a decision-making tool to assist businesses and workers determine whether a situation meets the definition of workplace bullying. The presentation provided SIG-WHS with information on the aims of the decision tool, intended users and the steps taken to develop it.

SIG-WHS feedback included:

- Issues around 'scoring' – need to provide clear guidance on what the score means.
- The need to put in some instructions about the tool at the beginning – guidance on how to use the tool in order to make it more reliable.
- There needs to be some objectivity and a questioning and assistance approach to validate an individual's response to the questions being posed in the tool. It was suggested someone should sit with the person filling in the tool to provide an objective opinion.
- Concerns about it being framed as a 'decision-making tool' – it should be about questions to ask before taking further action – otherwise it may be used instead to justify and validate a claim.
- It may be used as a reporting tool and the outcome used as evidence of bullying – concerned about it being sanctioned by the group. It may need some form of disclaimer.

Members noted further testing of the tool is underway and that it would be important to also test those who do not think they have been bullied.

Members noted the draft tool will be presented to SIG-WHS for further review at a future meeting.

Agenda Item 3: Revised model Code: Preventing and Responding to Workplace Bullying
Members:

- a) **agreed by majority** the draft model Code of Practice: *Preventing and Responding to Workplace Bullying* be finalised in the form of a guide
- b) **noted** the Agency will revise the guide to include changes agreed at the meeting, and
- c) **noted** the guide will be submitted to the next SIG-WHS meeting for approval.

SIG-WHS commenced discussion on this item by voting on whether the document should be a model Code of Practice or a guide.

WA, ACT, SA, TAS and ACTU supported the document being a model Code of Practice. NT, QLD, NSW, Victoria, Commonwealth, Ai Group and ACCI supported the document being a guide.

Members noted the document would not need to be provided to the next Safe Work Australia Members' meeting as it only approves model Codes of Practice. SIG-WHS members also noted the guide would now not need to be approved by the Select Council on Workplace Relations. A Regulation Impact Statement would also not be required.

Members worked through the document and provided feedback to the Agency. The Agency requested that any further proposed amendments be provided by Tuesday 1 October 2013.

Members noted the document would be revised in line with the comments received and provided to the next SIG-WHS meeting for approval.

Agenda Item 4: Implementation Issues
Members:
Attachment A - Competency Requirements For General Diving Work
Recommendation 1 -

- a) **agreed by majority** to the amendment for Regulation 171(b) as proposed in the agenda paper.

Recommendation 2

- b) **agreed** no amendment be made to Regulation 174.

Recommendation 3

- c) **agreed** to incorporate requirements in paragraph (c) of the definition for 'incidental diving work' into a substantive regulation, most likely regulation 172.

Attachment B - MHF Regulations Table 15.3—Criteria For Toxicity
Recommendation 4

- d) **agreed by majority** to the Implementation Temporary Advisory Group (ITAG) recommendation to amend Table 15.3 consistent with the MHF National Standard (2002), as shown below:

Description	Oral Toxicity¹ LD₅₀ (mg/kg)	Dermal Toxicity² LD₅₀ (mg/kg)	Inhalation Toxicity³ LC₅₀ (mg/L)
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Very Toxic	$LD_{50} \leq 5$	$LD_{50} \leq 40$	$LC_{50} \leq 0.5$
Toxic	$5 < LD_{50} \leq 50$	$40 < LD_{50} \leq 200$	$0.5 < LC_{50} \leq 2$

Key

- 1 In rats
- 2 In rats or rabbits
- 3 4 hours in rats

Recommendation 5

- e) **agreed by majority** to the ITAG recommendation to delete the definitions for LD_{50} and LC_{50} in Schedule 15 as discussed in paragraph 8 of Attachment B to the agenda paper.

Attachment C - Managing asbestos in residential premises

Recommendation 6

- f) **agreed** to amend regulation 421 of the model Work Health and Safety (WHS) Regulations to clarify that regulations 425, 426, 427, 428, 429 and 430 do not apply to premises that are solely used for domestic purposes.

Attachment D - Low Density Asbestos Fibre Board (LBD)

Recommendation 7

- g) **agreed by majority** to the Agency drafting suitable material for the Codes listing materials likely to become friable during work processes, subject to risk assessment by a competent person.

Recommendation 8

- h) **agreed by majority** to review the definition of 'friable asbestos' in the model WHS regulations, noting that potential unintended consequences of any change need to be considered.

Recommendation 9

- i) **agreed** to the Agency developing a risk assessment tool to establish an accepted national method of carrying out assessment of the risk of ACMs.

Attachment E - Identifying Asbestos-Containing Material at a Workplace

Recommendation 10

- j) **did not support** an asbestos assessor's licence class or establishing specific competency requirements for persons carrying out asbestos identification.

Attachment F - Asbestos removal training requirements

Recommendation 11

- k) **agreed** to refer the issue of 'asbestos removal work' for the purposes of regulation 460 to the ITAG.

Attachment G - Meaning of 'loadbearing' and 'structural integrity'

Recommendation 12

- l) **did not support** the proposed definitions for 'loadbearing' and 'structural integrity'

Attachment A - Competency Requirements For General Diving Work

Recommendation 1

NSW advised that consistent with previous advice it does not support the amendment for Regulation 171(b).

Tasmania stated its view that while it is important to retain flexibility to accommodate recreational diving that there were other types of 'high risk' diving work that did not meet the definition in the WHS Regulations. WA noted it still has concerns about the workability but does not object to the recommendation.

SIG-WHS agreed to the recommendation by majority.

Recommendation 2

SIG-WHS agreed to the recommendation.

Recommendation 3

SIG-WHS agreed to the recommendation.

Attachment B - MHF Regulations Table 15.3—Criteria For Toxicity

Recommendation 4

ACCI did not support the recommendation to amend Table 15.3 consistent with the MHF National Standard (2002).

SIG-WHS agreed to the recommendation by majority.

Recommendation 5

ACCI abstained from voting.

SIG-WHS agreed to the recommendation by majority.

Attachment C - Managing asbestos in residential premises

Recommendation 6

Members agreed to amend regulation 421 of the model Work Health and Safety (WHS) Regulations to clarify that regulations 425, 426, 427, 428, 429 and 430 do not apply to premises that are solely used for domestic purposes.

Attachment D - Low Density Asbestos Fibre Board (LDB)

Recommendation 7

Members discussed the issue of whether LDB was friable or not and what removal licence would be required. QLD noted LDB is not automatically friable but is likely to become friable during the removal process. Members agreed the Agency would bring back to SIG-WHS draft text to clarify the issue for potential inclusion in the relevant model Codes.

NSW did not support listing the materials and suggested relying only on the definition of friable. There was little support for the view that this type of material is non – friable.

ACT and WA did not support the proposal and ACCI abstained from voting.

Recommendation 8

Members noted this issue was discussed at the recent Implementation TAG meeting. Tasmania commented that commencing a review of the definition of 'friable asbestos' runs the risk of unintended consequences since the definition of friable is used differently in the Victorian regulations from the model WHS regulations.

NSW and SA did not support the recommendation. Tasmania and WA advised that an amendment was unnecessary.



The Agency advised the review would be undertaken in consultation with the Implementation TAG and provided back to SIG-WHS for consideration.

Members agreed to the recommendation by majority noting that potential unintended consequences of any change need to be considered in the review of the definition by the Agency.

Recommendation 9

NSW advised it does not support the Agency developing a risk assessment tool to establish the relative priority of action in managing ACMs.

Tasmania advised it has already developed a risk assessment tool based on the UK Health and Safety Executive tool. The tool has been poorly accepted and Tasmania is now looking at the option of developing its own tool with federal funding and assistance from the Asbestos Safety and Eradication Agency.

Members agreed to the Agency developing a risk assessment tool to establish an accepted national method of carrying out assessment of the risk of ACMs. The Agency will consult with the Asbestos Safety and Eradication Agency and WHS regulators.

Attachment E - Identifying Asbestos-Containing Material at a Workplace

Recommendation 10

Members did not support an asbestos assessor's licence class or establishing specific competency requirements for persons carrying out asbestos identification.

SA and ACT indicated support for the recommendation.

Attachment F - Asbestos removal training requirements

Recommendation 11

The Northern Territory explained that there should not be a requirement for a worker to have the prescribed VET training if they only work in an asbestos removal area to remove bagged asbestos and do not actually carry out removal work. Members suggested this issue be discussed at the next Implementation TAG meeting.

Members agreed to refer the issue of 'asbestos removal work' for the purposes of regulation 460 to the Implementation TAG.

Attachment G - Meaning of 'loadbearing' and 'structural integrity'

Recommendation 12

Apart from SA, Commonwealth and NT, members did not support the proposals for 'loadbearing' and 'structural integrity'. Victoria abstained from voting.

Agenda Item 5.1: Guidance Material – Managing the Risks of Fatigue at Work (revised)

Members:

- a) **agreed by majority** to publish the revised draft Guide: *Managing the Risk of Fatigue at Work* on the Safe Work Australia website subject to the incorporation of changes agreed at the meeting, and
- b) **agreed by majority** to publish the draft Guidance Note: *Fatigue Management for Workers* on the Safe Work Australia website subject to the incorporation of changes agreed at the meeting.



The Agency noted the Guide incorporated comments received out of session from SIG-WHS members following the July 2013 meeting. The Guide is intended to be a high level and general document which could support industry specific guidance.

Members worked through the document and provided feedback to the Agency. Members discussed in particular the usefulness of the case studies and the need for the inclusion of the information regarding 'what you can do to manage fatigue' in the guidance note.

ACCI did not support the publication of the Guide. WA and NT supported the document being published however expressed reservations about its usefulness. Victoria did not oppose the recommendation.

Agenda Item 5.2: Guidance Material – Horse Riding Industry

Members:

- a) **agreed** to provide comments directly to NSW on the draft Guide to managing risks when interacting with horses, and
- b) **noted** NSW will finalise the guide and submit to the next SIG-WHS meeting for approval.

The NSW member Jodie Deakes introduced the agenda item and advised the guide had been developed with the assistance from Horsesafe Australia and focusses on three areas – people, horses and the environment.

The Ai Group commented that it thought the scope of the guide is too big and is trying to be all things to all people. It suggested a better approach would be to develop a core document which is supported by additional fact sheets for different audiences.

Victoria voiced similar concerns about the language in the guide and suggested the use of some case studies. Victoria advised it could provide examples of case studies to NSW.

NSW requested SIG-WHS provide comments on the guide by 1 October 2013 to enable it to be revised in time for the next meeting.

ACCI noted that although it provided assistance with the document, ACCI does not support it.

Agenda Item 5.3: Guidance Material - Isocyanates

Members:

- a) **agreed** to publish the *Guide to Handling Isocyanates* on the Safe Work Australia website subject to the incorporation of amendments agreed at the meeting.

Queensland commented the guide is too technical, it is not clear on who the guide is directed at and suggested the Agency develop additional information for the smash repair industry. Members agreed to publish the guide.

Agenda Item 5.4: Guidance Material – How to manage psychological hazards and risks to comply with the WHS laws

Members:

- a) **did not agree** to publish the draft Guidance Note: *Managing psychological hazards and risks under the WHS laws*.

SIG-WHS members noted the Agency had developed the draft Guidance Note to support activities being undertaken by the National Mental Health Commission's Mentally Healthy Workplace Alliance.

The ACT, WA and SA noted the draft needed more work. The ACTU commented it was not clear what the purpose of the guidance is. Members noted Queensland has already published 'tip sheets' on psychological hazards and NSW stated that reference should be made to existing guidance material instead.

ACCI, Ai Group, NT and Victoria did not support the Guidance Note.

Agenda Item 5.5: Guidance Material – Guide for the on-hire industry

Members:

- a) **did not agree** to develop a guide on work health and safety duties for on-hire arrangements, noting there is presently a factsheet published on the Safe Work Australia website titled: *Labour hire: duties of persons conducting a business or undertaking*.

Members noted the Recruitment and Consulting Services Association (RCSA) had submitted a proposal to the Agency to develop a guide on the model Work Health and Safety laws for the on-hire industry. The proposal included a draft guide prepared by the RCSA.

ACCI advised that RCSA was not a member of the Chamber, and although RCSA had consulted with it regarding the development of the guidance and what form it should take, this did not mean ACCI would endorse the process or advocate for the RCSA at the meeting.

Members discussed the development of guidance in this area and noted there is currently a factsheet published on Safe Work Australia's website titled *Labour Hire: duties of persons conducting a business or undertaking*. On this basis SIG-WHS did not support the development of a guide.

Members encouraged ACCI and the Ai Group to work with RCSA to develop material such as factsheets to meet its members' needs.

Agenda Item 5.6: Guidance Material – Reach Stacker National Assessment Instrument

Members:

- a) **agreed** to the National Assessment Instrument (NAI) for a 'Licence to operate a Reach Stacker greater than 3 tonnes'.

Members noted the Agency would undertake a check of the document to ensure the wording is consistent and work through some technical issues.

Members agreed to the guidance material.

Agenda Item 6: Data Report – Work Health and Safety in the Road Freight Transport Industry

Members:

- a) **agreed** to publish the report *Work health and safety in the Road freight transport industry* on the Safe Work Australia website.

NSW congratulated the Agency on the quality of the report.



WA advised it has continued reservations about the data. Victoria commented it has not been able to verify the data but did not disagree with publishing the report.

Members agreed to publish the report.

Agenda Item 7: Update on status of model Codes and Guidance Material

Members:

- a) **noted** the update on the status of model codes of practice and guidance material.

The Chair invited South Australia, Queensland and the Northern Territory to provide an update on the status of Ministerial approval of the third and fourth stage model Codes of Practice.

South Australia noted the Agency should receive a letter shortly advising that South Australia has now endorsed the third and fourth stage Codes.

Queensland and NT were unable to provide an update.

The Ai Group advised the document was very helpful and encouraged regulators to also provide a report indicating which Codes they had adopted.

Members requested the report on the model Codes and Guidance Material be included on the SIG-WHS agenda as a standing item.

Agenda Item 8: HWSA Update

Members:

- a) **noted** the verbal update provided by the Chair of the Heads of Workplace Safety Authorities.

The Chair of the Heads of Workplace Safety Authorities provided SIG-WHS members with an update on the meeting held on 26 September 2013. Members noted items of discussion included an update on the work from Comcare on workplace bullying and Telstra Pits Remuneration; an update on the HWSA transport and aged care campaign and consideration of a national exemption for prisoners from the model WHS Regulations.

The CEO of Safe Work Australia reminded jurisdictions to provide details of class-based exemptions they have granted under the WHS Regulations so they can be published on the Safe Work Australia website.

Agenda Item 9: Other Business

Members:

- a) **noted** the verbal update from the Commonwealth on the status of the upcoming reviews, and
- b) **noted** the verbal update from the Agency on the status of the Policing and Stevedoring Codes of Practice.

Commonwealth member Kylie Emery provided an update on the status of the 2014 Implementation Review of the model WHS laws, the review of the *Safe Work Australia Act 2008* and the review of the Inter-governmental Agreement. Members noted the reviews



would be one of the proposed items on the agenda for the next Select Council on Workplace Relations meeting.

Members noted the public comment period for the Code of Practice for Managing Risks in Stevedoring had been extended to Thursday 31 October 2013 and the Agency is still working on a Regulation Impact Statement with the Office of Best Practice Regulation.

In regard to the code of Practice for Policing SIG-WHS members noted the Agency is continuing to consult with representatives of the Police Federation of Australia and the Australian and New Zealand Policing Advisory Agency.

Agenda Item 10: Confirmation of Next Meeting

Members:

a) **agreed** the next SIG-WHS meeting will take place on Friday 25 October 2013 in Sydney.

The Chair thanked members and closed the meeting at 3.44 pm.

Action Items from 27 September 2013

Action	Responsible	Status
Agenda Item 2: Progress on recommendations of the report Workplace Bullying: "We just want it to stop"		
Members noted the draft tool will be presented to SIG-WHS for further comment at a future meeting.	Agency	In progress
Agenda Item 3: Revised model Code: Preventing and Responding to Workplace Bullying		
Revise the guide to include changes agreed at the meeting and submit it to the next SIG-WHS meeting for approval.	Agency	Complete To be considered at 25 October 2013 meeting.
Agenda Item 4: Implementation Issues		
Competency Requirements For General Diving Work		
<i>Recommendation 1:</i> Amendment to be made to Regulation 171(b)	Agency	In progress
<i>Recommendation 3:</i> Incorporate requirements in paragraph (c) of the definition for 'incidental diving work' into a substantive regulation, most likely regulation 172	Agency	In progress
MHF Regulations Table 15.3—Criteria For Toxicity		
<i>Recommendation 4:</i> Amend Table 15.3 consistent with the MHF National Standard (2002)	Agency	In progress
<i>Recommendation 5:</i> Delete the definitions for LD ₅₀ and LC ₅₀ in Schedule 15	Agency	In progress
Managing asbestos in residential premises		
<i>Recommendation 6:</i> Amend regulation 421 of the model Work Health and Safety (WHS) Regulations to clarify that regulations 425, 426, 427, 428, 429 and 430 do not apply to premises that are solely used for domestic purposes.	Agency	In progress
Low Density Asbestos Fibre Board (LBD)		
<i>Recommendation 7:</i> Draft material for the Codes listing materials likely to become friable during work processes, subject to risk assessment by a competent person.	Agency	In progress
<i>Recommendation 8:</i> Review the definition of 'friable asbestos' in the model WHS regulations, noting that potential unintended consequences of any change need to be considered.	Agency	In progress
<i>Recommendation 9:</i> Develop a risk assessment tool to establish an accepted national method of carrying out assessment of the risk of ACMs.	Agency	In progress
Asbestos removal training requirements		
<i>Recommendation 11</i> Refer the issue of 'asbestos removal work' for the purposes of regulation 460 to the ITAG.	Agency ITAG	In progress
Agenda Item 5.1: Guidance Material – Managing the Risks of Fatigue at Work (revised)		



Action	Responsible	Status
Publish the: <ul style="list-style-type: none">revised draft Guide: <i>Managing the Risk of Fatigue at Work</i> on the Safe Work Australia websitedraft Guidance Note: <i>Fatigue Management for Workers</i> on the Safe Work Australia website	Agency	In progress
Agenda Item 5.2: Guidance Material – Horse Riding Industry		
Members to provide comments directly to NSW on the draft Guide to managing risks when interacting with horses	SIG-WHS	In progress
NSW finalise the guide and submit to the next SIG-WHS meeting for approval.	NSW/Agency	Complete To be considered at 25 October 2013 meeting.
Agenda Item 5.3: Guidance Material - Isocyanates		
Publish the <i>Guide to Handling Isocyanates</i> on the Safe Work Australia website.	Agency	In progress
Agenda Item 6: Data Report – Work Health and Safety in the Road Freight Transport Industry		
Publish the report <i>Work health and safety in the Road freight transport industry</i> on the Safe Work Australia website	Agency	Complete Published on website 3 October 2013.
Agenda Item 7: Update on status of model Codes and Guidance Material		
Report on the model Codes and Guidance Material be a standing item on the agenda.	Agency	Complete Report to be included on forthcoming agendas.
Agenda Item 8: HWSA Update		
Jurisdictions to provide details of exemptions they have been granted under the WHS legislation so they can be published on the Safe Work Australia website.	Jurisdictional SIG-WHS	In progress Response received from NSW