



27 November 2017

Honourable A. Farina MLC
Chair
Standing Committee on Public Administration
18 – 32 Parliament Place
WEST PERTH WA 6005

Dear Ms Farina

INQUIRY INTO WORKSAFE WESTERN AUSTRALIA – WAPU QUESTIONS ON NOTICE

Thank you for allowing the WA Police Union the opportunity to present before the Public Administration Committee on 1 November.

WAPU was asked four questions on notice arising from its presentation and submission to the Committee's inquiry into WorkSafe Western Australia. WAPU's response to each question is attached with this letter.

If you have any further queries in relation to this matter, please do not hesitate to contact me.

Yours sincerely

George Tilbury
President

Encl.

Attachments

1. Question on Notice 1 – Potential prosecution actions
2. Question on Notice 2 – Potential intervention incidents
3. Question on Notice 3 – Correspondence re mould incidents at Karratha and South Hedland police stations
4. Question on Notice 4 – WA Police collaboration with WorkSafe re mining fatalities



Public Administration Committee Inquiry into WorkSafe WA

Question on Notice 1 to WA Police Union

Session One, 1 November 2017

Exhibits

1. Margaret River police station – Asbestos removal
2. Karratha and South Hedland police stations – Mould incidents
3. WA Police Joondalup Academy – Oleoresin capsicum spray incident
4. WA Police Bomb Squad – Explosive burns injury
5. WA Police Forensics Division – Working at heights injury
6. WA Police Deployment Readiness Test – Unstable plant injuries
7. WA Police quad bike training – Serious injury incident
8. Rockingham police station – Construction work hazard



Public Administration Committee Inquiry into WorkSafe WA

Question on Notice 1 to WA Police Union

Session One, 1 November 2017

1. Description of OSH incident.
Asbestos hazard at Margaret River Police Station Building site internal work.
2. What date the incident occurred?
5 March 2015.
3. What date the WA police officer or WAPU lodged a request to attend with WorkSafe in relation to the incident?
Not known. Local SHR or WA Police Safety Branch notified WorkSafe.
4. What was the complaint number of the incident lodged?
Not known.
5. Did WorkSafe complete an investigation in response to that Request to Attend?
No.
6. What action was taken by WorkSafe in relation to the particular incident?
None.
7. Does WAPU believe WorkSafe met its statutory obligations in relation to the particular incident?
No. At the very least, the site should have been visited by the South West Worksafe Inspector. Prosecution should have taken place on the WA Police Force and Contractor.

Public Administration Committee Inquiry into WorkSafe WA

Question on Notice 1 to WA Police Union

Session One, 1 November 2017

1. Description of OSH incident.

Mould hazard outbreak at Karratha and South Hedland Police Stations.

2. What date the incident occurred?

February 2011.

3. What date the WA police officer or WAPU lodged a request to attend with WorkSafe in relation to the incident?

February 2011. Notifiable illness.

4. What was the complaint number of the incident lodged?

#108 941

5. Did WorkSafe complete an investigation in response to that Request to Attend?

No. Left with WA Police Force.

6. What action was taken by WorkSafe in relation to the particular incident?

Left with WA Police Force.

7. Does WAPU believe WorkSafe met its statutory obligations in relation to the particular incident?

No. Worksafe should have attended and inspected. After inspection, prosecuted WA Police Force.

Public Administration Committee Inquiry into WorkSafe WA

Question on Notice 1 to WA Police Union

Session One, 1 November 2017

1. Description of OSH incident.

OC Spray training hazard. Inflicting injury on Members at Joondalup Police Academy.

2. What date the incident occurred?

15 June 2006.

3. What date the WA police officer or WAPU lodged a request to attend with WorkSafe in relation to the incident?

Same date – WA Police OSH Branch.

4. What was the complaint number of the incident lodged?

Not known.

5. Did WorkSafe complete an investigation in response to that Request to Attend?

Yes.

6. What action was taken by WorkSafe in relation to the particular incident?

- Investigation
- Prohibition Notice
- Review WA Police appeal on the Prohibition Notice
- Uphold the prohibition notice

7. Does WAPU believe WorkSafe met its statutory obligations in relation to the particular incident?

No. WA Police Force should have been prosecuted. One of the injured female recruits was blinded for a number of days. The said recruit was from the UK and had no relatives in Australia to support her over the period.



Public Administration Committee Inquiry into WorkSafe WA

Question on Notice 1 to WA Police Union

Session One, 1 November 2017

1. Description of OSH incident.
Severe burns incident at Maylands Police Facility.
2. What date the incident occurred?
3 August 2011.
3. What date the WA police officer or WAPU lodged a request to attend with WorkSafe in relation to the incident?
18 October 2011.
4. What was the complaint number of the incident lodged?
#2011/001208.
5. Did WorkSafe complete an investigation in response to that Request to Attend?
No.
6. What action was taken by WorkSafe in relation to the particular incident?
None.
7. Does WAPU believe WorkSafe met its statutory obligations in relation to the particular incident?
No. The severity of the injury and nature of the incident (contaminated gunpowder) should have seen the WA Police Force prosecuted.



Public Administration Committee Inquiry into WorkSafe WA

Question on Notice 1 to WA Police Union

Session One, 1 November 2017

1. Description of OSH incident.

Member fell through a fragile roof working at heights.

2. What date the incident occurred?

1 or 2 January 2011.

3. What date the WA police officer or WAPU lodged a request to attend with WorkSafe in relation to the incident?

4 January 2011 – WorkSafe notified by WA Police OSH Branch due to type of injury and lost time factor.

4. What was the complaint number of the incident lodged?

WorkSafe number not known. WA Police Force Incident Number #10009294.

5. Did WorkSafe complete an investigation in response to that Request to Attend?

No.

6. What action was taken by WorkSafe in relation to the particular incident?

None.

7. Does WAPU believe WorkSafe met its statutory obligations in relation to the particular incident?

No. Clear breach of OSH regulation 3.57 working at heights fragile roof, due to nature of breach and injuries. Prosecution should have occurred.



Public Administration Committee Inquiry into WorkSafe WA

Question on Notice 1 to WA Police Union

Session One, 1 November 2017

1. Description of OSH incident.
Numerous work-related soft tissue injuries during deployment readiness testing. Due to provision of unstable plants.
2. What date the incident occurred?
Over the course of 2015 to 2017.
3. What date the WA police officer or WAPU lodged a request to attend with WorkSafe in relation to the incident?
WorkSafe notified by WA Police Safety Branch in compliance with time of work.
4. What was the complaint number of the incident lodged?
Not known. WA Police Force should have incident numbers.
5. Did WorkSafe complete an investigation in response to that Request to Attend?
No.
6. What action was taken by WorkSafe in relation to the particular incident?
None.
7. Does WAPU believe WorkSafe met its statutory obligations in relation to the particular incident?
No. Faulty unstable plant (mainly a wall) should have resulted in a prosecution.

Public Administration Committee Inquiry into WorkSafe WA

Question on Notice 1 to WA Police Union

Session One, 1 November 2017

1. Description of OSH incident.

Quad bike training crash in Geraldton which resulted in Members suffering serious injuries.

2. What date the incident occurred?

11 November 2010.

3. What date the WA police officer or WAPU lodged a request to attend with WorkSafe in relation to the incident?

12 November 2010.

4. What was the complaint number of the incident lodged?

Not known.

5. Did WorkSafe complete an investigation in response to that Request to Attend?

No.

6. What action was taken by WorkSafe in relation to the particular incident?

None.

7. Does WAPU believe WorkSafe met its statutory obligations in relation to the particular incident?

No. Prosecution should have occurred under Section 19 (1) (d) OSH Act for not providing appropriate PPE (clothing).

Public Administration Committee Inquiry into WorkSafe WA

Question on Notice 1 to WA Police Union

Session One, 1 November 2017

1. Description of OSH incident.

Overhead work hazard. Members working while air conditioning system was being replaced in the roof of Rockingham Police Station.

2. What date the incident occurred?

14 December 2010.

3. What date the WA police officer or WAPU lodged a request to attend with WorkSafe in relation to the incident?

14 December 2010 by local SHR via copy of PIN.

4. What was the complaint number of the incident lodged?

Not known.

5. Did WorkSafe complete an investigation in response to that Request to Attend?

Not known. When these types of issues arose, WorkSafe corresponded with the WA Police Safety Branch.

6. What action was taken by WorkSafe in relation to the particular incident?

Not known. When these types of issues arose, WorkSafe corresponded with the WA Police Safety Branch.

7. Does WAPU believe WorkSafe met its statutory obligations in relation to the particular incident?

No. Extract from WAPU Member notes #11592: *"Station SHR. Hazard Rockingham Station. Replacement A/C being fitted in ceiling void. WAPU advice to issue PIN notify WorkSafe. PIN reject by Safety Branch not technically correct. SHR castigated by Peel DO Management. Staff remain on site."*



Public Administration Committee Inquiry into WorkSafe WA

Question on Notice 2 to WA Police Union

Session One, 1 November 2017

Exhibits

1. Karratha police station – Method of entry injury
2. WA Police vehicles fitted with cages – Safety of prisoners
3. WA Police Communications Division – Unreliable systems in regional areas
4. WA Police Union – Working alone custodial care
5. WA Police Health Hazard Branch – Workplace bullying
6. Roe 8 construction work – Exposure to asbestos
7. WA Police Traffic Enforcement Group – Pooling of motorcycles



Public Administration Committee Inquiry into WorkSafe WA

Questions on Notice 2 to WA Police Union

Session One, 1 November 2017

1. Description of OSH incident.
Serious arm injury during method of entry operation in Karratha.
2. What date the incident occurred?
September 2014.
3. What date the WA police officer or WAPU lodged a request to attend with WorkSafe in relation to the incident?
September 2014.
4. What was the complaint number of the incident lodged?
Not known.
5. Did WorkSafe complete an investigation in response to that Request to Attend?
No.
6. What action was taken by WorkSafe in relation to the particular incident?
None.
7. Does WAPU believe WorkSafe met its statutory obligations in relation to the particular incident?
Due to the lack of procedures or policies, PPE (clothing), tools and different training techniques. A prohibition notice should have issued. Issue currently being resolved between WA Police Force and WAPU.



Public Administration Committee Inquiry into WorkSafe WA

Questions on Notice 2 to WA Police Union

Session One, 1 November 2017

1. Description of OSH incident.
Hazard. Conveying prisoners in caged wagons.
2. What date the incident occurred?
2003 to 2007.
3. What date the WA police officer or WAPU lodged a request to attend with WorkSafe in relation to the incident?
30 November 2007.
4. What was the complaint number of the incident lodged?
WS3390/2007/1.
5. Did WorkSafe complete an investigation in response to that Request to Attend?
Yes.
6. What action was taken by WorkSafe in relation to the particular incident?
Unsupportive response.
7. Does WAPU believe WorkSafe met its statutory obligations in relation to the particular incident?
No. Improvement notice should have been issued. WAPU resorted to action by the Inspector of Custodial Services.

Public Administration Committee Inquiry into WorkSafe WA

Questions on Notice 2 to WA Police Union

Session One, 1 November 2017

1. Description of OSH incident.

Unreliable communication systems in certain areas of regional WA.

2. What date the incident occurred?

2003 to 2013.

3. What date the WA police officer or WAPU lodged a request to attend with WorkSafe in relation to the incident?

7 October 2013.

4. What was the complaint number of the incident lodged?

IN 61500103.

5. Did WorkSafe complete an investigation in response to that Request to Attend?

Yes.

6. What action was taken by WorkSafe in relation to the particular incident?

Improvement Notice.

7. Does WAPU believe WorkSafe met its statutory obligations in relation to the particular incident?

Yes. The relevant notice indicates that, when areas are visited, breaches are identified.

However, there were other issues pointed out regarding unreliable communications in regional WA and non-manning of the regional WA console that should have been included in the notice.



Public Administration Committee Inquiry into WorkSafe WA

Questions on Notice 2 to WA Police Union

Session One, 1 November 2017

1. Description of OSH incident.

Working Alone Guidance Note. Effects of single officer custodial care.

2. What date the incident occurred?

March 2006.

3. What date the WA police officer or WAPU lodged a request to attend with WorkSafe in relation to the incident?

8 March 2006.

4. What was the complaint number of the incident lodged?

Not known. Cannot locate an acknowledgement or response from WorkSafe.

5. Did WorkSafe complete an investigation in response to that Request to Attend?

No, but published a revised Working Alone Guidance Note in 2009 that did not mention police officers.

6. What action was taken by WorkSafe in relation to the particular incident?

Working Alone Guidance Note in 2009.

7. Does WAPU believe WorkSafe met its statutory obligations in relation to the particular incident?

No. Including sworn officers in the guidance note would have enabled WAPU to pressure the Commissioner of Police to ban single officer custodial care.



Public Administration Committee Inquiry into WorkSafe WA

Questions on Notice 2 to WA Police Union

Session One, 1 November 2017

1. Description of OSH incident.

Hazard. Employer-biased outcomes of bullying complaints (Prevention and Management of adverse workplace behaviour WA Police Force Procedure).

2. What date the incident occurred?

30 August 2013.

3. What date the WA police officer or WAPU lodged a request to attend with WorkSafe in relation to the incident?

April 2014.

4. What was the complaint number of the incident lodged?

#366270

5. Did WorkSafe complete an investigation in response to that Request to Attend?

Yes.

6. What action was taken by WorkSafe in relation to the particular incident?

None.

7. Does WAPU believe WorkSafe met its statutory obligations in relation to the particular incident?

No. Perpetrator should have been sanctioned and WA Police issued an improvement notice.

WAPU understands that Worksafe staff did contact the Safety Branch later regarding the methods of investigating and evaluating bullying issues.



Public Administration Committee Inquiry into WorkSafe WA

Questions on Notice 2 to WA Police Union

Session One, 1 November 2017

1. Description of OSH incident.

Asbestos hazard at Roe 8 Extensions, Coolbellup.

2. What date the incident occurred?

January to February 2017.

3. What date the WA police officer or WAPU lodged a request to attend with WorkSafe in relation to the incident?

Lodged on 9 January 2017 by _____ and _____ who in turn notified WAPU.

4. What was the complaint number of the incident lodged?

A16864350 (WS0059/2017).

5. Did WorkSafe complete an investigation in response to that Request to Attend?

Yes.

6. What action was taken by WorkSafe in relation to the particular incident?

Laboratory testing determined material did not contain asbestos. This was despite WAPU representatives identifying asbestos materials on site.

7. Does WAPU believe WorkSafe met its statutory obligations in relation to the particular incident?

No. A prohibition notice should have been issue to the Main Roads Department and contractors until all asbestos products (old fence material) was removed from the road reserve. Blatantly obvious that asbestos would have been dumped there over many years.



Public Administration Committee Inquiry into WorkSafe WA

Questions on Notice 2 to WA Police Union

Session One, 1 November 2017

1. Description of OSH incident.

Hazard. Pooling of WA Police Motorcycles. Members exchanging vehicles without knowing potential damage to the vehicle from the previous shift.

2. What date the incident occurred?

March 2009.

3. What date the WA police officer or WAPU lodged a request to attend with WorkSafe in relation to the incident?

25 March 2009.

4. What was the complaint number of the incident lodged?

WS0129/2009/1.

5. Did WorkSafe complete an investigation in response to that Request to Attend?

Yes.

6. What action was taken by WorkSafe in relation to the particular incident?

Request denied.

7. Does WAPU believe WorkSafe met its statutory obligations in relation to the particular incident?

No. An improvement notice should have been issued over an unsafe work practice.



Public Administration Committee Inquiry into WorkSafe WA

Questions on Notice 3 to WA Police Union

Session One, 1 November 2017

Exhibits

1. WAPU Letter to WorkSafe WA Commissioner, Mr Lex McCulloch – 27 July 2012
2. Mr Lex McCulloch reply to WAPU Letter – 2 August 2012



CENTENARY 2012

WESTERN AUSTRALIAN
POLICE UNION OF WORKERS



27 July, 2012

Mr L. McCulloch
Commissioner
Worksafe
P.O. Box 294
WEST PERTH W.A. 6872

Dear Sir

HAZARDOUS WORKING ENVIRONMENT - KARRATHA POLICE COMPLEX AND SOUTH HEDLAND POLICE STATION

During the design stage of the Karratha Police Complex and the South Hedland Police Station the technical specifications of the air conditioning systems were developed to ensure compliance with the State Governments energy saving principles. This required a percentage of non air conditioned (fresh) air to be provided to the buildings.

The design, installation and operation of these two systems have proven to be an abject failure. The resultant failures of the air conditioning systems have placed our members in a very hazardous environment and at serious risk to their health and wellbeing. As no pre occupancy evaluation tests were conducted at either facility, W.A. Police were totally unprepared for the consequences when the air conditioning systems began to pump moisturised air into the office spaces throughout both facilities. As a result, the following occurred:

- Excessive moisture caused the inside walls to run with water build up.
- The resultant damp conditions caused carpets and floors to become inundated with water.
- Ceiling panels became damp.
- Soft white goods absorbed moisture and became affected.
- Personal affects and uniforms became damp and mouldy.
- Mould began to build up undetected behind one-sided whiteboards and picture frames.

Stagnant water was accumulating in areas of the air conditioning ducting in the ceiling space especially where the ducting was buckled or creased at hanging points. As the ceiling space was unventilated the area was stuffy and considerably hotter with exceedingly high levels of humidity recorded.

Although short term alternative accommodation was found for staff at the South Hedland Police Station the same did not apply to staff at the Karratha Police Complex.

It is at this complex where members began to succumb to respiratory ailments. Members remained on site 24/7 whilst W.A. Police rushed to have a number of dehumidifiers installed throughout the complex in an effort to reduce the high levels of humidity. Records were kept of the amount of water being drained from these machines. Stoppag correctional modifications were made to the air conditioning systems.

The Union dispatched an expert in sick building syndrome to the Karratha facility. His examination report provided further remedial advice that would assist in the short term to maintain control of any further outbreaks of mould. The examination provided further evidence of poor maintenance measures such as reinserting damp recently washed air conditioning filters without allowing them to thoroughly dry and maintain efficiency.

When one of our members became affected by a strain of legionnaire's disease shortly after the air conditioning failure, W.A. Police were quick to relate the cause of the illness to potting mix and not water droplets that were likely associated with the faulty air conditioning, or the resultant mould.

Of considerable disappointment to the Union is the failure of W.A. Police to retain and seal badly affected whiteboards and conduct forensic tests on the possible harmful effects of mould spores that built up on the MDF like surface.

As W.A. Police have divorced themselves from the members illness by asserting it was not attributable to the faulty air conditioning system they have shown reluctance to ensure that the Worksafe Code of Practice for the Prevention and Control of Legionnaires disease 2010 is fully applied, to completely eliminate the possibility of the disease hazards emanating from the Karratha facility. The Union understands that a further Karratha member has contracted a similar legionnaires illness.

As the Carnarvon Police and Court House complex is to commence shortly the Union insists that the same mistakes are not repeated. The complex is to be built on proven contaminated land and will require even more stringent technical specifications applied in order to avoid harmful fumes emanating from the diesel plume affected soil, entering the complex.

Accordingly, please advise us if improvement notices have been issued by Worksafe on W.A. Police to ensure that the faulty air conditioning systems at Karratha and South Hedland are rectified to a safe and healthy standard.

Our Union does not want similar mistakes to occur at future facilities, given that the safety and wellbeing of our members is of paramount importance.

I look forward to a response at your earliest convenience.

Yours sincerely

George Tilbury
President



Government of Western Australia
Department of Commerce



2 August 2012

Our Ref: A3619941 & WS0562/2009

Enquiries:

Mr George Tilbury
President
Western Australian Police Union of Workers
639 Murray Street
WEST PERTH WA 6872

Dear Mr Tilbury

KARRATHA POLICE COMPLEX AND SOUTH HEDLAND POLICE STATION

Thank you for your letter dated 27 July 2012, raising your concerns about the Karratha Police Complex and South Hedland Police Station.

In February 2012, WorkSafe received a notification of a Police Officer suffering from *Legionella longbeachae*. However, as indicated in the *Code of Practice Prevention and control of Legionnaire's disease 2010*, this species of Legionella is "commonly found in potting mix", or it can be found in soil. WorkSafe's investigation concluded the illness was unlikely to be work related and not related to mould or air conditioning at the station.

WorkSafe was also contacted in mid July in relation to another legionella infection involving a Police Officer. However, the nature of the illness could not be determined and WorkSafe has not received a notification for this disease.

WorkSafe has not been asked to investigate other matters at the Karratha Police Complex and South Hedland Police Station, and no Improvement Notices have been issued in relation to the matters you raise.

If you would like WorkSafe to consider your concerns further, please arrange for the WorkSafe Customer Help Centre to be provided with the details on those matters you believe do not comply with the requirements of the occupational safety and health laws. The Customer Help Centre can be contacted on 1300 307 877 or email safety@commerce.wa.gov.au.

I appreciate the opportunity to respond to your concerns.

Yours sincerely

Lex McCulloch
WORKSAFE WESTERN AUSTRALIA COMMISSIONER



Public Administration Committee Inquiry into WorkSafe WA

Questions on Notice 4 to WA Police Union

Session One, 1 November 2017

Exhibits

1. Mr Dave Lampard, WAPU Field Officer email to Detective Senior Sergeant Dave Shillingford, WA Police Coronial Investigations Squad – 15 November 2017
2. Mr Dave Lampard, WAPU Field Officer email to Detective Senior Sergeant Dave Shillingford, WA Police Coronial Investigations Squad – 22 November 2017
3. Detective Senior Sergeant Dave Shillingford, WA Police Coronial Investigations Squad email to Mr Dave Lampard, WAPU Field Officer – 22 November 2017
4. Mr Dave Lampard, WAPU Field Officer email to Detective Senior Sergeant Dave Shillingford, WA Police Coronial Investigations Squad – 22 November 2017

From:
Sent: Wednesday, 22 November 2017 6:57 PM
To:
Cc:
Subject: Re: WAPU FILE #O0035 LEGISLATIVE COUNCIL PUBLIC ADMINISTRATION INQUIRY INTO WORKSAFE

Thanks bit of history around this will discuss over a beer one day. Regards and thanks

Sent from my iPhone

On 22 Nov 2017, at 12:03 pm, wrote:

Hi

In relation to WorkSafe investigations, we do not conduct joint interviews. We gather information and evidence on behalf of the State Coroner. All documentation remains with her.

Generally, WorkSafe apply to the Coroners Court to obtain information.

This is a directive of the State Coroner.

Thanks and regards

**Western Australia Police
Email**

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From:
Sent: Wednesday, 22 November 2017 10:37 AM
To:
Cc:
Subject: WAPU FILE #O0035 LEGISLATIVE COUNCIL PUBLIC ADMINISTRATION INQUIRY INTO WORKSAFE

I'm Just back from three days at the WAPU AC 2017.

Further to our phone call.

I start LSL on Friday November 24, 2017. Would appreciate if you can provide details re the request as we need to respond to the Committee by the end of the week.

If you are unable to provide the information, you may be able to steer us to an area that can give a brief explanation.

Kind Regards

WA Police Union

M  E

639 Murray Street, West Perth WA 6005

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www.wapu.org.au

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If you have received this email in error, please immediately notify our office via email at

admin@wapu.org.au

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From:

Sent: Wednesday, 15 November 2017 9:39 AM

To:

Subject: WAPU FILE #O0035 LEGISLATIVE COUNCIL PUBLIC ADMINISTRATION INQUIRY INTO WORKSAFE

WAPU was invited to give oral evidence supporting our written submission into WorkSafe.

A question was asked in oral evidence regarding the role police officers play in WorkSafe and or Mining and Resource investigations into workplace fatalities.

As we were unsure of the current role we took the question on notice.

The committee was interested to know if the police and the inspectors conduct joint interviews of witnesses, or whether the information is shared at the investigatory stage prior to completion of reports.

This was not part of our submission and it would appear could be based on answers Worksafe gave to the inquiry.

You may be able to assist with the policy, procedure, protocol that is required and any directions our members receive in this regard.

Regards

WA Police Union

M  E

639 Murray Street, West Perth WA 6005

<image001.jpg>

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