



13 April 2018

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 – ADDITIONAL QUESTIONS

Thank you for your letter dated 11 April 2018 providing WAPU with an opportunity to respond to further questions. As stated in our initial submission, WAPU is committed to assisting the Inquiry into WorkSafe to advance and improve WA's existing Occupational Safety and Health (OSH) framework.

Prior to the tragic death of First Class Constable Green in December 2017, WA Police Force had not recorded a workplace fatality for more than 10 years. However, this record should not overshadow the inherent risk to our Members of being killed every time they investigate or respond to criminal activity. They also face the real risk of suicide due to work-related stress and trauma.

WAPU believes any reporting system on workplace fatalities should accord with 'best practice' standards. Reports should not just provide a comprehensive account about the events and contributing factors behind any workplace fatality. They should also form the basis for preventing similar fatalities in the future.

I appeared before the Public Administration Committee ("the Committee") on 1 November 2017 as a witness. I stated WAPU's position that independent oversight is absolutely necessary when it comes to the safety of our Members. Unfortunately, the examples provided in our submission demonstrated WorkSafe being a toothless tiger when it comes to safety breaches within the WA Police Force.

In both its initial submission and in evidence before the Committee, WAPU listed a number of safety incidents involving Members that should have resulted in WorkSafe intervention. That includes the issuing of a prohibition notice or, at the very least, an improvement notice as a control measure to ensure workplace hazards were not repeated. A public reporting system as proposed by the Committee would assist against non-intervention in the future.

- 1. Would it be useful for WorkSafe to publish a report similar to the significant incident report?**
WAPU understands this would entail using the Department of Mines, Industry Regulation and Safety (DMIRS) existing significant incident report (SIR) as a template.

WAPU considers the adoption of such a template would be advantageous in terms of a consistent standard of reporting for all WA industries and sectors. However, if such reports are to be made public, the sensitive requirements of law enforcement need to be considered.

A SIR arising from a Police Officer becoming a workplace fatality should not contain any information that:

- Identifies the deceased officer or any serving officer;
- Details ongoing criminal investigations;
- Exposes sources of criminal intelligence; and/or
- Compromises the security of WA Police Force stations and workplaces.

- 2. Would it be useful for WorkSafe to publish a report similar to the ATSB investigation reports?**
WAPU has not previously dealt with the Australian Transport Safety Bureau (ATSB) on workplace safety matters. Consequently, we are unable to definitively form a view if a reporting system similar to the ATSB would improve the safety of our Members. If an ATSB system were to be adopted, WAPU would want it to avoid disclosing the same sensitive information as with an SIR (see above).

- 3. Is there any other type of public report that WAPU considers would be useful?**
WAPU would want any reporting system to at least align with the Australian New Zealand Policing Advisory Agency (ANZPAA) *Guide for Managing Work Health and Safety in Australian Policing (Operational) 2017* ("the Guide").

The Guide recommends any review of workplace health and safety should contain the following questions (page 33):

- Are the control measures working effectively in both their design and operation?
- Have the control measures introduced new problems?
- Have all hazards been identified?
- Have new work methods, new equipment or chemicals made the job safer?
- Are safety procedures being followed?
- Has instruction and training provided to Police on how to work safely been successful?
- Can training include learnings from previous incidents to inform and improve practice?
- Are Police actively involved in identifying hazards and possible control measures? Are they openly raising health and safety concerns and reporting problems promptly?
- Is the frequency and severity of health and safety incidents reducing over time?

WAPU would also draw the Committee's attention to the US National Institute of Justice (NIJ). The NIJ is the research, development and evaluation agency of the U.S. Department of Justice. Since July 2017, it has been conducting a pilot program with the US National Institute for Occupational Safety and Health:

<https://nij.gov/topics/law-enforcement/operations/traffic/Pages/preventing-officer-deaths-by-understanding-incidents.aspx>

In the decade between 2006 and 2015, the FBI reports that more law enforcement officers died in the line of duty as the result of traffic accidents than from criminal use of firearms. The goal of the program was to identify risk factors for fatal motor vehicle-related events and develop recommendations for preventing future fatalities and injuries. The reports produced under the program have strong similarities with both SIR and ATSB formats.

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

Yours sincerely

George Tilbury
President