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WHS Reform
Department of Mines, Industry Regulation and Safety
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WA's PEAK UNION BODY

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Dear Madam/Sir

UnionsWA submission on Work Health and Safety Regulations for Western Australia

UnionsWA is the governing peak body of the trade union movement in Western Australia, and the WA Branch of the Australian Council of Trade Unions (ACTU). UnionsWA represents 32 affiliate unions, who in turn represent approximately 150,000 WA workers.

UnionsWA welcomes the opportunity to provide feedback to the consultations on developing new Work Health and Safety (WHS) Regulations for WA. We appreciate the extensive consultation process with stakeholders on both the *WHS Act* and *WHS Regulations*.

UnionsWA has long been a supporter of strong and consistent harmonised WHS legislation in Australia. However our support has always been conditional on having a national approach that does not compromise or reduce the protections and standards for workers in any state or territory jurisdiction.

We view the model Work, Health and Safety legislation as a minimum benchmark, which each state and territory should aspire to go beyond in recognition of the unique circumstances in their jurisdictions. UnionsWA would strongly oppose the final version of the WA *WHS Act* containing anything less than the standards and protections for workers of the model legislation. There are also key aspects of the harmonised act and regulations of vital importance to working people.

UnionsWA endorses the seven proposed changes to the regulations proposed by the Commission for Occupational Safety and Health. All of these are either sensible changes to the model regulations recommended by the *Review of the Model WHS Laws: Final Report*, or areas in which the *Occupational Safety and Health (OSH) Regulations 1996* offer protections for workers above the WHS Regulations.

A number of our affiliated unions have also submitted directly to the review and we endorse the comments and recommendations from the Australian Manufacturing Workers' Union, Australian Workers' Union, CFMEU Construction Division, CFMEU Mining and Energy Division, and the WA Prison Officers Union.

WA's *OSH regulations*, while substantially outdated, have a few key areas that should be maintained even if their terminology is changed. Critically, WA's health monitoring regulations should be preserved, and at all costs we should avoid adopting regulations which have failed in other states, and played a part in the re-emergence of black lung and silicosis.

There should be consideration given to other changes recommended by UnionsWA in order to keep the regulations contemporary, and to ensure workers keep the superior protections of the WA regulations.

Attached to this correspondence is our recommendations of a number of important areas of improvement within the proposed regulations.

I would be happy to discuss our submission with you in more detail. Please don't hesitate to make contact on either 9328 7877 or owhittle@unionswa.com.au.

Owen Whittle

Assistant Secretary

UnionsWA Recommendations on WA WHS Regulations

Chapter 2 – Representation and Participation

Training for Health and Safety Representatives

Section 21 of the *Regulations* limits training to five days initially, and one day per year each year after that.

UnionsWA believes that from time to time Health and Safety Representatives need to obtain additional skills and knowledge to assist them undertaking their duties.

The one additional day per year is overly restrictive and will limit the amount of industry specific training a safety representative can undertake.

UnionsWA recommends adopting the provisions from s72 (9) of the South Australian *WHS Act* which has increased the HSR training entitlement to three and two days training, during the second and third year of their role respectively.

Recommendation 1: That SA WHS Act S72 (9) is incorporated in WHS R21.

Chapter 3 – General Risk and Workplace Management

Workplace Facilities

The *Occupational Safety and Health Regulations 1996* contain a range of requirements in regards to the supply of adequate facilities in the workplace which are not replicated in the model *WHS Regulations*.

UnionsWA recommends that the following OSH Regulations are adopted into section 40 (Duty in relation to workplace facilities) and 41 (Duty to provide and maintain adequate accessible facilities):

- Reference to fire precautions (3.9)
- Reference to warning signs (3.11)
- Requirement for heating and cooling, (WHS regulation only requires protection from extremes of heat and cold) (3.15)
- Removal of debris (3.17)
- Stairs and ramps (3.18)
- Adequate seating (3.19)

These WA regulations are often referred to by Occupational Safety and Health representatives, and are needed to provide cover that ensures workplaces have safe and adequate facilities for workers.

UnionsWA believes that the use of the term ‘so far as is reasonably practicable’ in sections 40 and 41 is grossly inappropriate. While the ways in which these facilities may be provided may differ, the provision of absolute necessities such as drinking water, toilets, ventilation, and safe evacuation should not be subject to any form of a ‘practicability’ test.

If these basic protections cannot be provided then the design of the work and the workplace must be changed.

Recommendation 2: That WA OSH R3.9, 3.11, 3.15, 3.17, 3.18 and 3.19 are incorporated in WHS R40 and 41.

Recommendation 3: That ‘so far as is reasonably practicable’ is removed from WHS R40 and 41.

Personal Protective Equipment

WHS r44 requires a PCBU to provide suitable PPE to the worker. OSH r3.33 also requires that PPE is provided and that employer provided PPE shall comply with prescribed Australian Standards.

WHS regulations understandably rarely reference Australian Standards. However given the amount of substandard and inappropriate PPE available, it is important that the WHS regulations adequately protect workers by ensuring the PPE provided complies with the more rigorous standards.

WA OSH r.3.40, 3.41, 3.42, 3.43 & 3.44 all require the use of respiratory protective equipment for workers who are at risk at working within an oxygen deficient or a defined toxic environment. These provisions are largely *not* replicated in the WHS regulations, even though they provide important protections for workers.

Recommendation 4: That the Australian Standards requirement in WA r3.33 are incorporated into WHS r44.

Recommendation 5: That the respiratory protective equipment requirements in WA r 3.40 to 3.44 are incorporated into WHS r44.

Chapter 4 – Hazardous Work

Adoption of Prevention of Heat Stress Regulations

Neither the *WHS Act*, nor the *Regulations*, have sufficient protections against exposure to heat. While the regulations have a protection from the ‘extremes’ of heat that standard is manifestly inadequate for WA workers in a changing climate.

Given changes in the climate, and the already extreme heat conditions in parts of WA, exposure to heat should be regarded as recurring high risk work, and it is prudent that the regulations reference this.

The Australian National University (ANU) recently warned that some capital cities around Australia will experience a substantial increases in their average temperatures over the next decade, including regular 50 degree days.¹

Heat is already a high risk activity for WA workers, and with the high probability of further extreme weather events it is incumbent on us to ensure that our regulations are ready to respond to a changing climate to protect working people.

Proposed regulation:

¹ <https://science.anu.edu.au/news-events/news/melbourne-and-sydney-should-prepare-50-degree-days>

- (1) *A person conducting a business or undertaking must manage risk to health and safety relating to exposure to heat.*
- (2) *In determining the control measures to implement under (1) the person conducting the business or undertaking must have regard to all relevant matters that may contribute to an injury relating to heat or heat stress. Including:*
 - (a) *Duration of exposure;*
 - (b) *Extreme of heat;*
 - (c) *Facilities provided by the PCBU;*
 - (d) *Workload;*
 - (e) *Heat gain; and*
 - (f) *Acclimatisation.*

Recommendation 6: That exposure to heat is classified as high risk work.

Regulation on Dust – onus to manage risk of dust exposure / risk of dust related disease

Exposure to dust continues to be an issue for unions and working people across a variety of industries in WA. Many industries have an over reliance on PPE instead of looking for better engineering solutions to reduce or eliminate exposure.

Given the high risk nature of dust exposure, and the horrific re-emergence of silicosis emanating from the artificial stone industry, greater emphasis is needed on protecting workers from these threats.

Both the WHS and OSH regulations rely too heavily on exposure standards to ensure that workers are protected from carcinogens in dust in the workplace. With the complete absence of any form of a testing regime in workplaces this is a substantial safety gap in the legislation.

The Health and Safety Executive in the United Kingdom provides considerable guidance on the control of general dust in the workplace². The HSE lists a range of health impacts from exposure to general dust including:

- Respiratory problems;
- Skin irritation;
- Lung cancer; and
- Lung damage including scarring.

Both safety representatives and WorkSafe inspectors need a provision in the regulations ensuring that dust can be managed more effectively. We recommend a new regulation based on the following wording:

- (1) *A person conducting a business or undertaking must manage risk to health and safety relating to exposure to airborne dust.*

² <http://www.hse.gov.uk/pubns/eh44.pdf>

(2) *In determining the control measures to implement under (1) the person conducting the business or undertaking must have regard to all relevant matters that may contribute to an injury relating to airborne dust. Including:*

- (a) The likelihood of the dust containing contaminants;*
- (b) The task undertaken by the worker;*
- (c) The effectiveness of PPE and control measures; and*
- (d) The time a worker is exposed;*

Recommendation 7: That exposure to dust is classified as high risk work;

Artificial Stone Products

There is no safe method to manufacture, install, or remove artificial stone products which have a silica content of above 80%.

It is clear that the only safe method of working with these hazardous products is to ensure that the industry eliminates them and instead uses the readily available artificial stone products that contain a lower content of silica.

The new regulations should prescribe that manufactured composite stone material, containing resins and a crystalline silica content of 80 per cent or greater, should not be used.

It is also of grave concern to unions that many workers have not been informed by employers of the dangers of working on these artificial stone products. OSH r5.21 requires employers to provide information and training on hazardous substances. WHS r39 relies on more general requirements.

While it is clear that r5.21 has not been complied with by many employers in the artificial stone industry, we should nevertheless be ensuring that these requirements are captured in WHS r39.

In addition to the ban on hazardous manufactured stone products, UnionsWA recommends adopting the provisions of the *Victorian Occupational Health and Safety Amendment (Crystalline Silica) Regulations 2019* which place the following controls on the dry cutting of engineered stone products

319C Use of power tools—engineered stone

(1) An employer, a self-employed person or a person who manages or controls a workplace must ensure that a power tool is not used for cutting, grinding or abrasive polishing of engineered stone at a workplace unless the use is controlled.

Recommendation 8: That the regulations prohibit the use of artificial stone products which contain a level of silica of 80% or more.

Recommendation 9: That OSH r5.21 is incorporated into WHS r39

Recommendation 10: That Victorian r319C is adopted into the WHS regulations.

Exposure Standard for respirable and inhalable dust

UnionsWA notes that the proposed *Work, Health and Safety (Resources Safety) Regulations* (M54 & M55) contain both a regulation to introduce an exposure standard and a regulation for monitoring airborne dust.

We recommend that the following exposure standard is moved into the main *WHS Regulations* to ensure that it applies to all workers, not just workers in the resources sector:

8-hour time-weighted average atmospheric concentrations of airborne dust that exceed:

- (a) for respirable dust—3.0 mg per cubic metre of air; and*
- (b) for inhalable dust—10.0 mg per cubic metre of air.*

Recommendation 11: That *WHS (Resources Safety) Regulations M54 and M55* are incorporated into the general regulations.

High Risk Work - Solar Ultraviolet Radiation

Australia has one of the highest rates of skin cancer in the world, and exposure to solar ultraviolet radiation (UVR) in the workplace is generally either uncontrolled, or lets the PCBU rely on public health education while the actual hazard is left to the individual worker to control.

An exposure assessment to occupational carcinogens in Australia, published in the *Estimated prevalence of exposure to occupational carcinogens in Australia (2011–2012)*,³ cited exposure to solar UVR as the largest work based carcinogenic agent for both men and women.

The Cancer Council estimates that 1.2 million Australian workers are exposed to solar UVR causing 200 melanomas and 34,000 non-melanomas every year⁴.

Despite solar UVR being the largest workplace carcinogen in Australia and the significant health impacts of exposure the Work, Health and Safety Regulations should ensure that it is classified as high risk work and more is done to protect workers from the hazard.

The Regulation should be based on other examples of high risk work sections in chapter 4 of the model WHS regulations e.g.:

- (1) A person conducting a business or undertaking must manage risk to health and safety relating to exposure to heat.*
- (2) In determining the control measures to implement under (1) the person conducting the business or undertaking must have regard to all relevant matters that may contribute to an injury relating to heat or heat stress. Including:*
 - (a) Environmental factors;*
 - (b) Effectiveness of PPE;*
 - (c) Pattern and length of exposure;*
 - (d) Presence of artificial sources of UVR;*
 - (e) Geographical location; and*

³ Carey RN, Driscoll TR, Peters S, et al. *Occup Environ Med* 2014;71:55–62

⁴ <https://www.cancer.org.au/preventing-cancer/workplace-cancer/uv-radiation.html>

(f) Presence of reflective surfaces'

Recommendation 12: That exposure to solar ultraviolet radiation is classified as high risk work.

Requirement to review risk control measures

Chapter four provides vital guidance on protecting workers. However while the regulations XYZ are useful, if an injury does occur, little is done to analyse or rectify issues that made the work high risk.

We recommend the regulations require that risk control measures are reviewed if there is an adverse exposure, injury or illness, relating to the hazards in parts 4.1, 4.2 and 4.4.

Recommendation 13: That any occurrence of injury or disease relating to prescribed high-risk work should require a review of risk control measures.

Electrical Installation

WA regulation 3.59 requires that electrical installations are designed, constructed, installed, maintained and tested to minimise the risk of electrical shock or fire the comparable WHS regulation 159 and 160 only requires regular testing.

The design, maintenance and installation are all important requirements in the WA regulations which provide an important duty to ensure that electrical installations are safe.

Given the high risk nature of electrical work and installations the additional duties contained OSH r3.59 should be maintained.

Recommendation 14: That the additional duties in WA r3.59 are incorporated into WHS r159 and 160.

Work in Roof Spaces

WA regulation 3.59B prescribes important requirements for working in the roof space of specified buildings.

Unfortunately WA has seen the tragic outcomes of work in an energised roof space. The WA regulations reflect these risks and provide a duty to de-energise the roof space and penalties for noncompliance.

This regulation provides important protections to workers and should be incorporated into the WHS regulations on high risk electrical work.

Recommendation 15: That the additional duties in WA r359B are incorporated into WHS r154.

Chapter 6 – Construction Work

Tilt Up Panel Construction

Tilt up construction continues to be a significant safety concern for unions on construction workplaces in Western Australia.

Only as recently as October in this WorkSafe concluded a prosecution into a serious incident in the city were a panel fell and landed in a carpark adjacent to the construction site.

WorkSafe commissioner Darren Kavanagh was quoted as saying:

“Tilt-up construction is identified as high risk work for a good reason, and in this case, it was extremely fortunate that no-one was in the vicinity of the falling concrete panel that day.

“WorkSafe has specific regulations for tilt-up construction, and building companies need to ensure they are complying with the requirements of the legislation.”⁵

Given the continued high risk nature of tilt-up construction in Western Australia the WHS regulations should incorporate the more prescriptive WA Regulations. WA r3.88A, 3.88B & 3.88C contain important provisions that call up Australian Standards and require that the regulator be notified of this high risk practice.

Recommendation 16: That WA r3.88A, 3.88B and 3.88C are incorporated in the Chapter 6 of the WHS Regulations.

Demolition and Refurbishment Work

Broadly UnionsWA agrees with the proposal to incorporate the Occupational Safety and Health Regulations on Demolition Work into the WHS Regulations.

However there is some improvements that can be made to these regulations which should be implemented in the transition between *OSH* and *WHS*. Unions believe that the licensing system to be more streamlined to incorporate 2 levels of licences.

The regulations should also reflect the Australian standards and Codes of Practice referenced within the *Occupational Safety and Health Regulations 1996* within the Model WHS Regulations or the regulations should be rewritten to incorporate the standards into regulation.

Recommendation 17: That the OSH demolition regulations are maintained with modernisation and improvements.

Chapter 7 – Hazardous Chemicals

The re-emergence of horrific industrial diseases around Australia in recent years points to a critical failing in both enforcement and standards in safety regulation and while concerning workplace diseases are re-emerging it is also It is estimated that occupational exposure to workplace carcinogens are responsible for over 5000 new causes of cancer per year.

UnionsWA is concerned that adopting the WHS regulations on health monitoring without amendment would leave WA workers with a lower standard of protection from industrial disease compared to our current regulations.

We recommend that the following sections of WA’s regulations should be maintained.

⁵ <https://www.commerce.wa.gov.au/announcements/building-company-fined-47500-over-tilt-panel-collapse-city>

'Risk' v 'Significant Risk'

The WA regulations require health monitoring if a workers health is at 'risk' of harm. This is far better protection than is afforded by the WHS regulations which relies on 'significant risk'.

The addition of 'significant' is challenging as it adds a higher test for whether a worker should be entitled to health monitoring. Given the recent high profile outbreaks of workplace disease around Australia, we should not be making health monitoring more difficult to undertake.

WA's more proactive regime of health monitoring ensures better of unsafe workplaces and ensures regulators and workers get a better understanding of health within workplaces and industries. While there have been issues with enforcement, we hope that improved resources to WorkSafe and the retaining of the OSH regulations' key health monitoring provisions, will help prevent future epidemics of workplace disease.

Power to direct health monitoring of a worker

WA regulations also contain a regulation for the commissioner to direct the medical examination of an employee. This is a power that is not in the WHS regulations and given re-emergence of silicosis in the manufactured stone industry in WA it is a provision which should be maintained for use in extreme situations.

Recommendation 18: Removal of 'significant' from 'significant risk' in WHS r368.

Recommendation 19: Incorporation of OSH Regulation r2.11 into WHS Regulations.

Chapter 8 – Asbestos

Access to Asbestos Register

WHS Regulation 427 prescribes that certain classified workers can access an asbestos register kept by a person with management or control of a workplace.

Given the high risk nature of asbestos and the number of buildings in WA which still contain asbestos we believe that registers should be available for examination by any worker or any other person who is required to be present in a building, even for purposes other than work.

For example, parents of students in school buildings should be able to examine the register, ensuring they can choose whether to send their child to a school that has extensive ACM in its construction. Parents might also carry out voluntary work such as alterations or painting on school premises, and will need to know if they are working on ACM.

Recommendation 20: That WHS r427 is amended so that other persons can access an asbestos register.

In situ asbestos notice

In 2008 Safe Work Australia members considered the need to enable the regulator to direct that asbestos is removed from buildings constructed after the introduction of the 31 December 2003 ban on the use of all forms of asbestos came into effect.

Unfortunately we still have instances of asbestos containing material (ACM) entering Australia from overseas and have seen instances in WA of ACM used in the construction of new buildings.

We are yet to see any action from Safe Work Australia and they are yet to propose any model regulations to require a duty holder to remove the ACM. Given the slow action of Safe Work Australia the WA Government should move ensure the WA regulations adopt these provisions.

Recommendation 21: That regulations introduce a power for the commissioner to order the removal of in situ asbestos containing materials which has been installed or constructed post the introduction of the 2003 ACM ban.

Other

Psychosocial Hazards

UnionsWA believes that there is a clear need for the adoption of a regulation, and accompanying codes of practices, for various risks to a workers' psychological health.

Despite the inclusion of psychological health in the definition of health within the *WHS Act*, there is no provision anywhere in the Act or regulations which expressly reference or expand on the issue of psychological health.

Many of our affiliates have concerns that psychological injuries following bullying, harassment and violence in the workplace will continue to be inadequately captured by both the *Occupational Safety and Health Act* and the model Work, Health and Safety legislation.

The recent Safe Work Australia Review in the model WHS Laws found that:

... the express reference to psychological health in the model WHS Act was overwhelmingly accepted, but there was a consistent view amongst those consulted that psychological health is neglected in the second and third tiers of the model WHS laws (that is, the model WHS Regulations and model Codes). To address this, I recommend the development of additional regulations on how to identify psychosocial risks in the workplace and the appropriate control measures to manage those risks.⁶

A change the duties around psychological health will assist workers and PCBUs with developing a clear guide to deal with the mental health issues, which can follow even after physical injuries have healed.

An ANU report commissioned by Safe Work Australia found that:

The limited studies of the effect of psychosocial legal obligations – for Europe generally, and for Sweden and Canada – suggest that legal obligations may help raise the profile of psychosocial hazards and contribute to the motivation in workplaces to take action on

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https://www.safeworkaustralia.gov.au/system/files/documents/1902/review_of_the_model_whs_laws_final_report_0.pdf

psychosocial hazards, which is likely to include establishing policies or procedures. These studies do not enable any conclusions to be drawn about the strengths or weaknesses of particular regimes, but they do suggest that organisational commitment and capacity, including resources, knowledge and skills, are predictors of organisational effort to address psychosocial hazards. To the extent that evidence exists, and it is limited, the studies suggest that legal obligations contribute to motivation more than to capacity.

Unions have argued for some time in WA that we need more comprehensive regulations and a code of practice to address the psychological health impacts of Fly-In, Fly-Out (FIFO) work on working people.

While this issue will continue to be addressed within other forums in WA it is important that psychological health is recognised in the Act. The Legislative Assembly Education and Health Standing Committee Report into Mental Health Impacts of FIFO Work Arrangements found that:

... making mental health explicit within references to health, and including psychological hazards within references to hazards, will be a significant step forward in assisting companies and industry peak bodies to understand the full extent of their responsibilities.'

UnionsWA strongly recommends that psychological health regulations are included in the WA WHS Regulations.

Recommendation 22: That the WHS regulations address psycho-social hazards.

Respirable Crystalline Silica Exposure Standards

Unions are strong supporters of the reduction of the exposure standard for respirable crystalline silica from .1 mg/m³ to .02mg/m³.

WHS Ministers have agreed that the exposure standard be reduced to .05/m³ no later than 30 September 2022. However given the instances of silica related industrial diseases 2022 is too late for adoption of a .05/m³ standard.

The government must adopt an exposure standard for Respirable crystalline silica to 0.05mgm/m³ by January 2020 outside of this regulations process and the WHS regulations should adopt a schedule for a transition to a health based standard of 0.02mgm/m³ for the WHS Regulations.

Recommendation 23: Reduce the exposure standard for respirable crystalline silica .05 to .02mg/3 by January 2020.

Recommendation 24: That the WA WHS Regulations adopt a .02mg/3 standard for respirable crystalline silica

Diesel Exposure Standard

Recent research by DMIRS has highlighted the substantial health impacts of diesel emissions on underground mining workers.

It has been recently recommended to the Mining Industry Safety Advisory Committee that an effective exposure standard of 100 µg/m³ be adopted and applied for an 8-hour working day in WA mining operations.

However, to adopt a standard just for the mining industry would do an injustice to those working in other industries which have substantial levels of diesel exhaust exposure.

A recent study has highlighted that many occupations and industries have a substantial proportion of workers who are substantially exposed to diesel exhaust. These include Agriculture, construction, mining and transport or those in occupations such as motor vehicle mechanics or machinery fitters⁷.

Given the clear evidence that the health impact on workers begins well under 100 µg/m³, we strongly recommend that a standard which is based on the health impacts of workers is adopted of 50 µg/m³.

Recommendation 25: To establish an exposure standard for Diesel Exhaust Exposure of 50 µg/m³.

Tobacco

While significant improvements have been made many workers continue to experience exposure to tobacco smoke in the workplace.

UnionsWA supports the adoption of the WA Regulations on exposure to tobacco smoke however the current provisions require some modernising to ensure that the WHS regulations are contemporary.

The regulations must move away from the definition of tobacco and smoke to ensure that alternate nicotine products are included in the definition including e-cigarettes.

Given the growth of services that require workers to enter home premises such as in home care services and the NDIS we believe that the exemption for workplaces that are private vehicles or residences should not be included in the WHS regulations.

The regulations should also contain a requirement that as far as reasonably practicable the exposure to workers should be eliminated in outdoor areas. While it may not be possible to eliminate second-hand exposure in workplaces such as mental health facilities more should be done to reduce exposure.

Recommendation 26: That the definitions of 'smoke' and 'tobacco product' are amended to include products such as e-cigarettes.

Recommendation 27: That the private home and vehicle exemptions are removed from the regulations.

Recommendation 28: That the regulations contain a requirement that second-hand exposure to tobacco or nicotine products are reduced as far as reasonable practicable.

⁷ *Ann. Occup. Hyg.*, 2015, Vol. 59, No. 5, 600–608

Work Health and Safety (Mines) Regulations

M19-20 Involvement of Health and Safety Representative

Amend clause 19 & 20 to ensure the person conducting the business or undertaking is required to involve Mine Safety and Health Representative to be involved in a risk assessment and a review of control measures

Recommendation 29: amend M19 & 20 to ensure a PCBU consults with a HSR on risk assessment and review of control measures

Health Management

The requirement in m119A to require a health management plan is an important provision in the mine safety regulations.

However additional items should be included to ensure that the health provision requires other common health hazards to be controlled for. M119A should include Ultra Violet Radiation and dust as additional contaminants to be controlled for.

In addition the potential health effects of accommodation premises needs to be controlled for. In recent years there has been outbreaks of scabies associated with a mine camp in 2019 and traces of legionella found in water in 2014.

Appropriate health management plans should be in effect to prevent and respond to these health incidents.

Recommendation 30: That the impact of dust, UVR and accommodation premises is included in M119A (3)

Mine Health Surveillance

With the re-emergence of industrial diseases and the continued research into common occupational carcinogens such as diesel exhaust it is vital that the mine health surveillance regime is reintroduced.

The scheme was ended in 2013 and health academics and researches have rightfully voiced concern that a proper evaluation of the data and system did not occur before it was ceased.

The data developed by the scheme was a rare and valuable insight into the health of workers and could have been used to better track the impact of occupational carcinogens and disease.

Recommendation 31: That the health surveillance regulations previously found in Division 4 Part 3 of the Mine Safety and Inspection Regulations are incorporated into M119.

Industry Safety and Health Inspectors

UnionsWA endorses the comments made in the submission by the Australian Workers' Union and the CFMEU Mining and Energy Division.

Industry Health and Safety Inspectors are a common theme of other mine safety legislation in Australia and provide an important role to ensure that workers and safety representatives have an additional mechanism to receive independent safety support in the workplace.

Recommendation 32: That the Mine Safety Regulations introduce a Industry Safety and Health Inspector regime similar to the NSW *Work Health and Safety (Mines and Petroleum Sites) Act 2013*