



Commission for Occupational Safety and Health

Annual Report 2007/08

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Statement of compliance

HON TROY BUSWELL BEc MLA
MINISTER FOR COMMERCE

Dear Minister

In accordance with section 16 of the *Occupational Safety and Health Act 1984*, I submit for your information and presentation to Parliament the Annual Report of the Commission for Occupational Safety and Health for the 12 months ending 30 June 2008.

A handwritten signature in black ink that reads "Tony Cooke." The signature is written in a cursive style with a long horizontal stroke at the beginning.

Tony Cooke
Chair
Commission for Occupational Safety and Health

REPORT FROM THE CHAIR

As Chair of the Commission for Occupational Safety and Health, I am pleased to present its Annual Report for the year ended 30 June 2008.

The Commission is established under the *Occupational Safety and Health Act 1984* and is responsible to the Minister for Employment Protection. The Commission's functions include developing and reviewing occupational safety and health legislation and making recommendations to the Minister, and publishing occupational safety and health information, standards and guidance material.



Once again, education and the provision of information has been a key role of the Commission, with a number of publications being developed or revised in 2007-2008.

In June 2008, I had the pleasure of launching a Code of Practice on *Safe Design of Buildings and other Structures* on behalf of the Commission. The Code explains the legal obligations applicable to a person who controls or may influence the design of buildings and structures, and provides guidelines on ways these obligations can be met at the design stage. The development of the Code involved extensive consultation with industry at both State and National level.

In addition, the Commission partnered WorkSafe and WorkCover in hosting Work Safe Forums held in Perth in October 2007 and in Geraldton in May 2008. These forums provide an excellent opportunity for safety and health representatives to learn and share information and to meet others performing this key role.

The commencement of a National Review into Model Occupational Health and Safety Laws was announced by the Rudd Government in April 2008. This is a significant step towards harmonisation of occupational health and safety laws across Australia and the Commission looks forward to participating in the ongoing consultation process.

In closing, I would like to thank members of the Commission and members of all advisory committees and working parties for their efforts and dedication during the year. This enthusiasm and commitment has resulted in a number of key achievements for 2007-2008, and contributed to an increased awareness of occupational safety and health issues across the State's industries.

Finally, on behalf of the Commission I would like to acknowledge and thank all WorkSafe staff for their enthusiasm and professionalism over the past year.

A handwritten signature in black ink that reads "Tony Cooke". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Tony Cooke

Chair, Commission for Occupational Safety and Health

SECTION ONE: ABOUT THE COMMISSION

Responsible Minister

The Minister for Employment Protection, the Hon Jon Ford MLC, is responsible for the administration of the *Occupational Safety and Health Act 1984* (the OSH Act). Section 16 of the OSH Act requires the Commission for Occupational Safety and Health (The Commission) to submit to the Minister a report of its operations and the operation of the OSH Act and any prescribed law during the year ending 30 June.

Enabling Legislation

The Commission for Occupational Safety and Health was established in April 1985 (as the Occupational Health, Safety and Welfare Commission) under section 6 of the OSH Act.

Our Vision – 2010

The Commission's vision is to be the pre-eminent occupational safety and health (OSH) body in Australia.

As a tripartite group, the Commission will show strong leadership and promote OSH as a key element of business planning. The Commission will make decisions based on the best available evidence and wherever possible seek the elimination of hazards and control of risks at source.

Functions of the Commission

The Commission is funded through the WorkSafe division of the Department of Consumer and Employment Protection.

The Commission's functions include:

- inquiring into and reporting to the Minister upon any matters referred to it by the Minister;
- advising and cooperating with Government departments, public authorities, unions, employer organisations and other interested parties;
- developing and reviewing OSH legislation and associated standards and making recommendations to the Minister;
- devising, accrediting and promoting training and educational courses;
- publishing OSH information, standards, specifications and guidance material; and
- reviewing registration and licensing schemes.

Composition of the Commission

In accordance with section 6 of the OSH Act, the Commission is comprised of:

<ul style="list-style-type: none">• An independent Chair (nominated by the Minister);
<ul style="list-style-type: none">• The WorkSafe Western Australia Commissioner;
<ul style="list-style-type: none">• Two officers of the Public Service nominated by the Minister, one of whom must be an officer from the department responsible for the administration of the <i>Mines Safety and Inspection Act 1994</i>;
<ul style="list-style-type: none">• Two members nominated by the Chamber of Commerce and Industry Western Australia (CCI);
<ul style="list-style-type: none">• One member nominated by the Chamber of Minerals and Energy of Western Australia;
<ul style="list-style-type: none">• Three members nominated by The Trades and Labor Council of Western Australia, one of whom must have knowledge and experience of the mining industry in Western Australia; and
<ul style="list-style-type: none">• Three members having knowledge of or experience in OSH (nominated by the Minister).

The following members held office during 2007-08:

- Independent Chair: Tony Cooke
- WorkSafe Western Australia Commissioner: Nina Lyhne
- Officers of the Public Service: Brian Bradley, Director-General, Department of Consumer and Employment Protection; Malcolm Russell, Executive Director, Resources Safety Division, Department of Consumer and Employment Protection
- Members nominated by the Chamber of Commerce and Industry Western Australia: Anne Bellamy; Andrea Roelofs
- Member nominated by the Chamber of Minerals and Energy of Western Australia: Reg Howard-Smith until 3 April 2008 and Nicole Roocke from 9 May 2008.
- Members nominated by UnionsWA: Gary Wood; Darren Kavanagh from 25 September 2007; Joy Barrett from 25 September 2007
- Three members with knowledge of or experience in OSH, nominated by the Minister: Dr John Suthers; Dr Steve Allsop; Dr Matthew Davies

SECTION TWO: REPORT ON 2007-2008

National Review of Occupational Health and Safety Legislation

On 4 April 2008, the Federal Minister for Employment and Workplace Relations, the Hon Julia Gillard MP, announced a national review into model occupational health and safety (OHS) laws. The review is to be conducted by an advisory panel chaired by Mr Robin Stewart-Crompton.

The Commission met with the panel in May 2008 and discussed a number of matters relating to the proposed harmonisation of occupational safety and health laws.

In July 2008, the Commission responded to an invitation by the review panel for public submissions. The Commission's submission outlined the tripartite structure of the Commission, its role and key achievements attained during the time it has operated.

The Commission's submission notes that while it supports national harmonisation, it considers a national model for OHS legislation will work most effectively if a process exists for monitoring and responding to emerging OHS issues on a local level in a timely fashion.

The Commission supports the establishment of a tripartite advisory body with similar functions to those of the Commission, within the proposed model OHS Act.

Review of *Occupational Safety and Health Act 1984 (WA)*

Section 61 of the OSH Act requires that the Minister carry out a review of the operation of the OSH Act every five years.

Mr Richard Hooker, an independent barrister at Wickham Chambers, was appointed to conduct the fourth review of the OSH Act which formally commenced in February 2006.

The *Final Report on the Review of the Occupational Safety and Health Act 1984* (the Hooker Report) was released in December 2006.

The Hooker Report indicated that:

"The Inquiry is cautiously satisfied with the overall state of occupational safety and health legislation and administration in Western Australia."

Key issues considered in the review included:

- enhancing the jurisdiction of the Occupational Safety and Health Tribunal to deal with conciliation and a broader range of issues;
- amending the objects of the Act to more explicitly promote the importance of workplace consultation; and
- the clarification and refinement of existing legislative provisions.

The Commission established a Statutory Review Working Party in February 2007 to consider the recommendations and provide a formal response to the

Minister. The Statutory Review Working party met on seven occasions before finalising its position.

The Commission provided the Minister for Employment Protection with a submission incorporating its recommendations on the Hooker Report in January 2008.

National Standard for Construction work

New regulations relating to the National Standard for Construction Work came into operation for the civil/commercial construction sector on 3 January 2008 and will commence for the residential construction sector on 1 October 2008.

The National Standard for Construction Work was developed by the Australian Safety and Compensation Council and aims to protect people from the hazards associated with construction work. It assigns certain responsibilities to those involved in the design and construction process, and provides a nationally consistent approach to managing OSH in the building and construction industry.

Safety and health representatives' forum

The Commission presented the 2007 *Work Safe Safety and Health Representatives' Forum* in association with WorkSafe and WorkCover Western Australia.

This forum was held at the Perth Convention Centre on 22 October 2007 and was attended by over 600 delegates from both the general and mining sectors.

The forum featured a range of speakers with a wealth of knowledge and expertise in occupational safety and health. The 2007 program included a mixture of plenary sessions and concurrent workshop sessions. A regional forum was also conducted in Geraldton in May 2008.

Commission accredited introductory training courses for safety and health representatives

Under section 14(1)(h) of the OSH Act, the Commission may accredit training courses in OSH. Details of the accreditation process for introductory courses for safety and health representatives is provided in the publication *Guidelines and criteria for accreditation of introductory training courses for safety and health representatives*, which is available from WorkSafe's website, www.worksafe.wa.gov.au.

The organisations providing Commission-accredited training courses for safety and health representatives are listed on WorkSafe's website. An annual report of participation in training courses for safety and health representatives will be published later in the year on the website.

PUBLICATIONS

Codes of Practice:

Safe design of buildings and structures

Commencing in 2005, the Commission undertook the development of a code of practice for the safe design of buildings and structures. The code was developed through stakeholder comment and input from the Commission's tripartite Construction Industry Safety Advisory Committee.

In March 2008, the Minister for Employment Protection approved this code pursuant to section 57 of the OSH Act. This code of practice applies to all workplaces in Western Australia covered by the OSH Act and took effect from 3 June 2008.

It is intended to assist those involved in designing buildings or other structures to meet the requirements of the OSH Act and the Occupational Safety and Health Regulations 1996 (OSH regulations).

In particular, this code of practice aims to:

- explain the legal obligations applicable to a person who is in control of, or who may have influence over the design of a building or structure; and
- provide guidelines for ways in which these obligations can be met by providing practical guidance on ways of maximising the safety of the design.

Occupational Safety and Health in the Public Sector

This code of practice was prepared by the Commission in consultation with the Department of Consumer and Employment Protection, WorkCover Western Australia, RiskCover and the CPSU/CSA.

The code aims to provide practical guidance for public sector agencies to achieve compliance with the obligations of the OSH Act and the OSH regulations.

This code also promotes the role of OSH health management systems and the importance of chief executive officer leadership in improving OSH performance. It acknowledges that an effective OSH management system is a critical component of an agency's overall risk management program.

This code took effect from 10 August 2007.

Ferry and Charter Boat Industry

This code of practice was developed by industry and approved under Section 57 of the OSH Act by the Minister for Employment Protection. This code of practice took effect from 8 January 2008.

Revoked Code of Practice

The *Australian Standard 4024.1 – 1996 Safeguarding of machinery Part 1 General Principles* was revoked as a code of practice in accordance with section 57 of the OSH Act on 7 March 2008.

The Commission is currently developing a new *Code of Practice for Safeguarding of machinery and plant* which it anticipates will be published in 2009.

Guidance Notes

The following Commission *guidance notes* were developed or updated in 2007-2008:

- Fall prevention for scaffolders
- Alcohol and other drugs at the workplace
- Working safely with forklifts

CHANGES TO LEGISLATION

The following amendments were made to the OSH regulations during 2007-2008.

WRITTEN LAW	GAZETTAL DATE
Occupational Safety and Health Amendment Regulations 2007 <i>Updates reference to Australian Dangerous Goods Code to 6th Edition</i>	3 July 2007
Occupational Safety and Health Amendment Regulations (No.3) 2007 <i>Implements National Standard for Licensing Persons Performing High Risk Work.</i>	24 August 2007
Occupational Safety and Health Amendment Regulations (No.4) 2007 <i>Implements National Standard for Construction Work</i>	2 October 2007
Occupational Safety and Health Amendment Regulations (No.9) 2007 <i>Updates the expiry date for the Australian Defence Organisation exemption from the workplace ban on the use of chrysotile asbestos.</i>	4 January 2008
Occupational Safety and Health Amendment Regulations (No.6) 2008 <i>Amends the date the National Standard for Construction Work applies to the domestic construction sector.</i>	4 April 2008
Occupational Safety and Health Amendment Regulations (No.7) 2008	17 June 2008

The national arena

Throughout the year, the Commission has remained committed to the goals and objectives of the National OHS Strategy 2002-12. This strategy sets clear and ambitious goals for OSH and is a key initiative to improve Australia's OSH performance.

In addition to aligning with the National OHS Strategy 2002-2012, the Commission has also closely monitored various other national initiatives that have the potential to impact on OSH in Western Australia. These initiatives have included the National Heavy Vehicle Driver Fatigue Reform Package developed by the National Transport Commission and the Nanotechnology OHS Research and Development Program being undertaken by the Australian Safety and Compensation Council.

The Commission is also committed to contributing to the national review of occupational health and safety laws that commenced in April 2008.

Advertising and sponsorship

In accordance with section 175ZE of the *Electoral Act 1907*, the Commission is required to report annually on any expenditure for advertising, market research, polling, direct mail or media advertising that was incurred by or on behalf of the Commission. Any such information is included in the annual report of the Department of Consumer and Employment Protection for 2007-2008.

Future direction - Strategic Plan 2006-2010

Objectives	1. Through strong leadership, maintain the focus, visibility and relevance of the Commission	2. Align with the National Strategies	3. Engage with the community	4. Ensure a relevant legislative framework	5. Be forward looking
	<i>The Commission will ensure its outputs demonstrate strategic focus, visibility and relevance.</i>	<i>The Commission will recognise the goals and objectives of the national OSH strategy/ies and positively contribute to identifying priorities and establishing targets agreed at the national level.</i>	<i>The Commission will ensure that employers, employees and the broader WA community have access to knowledge and information so that they can exercise their rights and meet their obligations with respect to OSH.</i>	<i>The Commission will ensure the legislative framework remains relevant to the changing world of work.</i>	<i>The Commission will identify and respond to emerging issues that impact on OSH.</i>
Measures	<ul style="list-style-type: none"> • What is being done differently? • Extent of innovation in workplaces. • Extent to which OSH is built into planning, and hazards are being designed out. 	<ul style="list-style-type: none"> • Extent to which actions against each of the elements of the National Strategy are in place. 	<ul style="list-style-type: none"> • Extent to which stakeholders seek out information. • Results of surveys. 	<ul style="list-style-type: none"> • How often the Commission advises the Minister of its actions/priorities. • Extent to which the Minister accepts the Commission's advice. 	<ul style="list-style-type: none"> • Extent to which the Commission influences the agenda. • Relationship between number of incidents and targets. • Extent to which responses (eg Codes of practice) are in place before an issue is identified in workplaces.
Strategies	<p>Strategy 1.1 Influence state and federal governments on occupational safety and health issues.</p> <p>Strategy 1.2 Work with government in its role as an employer and purchaser.</p> <p>Strategy 1.3 Engage with the private sector to promote and deliver effective OSH programs.</p> <p>Strategy 1.4 Maintain and promote effective tripartite relationships and decision making on safety and health in the workplace.</p> <p>Strategy 1.5 Engage and consult broadly on safety and health in the workplace.</p> <p>Strategy 1.6 Provide information and guidance on safety and health that is relevant, credible and accessible.</p> <p>Strategy 1.7 Promote the strategic direction of the Commission to enhance and improve workplace safety and health.</p>	<p>Strategy 2.1 Focus on high incidence /high severity risks.</p> <p>Strategy 2.2 Eliminate hazards and control risks at source where practicable.</p> <p>Strategy 2.3 Improve/enhance the capacity of business operators and workers to manage OSH effectively.</p> <p>Strategy 2.4 Prevent occupational disease more effectively.</p> <p>Strategy 2.5 Influence government to improve/enhance OSH outcomes.</p>	<p>Strategy 3.1 Make OSH relevant to a broader range of people and promote a preventative culture .</p> <p>Strategy 3.2 Reassess the form, nature, purpose and impact of Commission information and guidance materials.</p> <p>Strategy 3.3 Promote, educate and develop community awareness of OSH.</p> <p>Strategy 3.4 Address issues of culture and change, and drive cultural change relevant to OSH through a variety of education and communication strategies.</p> <p>Strategy 3.5 Use our networks such as OSH professionals and safety and health representatives more effectively.</p> <p>Strategy 3.6 Influence and promote OSH skills development and training.</p>	<p>Strategy 4.1 Develop an approach for considering the effectiveness of regulations.</p> <p>Strategy 4.2 Review the regulations in light of substantial changes to the Occupational Safety and Health Act 1984.</p> <p>Strategy 4.3 Contribute to and influence the 2005/06 statutory review of the legislation and any future review processes.</p> <p>Strategy 4.4 Investigate alternative approaches to achieving compliance including the role of enforceable undertakings and incentives.</p> <p>Strategy 4.5 Monitor and recommend changes to existing regulations where appropriate.</p> <p>Strategy 4.6 Monitor national and international frameworks to inform decision making.</p>	<p>Strategy 5.1 Increase the relevance of and priority given to OSH in a world of competing priorities and changing work arrangements.</p> <p>Strategy 5.2 Use information / data that allows us to base strategy on evidence and improve the capacity to predict future trends.</p> <p>Strategy 5.3 Analyse the future work environment taking into account trends such as: Changing work demographics The nature of the workplace New forms of plant and changing technologies; Changes in Federal laws.</p> <p>Strategy 5.4 Improve our capacity to identify occupational diseases, their causes and how to address them.</p> <p>Strategy 5.5 Build our capacity through engaging industry to fund and support relevant research.</p>

Report against strategic plan 2006-2010

Objective 1: Through strong leadership, maintain the focus, visibility and relevance of the Commission.

The Commission ensures its outputs demonstrate strategic focus, visibility and relevance.

Key achievements 2007-08

- Maintained and promoted effective tripartite relationships and decision-making through the various advisory committees.
- Provided advice to the Minister on issues such as the National Heavy Vehicle Driver Fatigue Reform Package.

Plans for 2008-09

- Continue to influence state and federal governments on OSH issues by contributing to the development of national standards and codes of practice.
- Continue to promote and deliver effective OSH programs.
- Continue to promote the strategic direction of the Commission to enhance and improve OSH in Western Australia.

Objective 2: Align with the National Strategies

The Commission recognises the goals and objectives of the national OSH strategies and positively contributes to identifying priorities and establishing targets agreed at the national level.

Key achievements 2007-08

- Implemented new regulations to put into effect the National Standard for Construction Work.
- Implemented new regulations to put into effect the National Standard for Licensing Persons Performing High Risk Work.
- Provided a submission to the National review into Model OHS Laws.

Plans for 2008-09

- National *Code of Practice for Precast Tilt-Up and Concrete Elements in Building Construction* being considered for implementation in WA.
- Review the National Standard for Manual Tasks and the National *Code of Practice for the Prevention of Musculoskeletal Disorders from Performing Manual Tasks at Work*, with a view to implementation in Western Australia.

- National *Code of Practice for the Prevention of Falls in General Construction* being considered for implementation in WA.
- Continue to provide input into the development of national standards and codes of practice.
- Continue to progress the implementation in Western Australia of declared national standards.
- Provide input, where appropriate, to developments under the auspices of the National Mine Safety Framework (Mining Industry Advisory Committee).

Objective 3: Engage with the community

The Commission ensures that employers, employees and the broader WA community have access to knowledge and information so that they can exercise their rights and meet their obligations with respect to occupational health and safety.

Key achievements 2007-08

- Published new *Code of Practice: Occupational safety and health in the Public Sector*.
- Published new *Code of Practice: Safe design of buildings and structures* (Construction Industry Safety Advisory Committee).
- Submission of a new *Code of Practice: Consultation at Work* to the Minister for approval under the Mines Safety and Inspection Act 1994 (Mining Industry Advisory Committee).
- Drafted new *Code of Practice: Safeguarding of machinery and plant* and released for public comment.
- Revised and published guidance note: *Alcohol and other drugs at the workplace*.
- Revised and published guidance note: *Working safely with forklifts*.
- Released guidance note: *Fall prevention for scaffolders*.

Plans for 2008-09

- Continue to monitor the progress of the safety awareness training program (Construction Industry Safety Advisory Committee).
- Finalise the evaluation of *Code of Practice: Working hours*.
- Evaluate public comment on draft *Code of Practice: Safeguarding of machinery and plant* and publish document.
- Develop a code of practice on "Man Overboard" for the commercial fishing industry.
- Continue to develop, as required, codes of practice and guidance material to ensure the community is provided with information and guidance that is relevant, credible and accessible.

Objective 4: Ensure a relevant legislative framework

The Commission ensures the legislative framework remains relevant to the changing world of work.

Key achievements 2007-08

- Developed amendments to the regulations to implement the national standard for construction work and the national standard for licensing persons performing high risk work in Western Australia.
- Completed a review of Schedule 1 to the Occupational Safety and Health Regulations 1996 (Legislation Advisory Committee).

Plans for 2008-09

- Contribute to the implementation of amendments to the OSH Act arising from the 2005 Statutory Review (Legislation Advisory Committee).
- Finalise a fundamental review of Part 3 of the Occupational Safety and Health Regulations 1996.
- Finalise new regulations to introduce a new licensing regime for bonded asbestos removal work.

Objective 5: Be forward looking

The Commission identifies and responds to emerging issues that impact on occupational safety and health.

Key achievements 2007-08

- Continued to monitor and review information on vulnerable workers, particularly migrant workers including those on the visa subclass 457 program, and noise induced hearing loss. (Emerging Issues and Risk Management Advisory Committee).
- Continued to collect and review information on identified priority OSH issues such as casual workers (Emerging Issues and Risk Management Advisory Committee).
- Undertook a survey to evaluate the effectiveness and uptake of the *Code of Practice: Working Hours*.
- Monitored the OSH implications of nanotechnology.
- Developed a formal process for evaluating emerging issues and the Emerging Issues Register to record considerations.
- Undertook a preliminary assessment of potential emerging issues.

Plans for 2008-09

- Continue to monitor occupational safety and health issues associated with migrant workers, including those on section 457 visas, the ageing workforce and casual workers (Emerging Issues and Risk Management Advisory Committee).
- Identify, research and monitor emerging trends in OSH, including issues relating to noise induced hearing loss and stress.
- Complete a review of the effectiveness and uptake of the *Code of Practice: Working Hours*.

SECTION THREE: ADVISORY COMMITTEES

Under section 15 of the OSH Act, the Commission may appoint advisory committees made up of employer and employee representatives and people with specialist knowledge or experience in OSH to assist in the performance of its functions and duties.

Advisory committees and working parties consider matters referred to them by the Commission and make recommendations on aspects of OSH specific to their area of expertise. Each committee and working party is chaired by a member of the Commission.

Legislation Advisory Committee

The key objectives of the Legislation Advisory Committee are to assist the Commission in:

- ensuring a relevant and effective legislative framework by contributing to a review of monitoring and recommending changes to existing regulations;
- influencing state and federal governments on OSH issues by contributing to the development of national standards and codes of practice;
- promoting and delivering effective OSH programs, and in maintaining and promoting effective tripartite relationships and decision making on safety and health in the workplace;
- providing information and guidance on safety and health that is relevant, credible and accessible; and
- engaging and consulting broadly on OSH issues.

Members 2007-2008

Brian Bradley (Chair)

Anne Bellamy

Nina Lyhne

Bjorn Gillgren (until April 2008)

Darren Kavanagh

Nicole Roocke (until April 2008) Chris White (from April 2008)

Melina Newnan

Gary Wood

The Legislation Advisory Committee met on 15 occasions during 2007-2008.

Construction Industry Safety Advisory Committee

The key objectives of the Construction Industry Safety Advisory Committee are to:

- identify the major health and safety issues in the construction industry and develop an OSH profile of the construction industry;
- identify determinants of good safety and health performance in the construction industry; and
- identify appropriate short and long term goals for the construction industry.

Members 2007-2008

Ms Nina Lyhne (Chair)

Mr George Allingame

Ms Anne Bellamy

Mr Chris Kirwin

Ms Darrylen Allen (until December 2007) Mr Alex Grey (from February 2008)

Dr John Suthers

Mr Darren Kavanagh

Mr Steven MacCartney

The Construction Industry Safety Advisory Committee met on 10 occasions during 2007-2008.

Emerging Issues and Risk Management Advisory Committee

The key objectives of the Emerging Issues and Risk Management Advisory Committee are to assist the Commission in:

- providing relevant, credible and accessible information and guidance on safety and health, with a specific focus on new and emerging issues;
- monitoring and recommending changes to existing regulations, with a specific focus on new and emerging issues;
- improving its capacity to predict future trends in OSH;
- identifying occupational diseases, their causes and how to address them, with specific reference to new and emerging issues; and
- analysing the work environment.

Members 2007-2008

Ms Andrea Roelofs (Chair)
Mr Reg Howard-Smith (until September 2007)
Ms Nicole Roocke (from September 2007)
Dr John Suthers
Dr Matthew Davies
Ms Joy Barrett
Mr Garry Gleeson (until August 2007)
Ms Linda Morich (from February 2008)

The Emerging Issues and Risk Management Advisory Committee met on seven occasions during 2007-2008

Statutory Review Working Party

The Statutory Review Working Party was established to develop a response from the Commission to the Minister for Employment Protection in relation to the Final Report: *Review of the Occupational Safety and Health Act 1984* undertaken by Richard Hooker (The Hooker Report). The Hooker Report was released in December 2006.

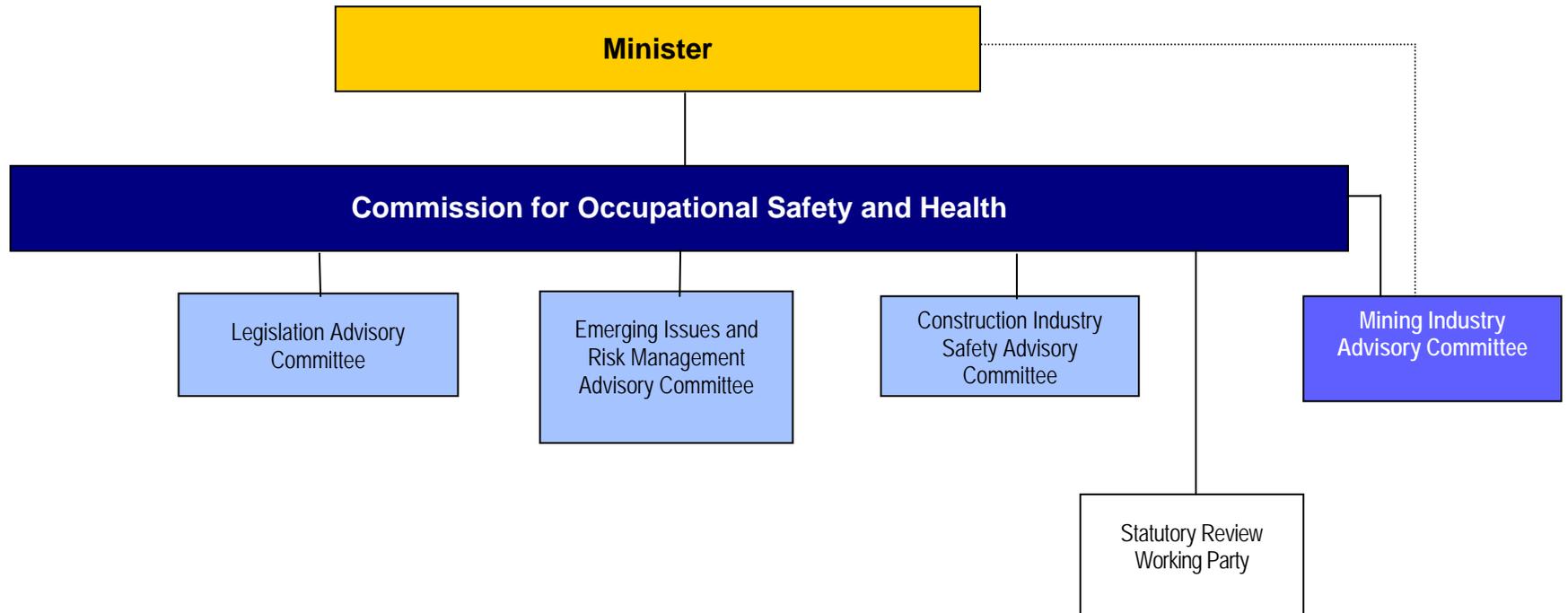
Members 2007-2008

Tony Cooke (Chair)
Anne Bellamy
Nicole Roocke
Nina Lyhne
Darren Kavanagh
Gary Wood

The Statutory Review Working Party met on four occasions during 2007-2008 prior to providing the Commission with its final position on the recommendations in the Hooker Report in October 2007.

COMMISSION FOR OCCUPATIONAL SAFETY AND HEALTH

Committees and Working Parties



-  Statutory committee established under the Occupational Safety and Health Act
-  Advisory Committees established for the duration of the *Strategic Plan*
-  Working Parties are established to provide an expert or technical focus

SECTION FOUR: MINING INDUSTRY ADVISORY COMMITTEE

Changes to the OSH Act effective from April 2005 led to the establishment in 2005/06 of the tripartite Mining Industry Advisory Committee (MIAC). The composition and functions of MIAC are set out in section 14A of the OSH Act.

The key objectives of the MIAC are to:

- advise and make recommendations to the Ministers and the Commission on OSH laws and matters concerning the mining industry;
- liaise with the Commission to coordinate activities and to maintain parallel standards;
- prepare or recommend the adoption of codes of practice, guidance material, standards and specifications; and
- provide advice on education and training matters in the mining industry.

Membership of the MIAC is determined by the Minister or Ministers responsible for the administration of the OSH Act and the *Mines Safety and Inspection Act 1994*.

Members 2007-2008

Brian Bradley (Chair) – Director General, Department of Consumer and Employment Protection

Martin Knee – State Mining Engineer

Nicole Roocke – Chamber of Minerals and Energy (resigned 28 March 2008)

Christopher White – Chamber of Minerals and Energy (from 28 March 2008)

Rob Watson – Chamber of Minerals and Energy

Henry Rozmianiec (resigned 12 July 2007)

Scott McDine – UnionsWA (from 25 February 2008)

Gary Wood - UnionsWA

Dr Peter Lilly – Expert

Kathryn Heiler – Expert (resigned 16 March 2008)

Achievements for 2007-2008

- Input to the development of the Mines Safety and Inspection Amendment Bill 2007 that was passed by Parliament in April 2008.
- In consultation with the Commission, agreed to recommend to the Minister that the Occupational Safety and Health Amendment Regulations (No. 3) 2007, which incorporate provisions of the National Standard for Licensing Persons Performing High Risk Work should apply to surface and underground mining..
- Amendments to the Mines Safety and Inspection Regulations 1995 were supported to facilitate alignment with new dangerous goods safety legislation effective from 1 March 2008.
- Ongoing consideration of developments in relation to the National Mine Safety Framework.
- A draft code of practice on Consultation at Work was recommended to the Minister for approval.
- A revised guideline on Biological monitoring and risk based health surveillance was endorsed.
- A joint guidance note with the Commission on Alcohol and Other Drugs at the Workplace was supported.
- Draft codes of practice relating to the design and operation of mobile plant were initiated.
- The implementation of a 'welcome pack' for newly elected and re-elected safety and health representatives and their mine (or exploration) managers was undertaken.

Plans for 2008-2009

- Finalisation of amendments to the Mines Safety and Inspection Regulations 1995 to apply certain provisions of the *National Standard for Licensing Persons Performing High Risk Work* and to update mine health requirements.
- Continued consideration of legislative matters including the recommendations of a statutory review of the *Mines Safety and Inspection Act 1994* in addition to legislative or other issues referred by the Commission.
- Monitoring of developments under the National Mine Safety Framework and the National OHS Review.
- Ongoing development of codes of practice and guidance material.

The MIAC met on six occasions during 2007-2008.

Changes to legislation

The following amendments were made during 2007-2008 to the *Mines Safety and Inspection Act 1994* and the *Mines Safety and Inspection Regulations 1995*

Written Law	Gazettal Date
<p><i>Mines Safety and Inspection Amendment Act 2008</i></p> <p>Corrected a number of errors in the 2005 amendments and clarified provisions to reflect the intended outcome of those amendments.</p>	Royal assent granted on 16 April 2008
<p>Mines Safety and Inspection Amendment Regulations 2008</p> <p>Amendments to facilitate alignment with new dangerous goods safety legislation effective from 1 March 2008 with particular reference to explosives.</p>	29 February 2008
<p>Mines Safety and Inspection Amendment Regulations (No. 2) 2008</p> <p>Provides for amendment to Schedule 2 relating to fee payable for a range of statutory certificates of competency (and their replacement if lost) which are issued by the Board of Examiners after formal assessment.</p>	17 June 2008

CONTACT DETAILS

COMMISSION FOR OCCUPATIONAL SAFETY AND HEALTH

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