



WESTERN AUSTRALIA POLICE FORCE

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Inquiries:

Hon Adele Farina MLC
Chair
Standing Committee on Public Administration
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Ms Farina

Standing Committee on Public Administration - Inquiry into WorkSafe WA

Thank you for your correspondence dated 22 June 2018, requesting information to assist the above inquiry.

There is no formal Western Australia Police Force policy requiring WorkSafe WA to be notified where a driver has been injured or killed in a road crash while driving a vehicle for the purposes of his employment.

WA Police Force policy exists for serious marine accidents/incidents that result in injury to notify appropriate authorities, which includes WorkSafe WA. WA Police Force policy exists where WorkSafe WA should be contacted where the death of a person occurred at a worksite and there are non-suspicious circumstances. Copies of these policies are attached for the information of the committee.

In relation to the specific questions from the committee, the WA Police Force provide the following responses:

1.1

Are WA Police required as part of their investigation of a road traffic injury or fatality, to inquire whether the driver of the vehicle was driving the vehicle as part of the person's employment?

No.

1.1.2

If the answer to question 1.1 is no, why not?

Major Crash Investigation Section (Major Crash) investigate to identify if there has been any criminality.

Major Crash investigates serious and fatal crashes state-wide where:

- Any death results from a crash on a road;
- A surviving driver may be held responsible for occasioning the serious injury or death to another person;
- Serious injuries and/or death result from any police driving or vehicle operations; and
- It is in the public interest to do so.

Whether the driver of the vehicle was driving the vehicle as part of the person's employment will be recorded by the Investigating Officer should this information be relevant to the investigation. However, this is not a requirement within WA Police Force policy or procedure.

1.1.4

Is there a policy or procedure that the WA Police follow in relation to referring road traffic incidents to WorkSafe WA?

No.

1.1.6

Is the Police officer investigating the road traffic incident the person who determines whether or not the incident is referred to WorkSafe WA?

Yes. If during an investigation it becomes apparent to the investigating officer that the matter should be referred to WorkSafe WA, this is coordinated through the Operations Manager at Major Crash.

1.1.7

Is the decision whether or not to refer a road traffic accident to WorkSafe WA reviewed by a more senior officer?

All referrals to WorkSafe WA are conducted through the Operations Manager at Major Crash, who is a Detective Sergeant.

1.1.8

If there is no policy or procedure that the WA Police follow in referring incidents to WorkSafe WA, how do Police officers make a decision whether to contact WorkSafe WA in relation to a road traffic accident?

Referral decisions are made as part of normal investigative practices based on operational experience and consultation with peers and supervisors.

1.2

If the WA Police have referred a road traffic accident to WorkSafe WA for investigation, does WorkSafe WA inform the WA Police about the outcome of their investigation?

No. This information does not impact on the police investigation.

1.2.4

If the answer to 1.2.3 is no, would it assist WA Police if WorkSafe WA provided WA Police with a copy of its investigation report and if yes, how?

WA Police Force apply the same practices to all fatal and critical crashes that occur on roads, irrespective of the vehicle type, by investigating the causes of the crash and determining and apportioning any criminal liability that may apply. The scope of the investigation does not consider any matters pertaining to workplace safety as this is a matter for the safety regulator WorkSafe WA.

Where a vehicle has been involved in a crash, and was being operated for hire, reward or payment of a wage, WorkSafe WA have the capacity to request access to the WA Police Force investigation files in order to conduct their own inquiries. If the crash resulted in death, access to the investigation files can be requested through the State Coroner. Alternatively, if a critical injury occurred, access to the investigation files can be requested utilising the legislative powers given to WorkSafe WA under the *Occupational Safety and Health Act 1984*.

It would be on a very rare occasion that the WA Police Force would commence an investigation after one had been completed by WorkSafe WA. Should such an instance occur the WA Police Force will work with WorkSafe WA to facilitate an appropriate exchange of information.

Yours sincerely

CHRIS DAWSON
COMMISSIONER OF POLICE

9 August 2018