TRANSCRIPT

ROAD SAFETY COMMITTEE

Inquiry into serious injury

Canberra — 6 August 2013

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Dr F. de Crespigny, director, data analysis, policies and services branch,

Mr R. Webster, assistant director, data analysis, policies and services branch, and

Ms I. Debevec, director, legal branch, work health and safety and corporate governance branch, Safe Work Australia.

The CHAIR — On behalf of the Victorian Parliament's Road Safety Committee I welcome representatives from Safe Work Australia to our hearings in Canberra today. I thank Dr de Crespigny, Mr Webster and Ms Debevec for appearing before us. By way of general background, the evidence you give today is protected by parliamentary privilege. If there are any comments you wish to make in camera — that is, that will not form part of the public record — you are welcome to do so. You will receive a copy of the transcript of evidence in due course, and you are invited to correct any typographical or factual errors and return it to us, following which it is intended that your evidence will appear on our website. We have a number of questions we would like to ask you, but we understand that our questions will be preceded by your presentation, and I invite you to commence that. Before speaking, could you introduce yourselves by name and position? Thank you.

Dr de CRESPIGNY — Thank you very much. My name is Fleur de Crespigny and I am the director of the data analysis team at Safe Work Australia. I have with me Richard Webster, who is the assistant director of my team, and also Ivanka Debevec, who is the director of the legal section at Safe Work Australia. Do you need them to give their names?

The CHAIR — No, we are happily introduced. Welcome.

Overheads shown

Dr de CRESPIGNY — I thought I would begin my presentation by giving you a brief overview of Safe Work Australia and explaining the reason why we are so interested in making a submission to this inquiry. Safe Work Australia is the national policy body for work health and safety and workers compensation. I guess one of the main aims of Safe Work Australia is to achieve healthier, safer and more productive workplaces through improvements to Australian work health and safety and workers compensation policy. One of our key statutory functions is to collect, analyse, monitor and report on data and research that will inform national work health and safety policy and programs. As such, we have a really strong interest in improving the quality and the availability of data relating to work health and safety.

Safe Work Australia was very interested in making a submission to this inquiry because vehicles and roads are workplaces, and if they are not workplaces they are integral to people's work. Despite this fact we have quite poor quality data on work-related incidents that occur on public roads. Our submission relates to three of the terms of reference of the inquiry. I will just go over some key points from our submission in our presentation today. Of course I will be very happy to take questions afterwards but also during the presentation if you wish to interrupt me.

The CHAIR — Thank you, we are accustomed to interjections, but we will try to spare you from them.

Dr de CRESPIGNY — Okay. I will start with the first term of reference, which is about investigating methods for determining the cost of serious injuries on roads. Safe Work Australia has developed a model for determining the cost of work-related injury and disease, and we believe this model could be adapted to determine the cost of serious injury on public roads in the Victorian context in a relatively straightforward manner. The model we have has been subject to a number of reviews and revisions over the years, and it has also been investigated and endorsed by Access Economics. It has attracted quite a bit of international attention; for example, just earlier this year it was adapted to the Singaporean work health and safety context.

The model focuses on human costs and uses an incidence and lifetime cost approach. It is a theoretical approach, but it uses real new cases to proxy the cost of existing cases that originated in previous reference years. I am not going to talk in much detail about this, because I have my expert, Richard Webster, so if you have questions about the cost model you can direct them to him in a minute. I will just go on to say that these are the main steps to deriving a cost estimate, and the main driver is the data that you have available to you. One of the reasons why we are recommending this model to you is because we believe you have similar data to what we use to determine the cost of work-related injury and so your data would lend itself to a similar methodology to this cost-estimate model.

You may want to look at different ways to define 'serious injury'. We only have a very small number of catastrophic injuries from a work injury point of view, but we would imagine that you would have considerably more, and you may have an interest or a need to separate those out and to look at them from an analysis point of view. We tend to just lump them all together in one bucket.

The next slide is an example of the output we get from the model, and the key point to take away from this is that around 300 000 to 400 000 incidents a year amount to around 5 per cent of GDP for Australia. Each case has a total economic cost of around $100 000.

This slide shows that full incapacity comprises only 1 per cent of cases but 16 per cent of the costs of work-related injury and disease. So it is possible, if you have more full incapacity cases, they could amount to as much as half of the total economic cost of serious injuries on the road. A second table there at the bottom is a breakdown of who bears the costs of these injuries and illnesses. Obviously this table is tailored to a work health and safety context, but you could adapt this to the relevant economic agents for public road fatality costs.

The CHAIR — Just one small question: the description of disease covers what? Is that relevant to this work in the first table?

Dr de CRESPIGNY — Yes. We break down the cost by traumatic injuries or by diseases, so our workers compensation and other data is split into those two categories. So disease would not be relevant in your case, but it is just a way of looking at the data.

The CHAIR — Thank you.

Dr de CRESPIGNY — If I move on to the inquiry's other terms of reference, Safe Work Australia compiles data on all work-related fatalities that result from traumatic injuries, and from these data we know that at least one-third of all workers who are killed in Australia die as a result of injuries sustained in a vehicle accident on a public road. The majority of these workers are truck drivers. Overall we estimate that at least 15 per cent of all road crash deaths involve some sort of work activity, including commuting to and from work.

In Victoria 39 per cent of all workers killed are killed in public road incidents. That is slightly higher than the national figure, and it equates to between 10 and 30 workers per year, and 52 per cent of those are in a truck at the time of the incident. So far this year Safe Work Australia has identified 41 work-related public road fatalities nationally — 21 workers and 20 bystanders — and in Victoria there have been 10 fatalities this year, being two workers and eight bystanders, which we have identified through the media, basically. So there are likely to be more than that.

While the quality of our fatalities data is reasonably good, we know we are missing fatalities of workers who are driving regular cars in the course of their work, and this is because it is nearly impossible to identify these in the national coronial information system because police do not routinely collect information on work relatedness, and it is not included in their reports and so it does not attract the work-related flag in the coronial information system. So we know we are undercounting those sorts of fatalities.

If we talk about non-fatal serious injuries, in our submission we originally stated that we could not identify serious injuries arising from vehicle accidents on public roads in our compensation data. That is not strictly true. There is a code. It is called 'duty status', but not all jurisdictions use the code in the same way. So the data is very poor quality and in fact the Victorian work health and safety authorities do not use it at all, so we have not been able to make use of that information. Even though it is kind of collected, it is not collected very well.

If we exclude Victoria we would estimate that there are around 2500 serious workers compensation claims resulting from vehicle accidents across Australia each year, and of these about 1100 occur on public roads and the rest occur on private roads, on farms or in mines, for example. As I have alluded to in the previous slides there are a number of key issues with both the fatalities and the — —

The CHAIR — Dr de Crespigny, could we just go back to the previous slide momentarily: vehicle accidents — 2500 serious claims per year?

Dr de CRESPIGNY — Yes.

The CHAIR — Do you know what percentage that figure is of total serious claims?

Dr de CRESPIGNY — Yes, 2.4 per cent.

The CHAIR — Thank you.

Mr WEBSTER — There are around about 130 000 serious claims per year.

The CHAIR — So that is a comparatively modest percentage in certain respects, in terms of vehicle kilometres travelled.

Dr de CRESPIGNY — We do not measure it in that way. We express it per employee. So it is about 0.3 of a claim per thousand employees. It is not a massive group.

The CHAIR — Yes. My premise basically was whether work-related driving is comparatively safer than other forms of driving, not discounting the seriousness of that statistic, but compared to aggregate driving behaviours, and you provided the percentage and that is all I seek at the moment.

Dr de CRESPIGNY — Yes, okay. We have a number of key issues with both the fatalities and the injuries data that we hold. For the fatalities we rely on jurisdictions to notify us of fatalities that occur on public roads, but for a variety of reasons this does not always happen. In part this is because the jurisdictions do not always know about the fatalities themselves, because the police have not informed them that a worker is involved.

That said, the police do not routinely collect information on work relatedness, and when I talk about work relatedness I do not just mean that there was some sort of work health and safety issue involved with the incident like fatigue or incorrect loading of a vehicle or something like that; we are actually talking about whether or not somebody was carrying out their normal work duties at the time of the incident.

Some jurisdictions, including Victoria, also consider incidents on public roads to be outside their sphere of influence or jurisdiction for investigation, and as such sometimes these incidents are not really regarded as work-related as such, and I will talk a little more about the Work Health and Safety Act in a minute.

With respect to the workers compensation data, the main limitation of these is that they are limited to compensated injuries and illnesses suffered by employees. Therefore self-employed workers, who are not usually covered by workers compensation, are not represented at all in these statistics, so that is about 12 per cent of workers. We know that many workers who are self-employed also use vehicles and are on public roads a lot during the course of their work. They might be people like tradies going between premises or taxi drivers or truck drivers, and many of them are self-employed, so we know we are potentially missing a significant number of serious injuries just because they are not covered by the compensation schemes.

I have already mentioned that the data we hold in our national dataset for compensation-based statistics is not the best quality in terms of identifying the location of the incident, because it is on a public road and the jurisdictions do not use that particular data item to code the data in the same way. So I just wanted to expand on the impact of the work health and safety acts on the duty to notify work health and safety authorities of serious work-related injuries and fatalities that occur on public roads. The duty to notify under the Victorian Occupational Health and Safety Act is narrow compared to the duty to notify under the model Work Health and Safety Act, which has been implemented in all Australian jurisdictions except Victoria and WA.

Under the Victorian Act it might be possible to argue that a public road is not a workplace under the management or control of the employer or the self-employed person, and in addition, if the employer or self-employed person is the only one injured in the incident, there is no duty to notify the work health and safety authority. Under the model Work Health and Safety Act, a person who conducts a business or undertaking must ensure that the regulator is notified immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred, and there is no exemption to the duty to notify if the only person injured is the employer or the self-employed person. And a notifiable incident includes the death of a person or a serious injury or illness — in this context it is serious injury.

The broader duty to notify under the model Work Health and Safety Act results in work health and safety regulators having access to more accurate information on the number of work-related deaths and serious injuries that occur on public roads, and this information is used to inform the development of policies and programs to improve the safety of workers on roads and also other people — just people going about their everyday business who may be killed as a result of somebody else's work.

We have a number of suggestions we would like to make that would improve the quality of the data available. First and foremost is that we would like to see better cooperation between work health and safety authorities and

the police in identifying and reporting work-related incidents on public roads. Some jurisdictions have memorandums of understanding with the police getting right at this exact matter, but I think these would really be helped by the use of a standard police form that identifies workers or the work-relatedness of incidents on public roads. The data that would be collected from these forms could be pooled together into a national dataset that could be accessed, potentially, by work health and safety bodies, such as Safe Work Australia, to really look at patterns in these sorts of incidents.

In fact we know that a standard national police form was developed and trialled in Victoria and may actually be in use in Queensland, but we are not aware of it being used anywhere else. Safe Work Australia, as we said in the submission, would be very keen to be involved in the development of a new form, if a new form were needed, or to contribute to the development of a national dataset on these sorts of incidents. I will just go on to say that, whatever data is collected and whatever is recommended by this inquiry, we would strongly recommend that the data be coded according to established and standard classification schemes for industry, occupation and injury and illness, because that will enable any data collected to be compared to other, already existing datasets and also to international data.

I just have a list here of some of the really valuable information that could be collected that Safe Work Australia and other work health and safety bodies would be able to use to develop policy relating to work health and safety issues that occur on public roads. This data would really provide information that is largely unavailable elsewhere on work-related serious injury, in particular resulting from vehicle incidents on public roads. With respect to fatalities, if this information were collected in standard police reports now, then it is very likely the police report would cause a work-related flag to be placed in the coronial information system, which could greatly assist us in identifying these fatalities in the national coronial information system database. That would be one small step that could really improve fatalities data, but because we do not have very good information on the non-fatal injuries, we would be pushing for a more systematic collection of data and the creation of an independent dataset on serious injury — and it could include fatalities, of course, as well.

The most important thing from our point of view is knowing whether or not the person injured or killed was working, was commuting to or from work or was a bystander to somebody else's work activity at the time of the incident. We think that, for the most part, collecting information on the reason for travel would be sufficient to identify workers or bystanders or commuters. It would also, of course, be very useful to understand a bit more about the context of the incident, such as the cause of the incident or flagging of any work health and safety issues, because this information will really contribute to being able to develop policies that are tailored for workers who use public roads.

That is the end of my presentation. The main message that Safe Work Australia would like to leave with this inquiry is that there is a real need to improve both the collection of information about workers who are seriously injured in motor vehicle incidents and the transfer of that information to relevant work health and safety authorities.

The CHAIR — Thank you very much, Dr de Crespigny, for that presentation. We will now proceed to a number of questions.

Mr PERERA — Thank you for the presentation. What are the latest figures around the cost of work-related injury and illness in Victoria and in Australia?

Mr WEBSTER — We have done the report three times now. The last time was for the 2008–09 year. It uses quite a lot of data sources, so to get any meaningful change we have to wait for a lot of data sources to come out, which is why it is a little bit out of date and also not done every year, year on year. For the latest number overall for Australia we estimated the total economic cost was $60.6 billion, just under 5 per cent of Australia's GDP for the 2008–09 financial year. We estimated the total cost to Victoria of work-related injury and illness was $13.1 billion, which was 4.3 per cent of Victorian gross state product, which is a similar measure to GDP for Victoria for 2008–09.

Mr PERERA — Safe Work Australia states in its submission that its cost estimation methodology, which was reviewed and endorsed by Access Economics in 2004, could be adapted to determine the cost of crash-related serious injuries. Can you please explain how the costs of work-related injuries and illness are calculated? Do they include direct and indirect costs?

Mr WEBSTER — The answer to that is yes. It attempts to estimate the cost to the employer, so the cost of not having somebody at work either short term or long term — the cost of replacing a worker who cannot work anymore. It attempts to estimate the costs to the worker as well. Often they are ongoing costs after compensation finishes or, in lots of cases, if there is not any compensation at all, because lots of injuries do not result in a claim, for whatever reason. It also attempts to estimate the cost to the economy as a whole, so health-care costs, taxation costs, lost revenue and also productivity that is lost from workers being either unable to perform their previous duties or unable to perform any duties at all. So it attempts to put a total cost, not just the direct compensation paid to workers but also the ongoing costs that flow from those.

Mr PERERA — Does it include the replacement cost, in case the worker is to leave the employment?

Mr WEBSTER — Yes, it does. That is perhaps deemed to be a cost to the employer, so that is a very short-term cost, generally — that is, either not having a worker present for a short time or needing to replace a worker. It estimates a recruitment cost, the training costs and that sort of thing of replacing a worker who was injured or diseased and therefore unable to work.

Mr PERERA — How could Safe Work Australia's methodology be applied more broadly to crash-related injuries?

Mr WEBSTER — We think in terms of the data that is available. As Fleur mentioned, our data is based mainly on workers compensation claims, although that covers only about half of the story, we think, in terms of injuries at work. We use other data sources to flesh that all out. We think that data would be available in terms of the number of accidents that occur in a year and therefore the number of new cases that are added. There would be information available on how serious they were, as in the final outcome on the worker, because lots of the injuries that occur as a result of incidents at work would also apply in the same way to injuries that occur from car accidents and car incidents.

The thing it would not include, which Fleur mentioned, is that we only cover the human costs, so we are not looking at property damage or anything like that, so obviously one of the outcomes of car accidents is that there is damage to vehicles, damage to property. We do not have any data on that, so we have solely focused on the human costs. If it is determined that a large part of the costs of accidents is vehicle and property damage, then the method we have would only consider part of the problem. But otherwise we think the data and outcomes would be fairly similar to the sorts of things that occur in the workers compensation sphere.

Mr PERERA — You do not include costs relevant to pain and suffering and loss of quality of life. What is the rationale for not including these cost components into the estimates? Is there a concern that the overall costs underestimate the real impact of work-related injury and illness on the Australian economy?

Mr WEBSTER — In the first report we did include a side estimate of pain and suffering, but we think this is a measure of the lost economic activity or the impact on the economy, so we compare the outcome to GDP, which measures economic output. It does not include pain and suffering or wellbeing. Quality of life is not measured in GDP, so including pain and suffering in the estimates would mean it would not be able to be compared to GDP, because GDP does not cover quality of life but only covers output. It makes no comment on the quality of that output, basically.

Mr PERERA — Thank you.

Mr TILLEY — Thank you ladies and gentlemen. Just following on that part of the reference there — and this is a two-part question — what is Safe Work Australia's view on the willingness-to-pay costing methodology? And the second part is: has Safe Work Australia considered using it to estimate the costs of work-related injury and illness?

Mr WEBSTER — We did consider it at the start of this project. The first report in the series was done in 2004, and we did consider the various methods of measuring cost. One of those was willingness to pay. We decided that the data that we have, which is based on workers compensation data, did not lend itself really well to that type of method, and the method was peer reviewed by a number of agencies. They also considered that method and various other methods and decided that it would not lend itself as well in terms of the willingness-to-pay approach. We do not think, with the data we have, that it would be a viable way of doing it,

at least in a fairly quick and concise way, and we are interested in coming up with a number that we can use to put a context on this problem.

Mr TILLEY — Terrific. Thanks, Richard. I noticed a lot of the presentation specifically deals with the heavy fleet, and probably with a lot of the data there — yes, you are absolutely right, the cab of a heavy vehicle carrying this nation on its back is a workplace. But are you aware or do you have any data as to how many of the truck drivers killed or seriously injured are owner-operators?

Dr de CRESPIGNY — No. In our compensation data we do not collect that sort of information. The data is provided by workers compensation authorities around Australia to us, and we compile a national dataset, but we get a limited number of data variables, I guess you could call them, or data items, and that unfortunately is not part of it.

Mr TILLEY — Yes, like some of the police information you are not getting that you would like.

Dr de CRESPIGNY — Yes. We only see police reports for fatalities because they are lodged in the coronial information system. We do not see police reports as part of the workers compensation information. We get it fully coded from the jurisdictions and the workers compensation authorities, so we just see the end point when the decision has been made.

Mr TILLEY — Given that compensation can be claimed by a person injured in a road crash either through OHS or TAC, do you think that self-employed people incur higher costs than those that are employed?

Dr de CRESPIGNY — I am not sure, really, about how to answer that — or whether I can even answer that question. I spoke to people in my team about a similar question. I asked whether they would go through the workers compensation authority or the traffic accident insurance, and the response was that they thought they would probably go through the workers compensation if they are an employee, because the compensation arrangements are different and probably benefit the person more, although I know in Victoria the TAC scheme is very good. I think it would depend on the individual circumstances.

Self-employed people are, of course, not covered by workers compensation, so they do not have the option, as a general rule. They would have to have their own personal insurance for that sort of thing, and we do not have that information, so I cannot really answer any more.

Mr TILLEY — All right. I suppose, just a little bit of indulgence then, changing the subject just a little bit: does Safe Work Australia have a relationship with the new National Heavy Vehicle Regulator?

Ms DEBEVEC — We have been asked to put in a submission because they have recently been updating some of their harmonised schemes and we have been asked to comment. We do not have any more of a formal relationship than that, that I am aware of, but we are certainly looking at working together on particular issues. I should probably provide a little more context. We have harmonised the work health and safety laws now for most jurisdictions, and when the exercise was first undertaken it was done on the basis of a national review, and they worked out pretty early on that industry-specific work health and safety laws were going to be too big a project, so they did scale it down just to focus on the general work health and safety legislation and they did very much see the industry-specific laws, like transport, chemicals, mines, electricity, as a second-stage project. So it is something that we are aware of and it is something that obviously we do need to look at as they come on board with their own harmonised schemes, particularly around rail, transport and shipping. So it is something that we are aware of.

Mr TILLEY — Certainly at this stage, in its infancy, it is aspirational, no doubt, for the nation and the state jurisdictions in terms of where it is all heading. It is interesting, once again, if all of this is talking about the heavy road fleet as being a workplace. In your presentation in particular you talked about injuries in the workplace. Are you aware of the term 'whole-body vibration'?

Dr de CRESPIGNY — Yes.

Mr TILLEY — Has Safe Work Australia looked at that in any way specifically?

Dr de CRESPIGNY — Yes. I do not know the details 100 per cent. Safe Work Australia conducted a survey which asked workers around Australia to report exposure to vibration, and whole-body vibration was

something that was identified as part of that report. Since that research was done Safe Work Australia has commenced work on — I am not sure if it is a code of practice or a — —

Ms DEBEVEC — The issue is raised from time to time. The priority — —

Dr de CRESPIGNY — They are definitely doing work on vibration, and whole-body vibration will be part of the work they are doing.

Mr TILLEY — How would an employee or an injured worker even know that he is necessarily impacted or affected by the impacts of whole-body vibration in the first instance?

Dr de CRESPIGNY — What do you mean?

Mr TILLEY — How would they report these types of incidents? My understanding and research have led me to believe and understand that the impact of whole-body vibration is a contributing factor to fatigue. I know, having worked in the field of road safety, that if you go to an incident where there is a heavy vehicle crash, the first part of the investigation, whether it is a crash investigation or whether it is a set of 83s in the state of Victoria for a coroner, is to look for logbooks, drugs and the presence of alcohol or any other thing rather than looking at the engineering of the vehicle and the impact it has on the employee. Of significance is that employees just do not know. It is all put aside away from — —

Dr de CRESPIGNY — Yes. Unfortunately there are some work health and safety issues that are foremost in people's minds. The links between the exposure to that particular thing — so exposure to whole-body vibration and the actual physical manifestation of tiredness — is possibly more tenuous. It is hard to prove that there is a cause and effect. I am not sure really how they can — —

Mr TILLEY — Yes.

Dr de CRESPIGNY — We are looking at it. The organisation is aware of these sorts of issues, and I guess what we try to do is collect information and do research in these areas and use that information to inform the policy we write.

Mr TILLEY — So you have the scoping capacity to be able to do an investigation.

Ms DEBEVEC — Could I chime in here? The focus to date has very much been on harmonising what is there. We look at what jurisdictions already have, and we harmonise what is there. In terms of prioritising work, we have actually looked at how many jurisdictions have codes of practice for what things. We have tended to start with the general workplace issues that affect all workplaces, such as amenities, washing facilities, emergency planning and those very basic things. We have bedded down quite a number of those codes now, and now we are looking forward to developing further guidance as we go on, which is more likely to be more targeted and more industry specific.

In terms of whole-body vibration the issue has probably been most prominent with the mines people who work with very big equipment. It is one of the things that is foremost in their minds. Because there are separate mines regulators around the country at the moment it has not been a priority for us, but it is certainly something that regulators are aware of. I suspect as we get some of the more basic and general guidance in codes of practice it is an issue that is very likely to re-emerge. It has been on the lists from time to time, but we have been focusing on harmonising the pre-existing material to date.

Mr TILLEY — Yes, I see. It may be an industry's dirty little secret, because the standards for whole-body vibration apply to earthmoving equipment and mining equipment but do not apply to our heavy vehicle fleet that have airbag suspension and the vibration — the hertz — that run through those airbags. Those same standards do not apply in this nation.

Ms DEBEVEC — Yes.

Mr TILLEY — In fact they were dropped.

Ms DEBEVEC — The work health and safety laws are pitched at a very high level in terms of the primary duty of care, but engineering controls are obviously a better control than administrative controls such as

monitoring hours of work and things like that. It is something that is in the laws and it could be made more specific.

Mr TILLEY — I suppose this indulgence is that it was interesting in your presentation what you said about the heavy vehicle fleet and the contributors to fatigue, where we have seen significant numbers of heavy vehicle operators, whether they are self-employed or in an industry based on changeovers. We are looking to minimise serious injuries and fatalities, but I think it is just one of those things that would be appreciated if governments at state jurisdiction and no doubt the national jurisdiction would have a better look at this. But you are saying, 'Enough of that; we've gone on and off about that'.

Dr de CRESPIGNY — That all said, I agree with you, but I think unless we have the data it is very hard for us to know where to start looking for some of these things. If we have better data — —

Mr TILLEY — I can give you a tip on that one day, separate to this. Going to the questions in relation to term of reference (b) for this inquiry specifically, Safe Work Australia compiles all workers compensation claims data from the commonwealth, states and territories into the national dataset for compensation-based statistics, NDS. To what extent does Safe Work Australia undertake any data linking or data integration of its NDS with other key policy areas external to work health and safety, such as health or employment?

Dr de CRESPIGNY — We obtain employment statistics from the ABS. That is how we determine rates of injury and disease per employee. But aside from that, we do not link with anyone else. We use other data sources quite a lot, and in some cases we can make quite good comparisons, when they are coded in a similar way to the way our data is. But that is really the extent of it.

Mr TILLEY — To finish off: how does Safe Work Australia propose that the collection and sharing of data around serious injuries among workers resulting from motor vehicle incidents be improved? I think you covered a fair bit of that during your presentation.

Dr de CRESPIGNY — How would it be improved?

Mr TILLEY — Yes.

Dr de CRESPIGNY — Yes, I think I have really covered that in the presentation. But I think it comes down to collecting, really, the information on whether or not it is a worker involved or there is a work-related aspect to it. We are interested in people who are killed or injured who are not working but are a bystander to somebody else's work activity, because that is important, too.

Mr TILLEY — This is also referring to the chain of responsibility?

Dr de CRESPIGNY — Yes. Employers have a responsibility for people who might come into their workplaces. They are protected in the same way that their workers are. We are interested in the full scope. If it is compiled at the national level, it will be very useful data. I think that would be the ultimate gold-star aim, I guess. But these things often have to begin with baby steps, so if it could begin in Victoria with a better collection of information on the work-relatedness of incidents, that would be fabulous.

Mr TILLEY — Thank you.

Mr ELSBURY — This next question comes with quite a bit of a wind-up, so just get ready. Safe Work Australia suggests that many jurisdictional work health and safety authorities have memorandums of understanding with police for the collection and transfer of information about work-related fatalities that occur on public roads and that these could be expanded to include the transfer of information about serious injuries. Do you know if WorkSafe Victoria has an existing MOU with Victoria Police? Are you aware of any attempts in Victoria or other jurisdictions to expand existing MOUs to include the sharing of data relating to serious injuries?

Dr de CRESPIGNY — Victoria has stated to me, I am fairly certain, that they do have an MOU with the police. Under this agreement it is my understanding that the police notify the work health and safety authority of a fatality that involves some sort of work-related element. I do not think that their MOU works 100 per cent well, because I do not think they are getting the fatalities of all workers, for example; they are just getting ones where there was a specific work health and safety breakdown or issue like fatigue or incorrect loading. The

police should probably notify them of serious injuries, too. I mean, I am not privy to their exact MOU, so I do not know what is included, but we are not certain that they are receiving that information from the police or even that they have asked for it. I do not know. And because of their OHS act they may not think that it is necessary either, because they may regard roads as beyond the sphere of influence of an employer and so they are sort of exempt from mandatory notification. They may do.

Mr TILLEY — It is often difficult when you have a WorkSafe officer wanting to walk around a crime scene, too — there is tension in the air — waiting until the police have collected their information.

Dr de CRESPIGNY — Yes. There is an overlap — —

Mr TILLEY — Yes, there is.

Dr de CRESPIGNY — in the investigation jurisdiction. Their MOU probably extends to those sorts of things as well; it is probably not just specifically related to public road things. I think it was mid last year that there was a push to improve the notification of public road fatalities, because everyone recognises that these are often overlooked and not reported to the work health and safety authorities. The jurisdictions around Australia undertook to improve those relationships with the police and to enter into more formal memorandums of understanding. It is my understanding that Victoria does have one.

Mr TILLEY — Do you think that might be more appropriate in circumstances of working with the coroner's office if it is specifically to a fatality rather than the time of incident?

Dr de CRESPIGNY — No, I think it should still go to the jurisdictions, because it is their law. Employers are required to notify work health and safety authorities of fatalities. It is just that there is a tricky case when it is a self-employed person who is killed, because often there is no-one to notify. But they still should go there. The information goes to the coroner's database, but it may be many years before that case is resolved or finalised. In terms of timeliness of information, it needs to happen; it needs to go straight to the work health and safety authorities.

Mr ELSBURY — Can you confirm whether Victorian compensation data as it relates to work road crashes is provided to you by the Victorian WorkCover Authority as opposed to the TAC?

Dr de CRESPIGNY — It does not come from the TAC; it comes from WorkCover.

Mr ELSBURY — Last but not least: Safe Work Australia proposes consideration of the Type of Occurrence Classification System, TOOCS, as a way to code the types of injuries sustained as a result of incidents on public roads. Which agencies currently use TOOCS? How does it relate to other international disease and injury classification schemes, such as the international classification of diseases injury severity scale?

Mr WEBSTER — All right.

Mr ELSBURY — A nice, easy one, just to finish up!

Mr WEBSTER — TOOCS was developed by Safe Work Australia, and it is up to its third change now. We call it TOOCS 3.1. Most of the jurisdictions that provide us with workers compensation data use that system. Not all of them do still, and we have a way of mapping between previous versions and the current version, so we can at least get a consistent data series. It has four elements to it: there is 'nature of injury', which is the injury or disease; it has 'bodily location'; it has 'mechanism', which is what happened — so falling, hitting things et cetera, being hit by things; and it has 'agency', which describes what caused the problem — so a brick wall, the sun et cetera. There are four elements to it. 'Nature' describes the injury or disease that happened, and in the new version of TOOCS, TOOCS 3.1, that is lined up with the latest ICD version. In the first two versions of TOOCS, there was no real lining up between the two, but it is lined up now.

Ms DE CRESPIGNY — Are we aware of any other agencies that use TOOCS?

Mr WEBSTER — TOOCS was designed by Safe Work specifically to use in coding workers compensation claims provided to Safe Work Australia, so I am not sure if it has been picked for any other reason, other than providing coded workers compensation claims.

Mr PERERA — We were talking about the impact on the Australian economy and you mentioned that pain and suffering is not included in the GDP. When you pay compensation, how does it work, in simple terms? Does it add to or take away from GDP? Does it have an effect?

Mr WEBSTER — When compensation is paid?

Mr PERERA — Paid, yes.

Mr WEBSTER — It depends how you consider it, but it will, because compensation derives from premiums paid. So employers pay premiums into a pool and compensation is paid out of that pool, in simple terms. You could argue that, if there were no incidents that required compensation, then either the premiums would not be paid or the money that was paid into the pool for premiums would be used for some other purpose. So that does in a way affect the economy.

Mr PERERA — Does it affect it positively?

Mr WEBSTER — Obviously if there were no claims then, yes, there would be a positive effect on the economy, because the pool of money that was used to pay compensation would then be able to be used for something else, say in the OHS sphere or any other sort of sphere.

Mr PERERA — So it is a negative entry if compensation is paid?

Mr WEBSTER — Yes.

Mr ELSBURY — Just going back again to our dear friend TOOCS, has that system been peer reviewed?

Mr WEBSTER — I believe all three versions of TOOCS were reviewed by various health experts to make sure that the coding covered all the things it needed to cover, and that was comprehensive. So experts were brought in to work on the new TOOCS 3.1 as well, because there are fairly major changes between it and the previous versions of the system. It has both been using experts and also it has been reviewed by experts as well.

Mr ELSBURY — Have the major changes you have made changed your datasets very much, though?

Mr WEBSTER — We do have a way of mapping between previous versions and the new version, so it has not changed our ability to make a time series. It might have impacts where there is expanded detail in the new versions of the TOOCS. It is easier to go backwards from many to one; it is quite hard to go forwards from one to many. You need to assign cases. For instance, we had one category of burns and now we have three or four categories of burns and so we did not have any detail at all. It affects datasets in a way, not in terms of the time series but in terms of the extra detail. It just starts from a certain point and is not backwards in time.

Mr ELSBURY — So the TOOCS is a specialised tool that you use for your particular studies for workplace injuries and such. Without getting too proud of your creation, do you see it as being superior to the ICISS?

Mr WEBSTER — No. I think it is designed for the purpose of being able to code workers compensation claims. It was also designed initially to match what each of the jurisdictions used as well, to make it easier for them to provide data to us, because obviously the same system is not used in every jurisdiction. So compromises are made, but it was designed to allow all the data to be given in a format that was useful for Safe Work Australia but not too onerous in terms of the jurisdictions being able to provide it to us.

The CHAIR — Thank you very much for your evidence. That draws to a conclusion the evidence of Safe Work Australia. We thank you very much, Dr de Crespigny, Mr Webster and Ms Debevec, for your evidence given to us today. As I noted earlier, you will get a copy of the transcript. Please peruse it, be satisfied with the content and return it to the executive officers of the committee.

As for our work in the ACT, I would like to thank the executive staff of the Road Safety Committee of the Victorian Parliament, Ms Yuki Simmonds and Mr John Aliferis, for their excellent work in preparation for our hearings in Canberra. I would also like to thank the Hansard staff, Mr Gavin Bertram and Mr Kee Koh, for their diligent recording of proceedings. On behalf of my colleagues, Mr Bill Tilley, Mr Jude Perera and Mr Andrew Elsbury, I thank Safe Work Australia for attending here today.

The Victorian Parliament hosted the national Parliament between 1901 and 1927. They have kicked on a bit since that time into larger premises, and we occupy some of their rooms. I am grateful to those who have availed our committee today of this meeting space where we have been able to conduct our proceedings. Thank you.

Committee adjourned.