



Commission for Occupational Safety and Health

Annual Report 2008/09

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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 2009.

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 2009.

The Commission is established under the *Occupational Safety and Health Act 1984* and is responsible to the Minister for Commerce. 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.



The 2008/2009 year proved to be busy and productive for the Commission, with the implementation of a number of regulation amendments, the development of several publications and ongoing involvement in the national reform agenda.

In April 2009, I had the pleasure of chairing a public forum on plant conducted by the Commission in collaboration with the former Australian Safety and Compensation Council (ASCC). The forum formed part of the consultation process associated with the ASCC's review of the *National Standard for Plant*. A guest speaker from the ASCC addressed the forum and answered questions from a range of industry attendees.

In addition, the Commission partnered WorkSafe and WorkCover in hosting Work Safe Forums held in Perth in October 2008 and in the regional centres of Karratha and Bunbury in May 2009. These forums continue to be very well attended and provide an excellent opportunity for safety and health representatives to learn and share information and to meet others performing this key role.

The *National Review into Model OHS Laws* announced by the Rudd Government in April 2008 presented some additional challenges for the Commission over 2008/2009.

In July 2008, the Commission provided a submission to the review outlining its functions and the role it perceived it could play in a harmonised occupational safety and health environment, noting it is the only State or Territory body established under occupational safety and health legislation to continue an unbroken period of operation regardless of political or administrative change. As a tripartite body, with members representing employers, employees, Government and occupational safety and health expertise, the Commission is unique in terms of its longevity, composition and voting entitlements.

Notwithstanding the Commission's support for harmonisation of occupational safety and health legislation, the Commission holds a strong view that within a national framework, the capacity to respond to local issues in a timely manner must be accommodated.

One of the key roles of the Commission currently is to provide advice to the Government in regard to issues associated with occupational safety and health. The

Commission believes that a need for this role will continue in a harmonised environment as a result of the unique OSH challenges posed by the remoteness of Western Australia's regional areas and its isolation from the rest of Australia.

The Commission considered in some detail the recommendations provided by the *National Review* and provided advice to the Minister for Commerce in regard to the effect the proposals may have on WA workplaces. The Commission supported the majority of recommendations. However, on several matters the Commission was unable to reach a consensus viewpoint.

The Commission looks forward to participating in the ongoing consultation process associated with developing the model legislation.

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. Their enthusiasm and commitment has resulted in a number of key achievements for 2008-2009, 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 horizontal stroke at the beginning.

Tony Cooke

Chair, Commission for Occupational Safety and Health

SECTION ONE: ABOUT THE COMMISSION

RESPONSIBLE MINISTER

The Minister for Commerce, the Hon Troy Buswell MLA, 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 Commerce.

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;
- accrediting and promoting training and educational courses;
- publishing OSH information, codes, 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 (CME);
<ul style="list-style-type: none">• Three members nominated by The Trades and Labor Council of Western Australia (UnionsWA), 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 2008/2009:

Independent Chair: Tony Cooke

WorkSafe Western Australia Commissioner: Nina Lyhne

Officers of the Public Service: Brian Bradley, Director-General, Department of Commerce; Malcolm Russell, Executive Director, Resources Safety Division, Department of Mines and Petroleum

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: Nicole Roocke

Members nominated by UnionsWA: Gary Wood; Darren Kavanagh (until November 2008) Joy Barrett; Linda Morich (from 4 April 2009)

Three members with knowledge of or experience in OSH, nominated by the Minister: Dr John Suthers; Dr Steve Allsop (Until 1 April 2009); Dr Matthew Davies

SECTION TWO: GOVERNANCE DISCLOSURES

COMMISSION'S GOVERNANCE FRAMEWORK

The Commission's Handbook and Code of Conduct 2005 sets out its governance principles, which include:

- values;
- accountability;
- role and operation;
- administration;
- record keeping; and
- coordination between WorkSafe and the Commission.

COMPLIANCE WITH PUBLIC SECTOR STANDARDS AND ETHICAL CODES

Under section 9 of the *Public Sector Management Act*, the Commission is obliged to comply with the Western Australian Public Sector Code of Ethics.

RECORDKEEPING

The Commission's record keeping and use of information policy is contained within its Handbook and Code of Conduct 2005. The handbook includes information on documentation of decisions, use of confidential information, security of information and compliance with freedom of information legislation.

PUBLIC INTEREST DISCLOSURE

The Commission maintains a Public Interest Disclosure Register. No matters were raised in 2008/2009 under the *Public Interest Disclosure Act 2003*.

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 Commerce for 2008-2009.

SECTION THREE: REPORT ON 2008-2009

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 was conducted by an advisory panel chaired by Mr Robin Stewart -Crompton.

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

The review panel released its first report in October 2008 and a second report followed in January 2009. The Commission convened six special meetings to consider the recommendations contained in the review reports.

The Commission provided the Minister for Commerce with advice on the impact of the recommendations on Western Australian workplaces. The advice served to assist the Minister in developing the Western Australian position that was presented at a meeting of the Workplace Relations Ministerial Council in May 2009.

NATIONAL STANDARD FOR CONSTRUCTION WORK

New regulations relating to the National Standard for Construction Work came into operation for the civil/commercial construction sector in January 2008 and commenced 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.

The new regulations introduce requirements covering:

- provision of information;
- consultation; and
- planning and documentation for construction projects.

PUBLIC FORUM ON PLANT

The Commission, in association with the former Australian Safety and Compensation Council (ASCC), conducted a public forum on plant on 20 April 2009. The forum formed part of the ASCC's review of the *National Standard for Plant*. Philip Hillsdon, Assistant Director, Plant and Licensing Team with the ASCC addressed the forum and presented an overview of matters associated with the review. This was followed by a question period with questions directed to a panel chaired by Tony Cooke. Over 60 attendees from various industry sectors attended the forum.

SAFETY AND HEALTH REPRESENTATIVES' FORUM

The Commission presented the 2008 Work Safe *Safety and Health Representatives' Forum* in association with WorkSafe and WorkCover Western Australia.

This forum was held at the Perth Convention Exhibition Centre on 23 October 2008 and was attended by over 550 delegates from both the general and mining sectors. The key objective of the forum was to exchange information and ideas on occupational safety and health issues around a theme of *Come Home Safe*.

The forum featured a range of speakers with a wealth of knowledge and expertise in occupational safety and health. Keynote speaker Professor Niki Ellis, occupational health expert from the University of Queensland spoke about the effects of working under continued stress on the safety, health and wellbeing of workers. The 2008 program included a mixture of plenary sessions and concurrent workshop sessions.

Regional forums were conducted in Karratha and Busselton in May 2009.

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:

The following national codes of practice were endorsed by the Commission and approved by the Minister in 2008/2009 in accordance with section 57(1) of the OSH Act:

- *National Code of Practice for the Preparation of Material Safety Data Sheets 2nd Edition*; and
- *National Code of Practice for the Control of Work-related Exposure of Hepatitis and HIV (blood borne) viruses.*

The following new codes of practice are currently being developed by the Commission:

- *Safeguarding of Machinery and Plant* (released for public comment in 2008 and to be published in 2009); and
- *Man Overboard – prevention and response* (to be released for public comment in 2009).

The code of practice *Prevention and control of legionnaires disease* was reviewed and updated in 2008/2009 and the draft revised code released for public comment. When finalised, the revised code will replace the existing code of practice.

Guidance Notes

The following guidance notes were reviewed and updated by the Commission in 2008/2009:

- *Prevention of carbon monoxide poisoning from petrol and gas powered equipment*;
- *Controlling hazards in the electroplating industry*; and
- *Working alone.*

CHANGES TO LEGISLATION

The following amendments were made to the OSH regulations during 2008/2009.

WRITTEN LAW	GAZETTAL DATE
Occupational Safety and Health Amendment Regulations (No. 4) 2008 Amendments relating to protection from tobacco smoke.	7 November 2008
Occupational Safety and Health Amendment Regulations 2008 Amendments to update Schedule 1. Amendments to the requirements for testing and tagging low-voltage portable electrical equipment on construction and demolition sites. Amendments to the blood lead removal levels.	28 November 2008
Occupational Safety and Health Amendment Regulations (No. 2) 2009 Amendments to streamline conversions to high risk licences.	15 May 2009
Occupational Safety and Health Amendment Regulations 2009 Amendments to update Schedule 1. Amendments to reflect the introduction of: <ul style="list-style-type: none"> • the 7th Edition of the Australian Code for the Transport of dangerous Goods by Road and Rail; and • the <i>Dangerous Goods Safety Act 2004</i> and associated regulations. 	5 June 2009
Occupational Safety and Health Amendment Regulations (No 6) 2009 Amendments to increase fees and charges.	23 June 2009

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 Safe Work Australia Council.

The Commission is also committed to contributing to the national review of occupational health and safety laws that commenced in April 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 2008/2009:

- maintained and promoted effective tripartite relationships and decision-making through the various advisory committees; and
- provided advice to the Minister on significant matters such as the National Review into Model OHS laws.

Plans for 2009/2010:

- continue to participate in the national harmonisation agenda by providing advice to the Minister;
- 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; and
- 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 2008/2009:

- implemented new regulations to put into effect the National Standard for Construction Work for the residential sector;
- implemented new regulations to streamline the process for converting former Certificates of Competency into the current national High Risk Work Licences;
- considered the national *Code of Practice for Precast Tilt-Up and Concrete Elements in Building Construction* and obtained Ministerial approval for implementation in WA in February 2010; and
- provided a submission to the National Review into Model OHS Laws.

Plans for 2009/2010:

- continue to provide input into the development of harmonised OHS legislation; and
- continue to consider and progress the implementation in Western Australia of declared national standards.

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 2008/2009:

- developed a draft *Code of Practice: Safeguarding of machinery and plant* that has been released for public comment and feedback evaluated;
- evaluated the *Code of Practice: Working Hours*; and
- started developing a draft *Code of Practice: Man Overboard prevention and response* for the commercial fishing industry.

Plans for 2009/2010:

- to obtain Ministerial approval under section 57 of the OSH Act and publish the draft *Code of Practice: Safeguarding of machinery and plant*;
- to obtain Ministerial approval under section 57 of the OSH Act and publish the draft *Code of Practice: Man Overboard prevention and response*; and
- to 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 2008/2009:

- developed amendments to the regulations to implement the national standard for construction work in the residential sector;
- developed amendments to the regulations to streamline the administrative processes for converting previous national certificates of competency to the new high risk work licence;
- conducted a review of Schedule 1 to the Occupational Safety and Health Regulations 1996 (Legislation Advisory Committee);

- developed amendments to the regulations to enable non-licensed competent persons to test and tag low-voltage portable electrical equipment on construction and demolition sites;
- developed amendments to the regulations to reduce the blood lead removal levels; and
- developed amendments to the regulations to reflect the introduction of the Australian Code for the Transport of Dangerous Goods by Road and the *Dangerous Goods Safety Act 2004* and the associated regulations.

Plans for 2009/2010:

- contribute to the development of national model legislation;
- finalise new regulations to introduce a new licensing regime for bonded asbestos removal work; and
- contribute to the review, development and implementation of amendments to the OSH regulations as required.

Objective 5: Be forward looking

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

Key achievements 2008/2009:

- continued to monitor and review information on vulnerable workers, particularly migrant workers, (Emerging Issues and Risk Management Advisory Committee);
- commenced the development of a series of bulletins to provide advice and guidance on managing the occupational safety and health of migrant workers who have English as a second language;
- continued to collect and review information on identified priority OSH issues such as ageing workers and 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*;
- monitoring the OSH implications of nanotechnology; and
- assessment of potential emerging issues.

Plans for 2009- 2010:

- continue to monitor occupational safety and health issues associated with migrant workers, 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.

SECTION FOUR: 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 2008/2009

Brian Bradley, Chair, (Department of Commerce)

Anne Bellamy (CCI)

Nina Lyhne (WorkSafe)

Darren Kavanagh (until October 2008) (UnionsWA)

Chris White (CME)

Melina Newnan (Resources Safety Division, Department of Mines and Petroleum)

Gary Wood (UnionsWA)

The Legislation Advisory Committee met on 12 occasions during 2008/2009.

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 2008/2009

Ms Nina Lyhne, Chair (WorkSafe)

Mr George Allingame (from June 2008 until August 2008) (Master Builders Association)

Mr Andy Peppercorn (from September 2008) (Master Builders Association)

Ms Anne Bellamy (CCI)

Mr Chris Kirwin (WorkSafe)

Mr Alex Grey (from June 2008 until August 2008) (Housing Industry Association)

Mr David Endersby (from September 2008) (Housing Industry Association)

Dr John Suthers (Commission expert member)

Mr Darren Kavanagh (from June 2008 until August 2008) (UnionsWA)

Mr Andy Wall (from September 2008 until March 2009) (CFMEU)

Mr Mick Buchan (from April 2009) (Construction, Forestry, Mining and Energy Union)

Mr Steven MacCartney (Australian Manufacturing Workers' Union)

The Construction Industry Safety Advisory Committee met on 8 occasions during 2008/2009.

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 2008/2009

Ms Andrea Roelofs (Chair) (CCI)

Ms Nicole Roocke (CME)

Dr John Suthers (Commission expert member)

Dr Matthew Davies (Commission expert member)

Ms Joy Barrett (UnionsWA)

Ms Linda Morich (UnionsWA)

The Emerging Issues and Risk Management Advisory Committee met on 10 occasions during 2008/2009

WORKING PARTIES

In 2008/2009, the Commission established two working parties.

1. Man Overboard Working Party

In September 2008, the Commission agreed to develop an occupational safety and health code of practice on man overboard for the commercial fishing industry for endorsement under section 57 of the OSH Act.

The Commission recommended that the code be developed by a working party, and take a risk management approach.

A working party was convened to develop the code and met on eight occasions in 2008/2009. The working party reflected the tripartite composition of the Commission and comprised:

Ms Nina Lyhne (Chair) (WorkSafe Western Australia Commissioner)

Ms Andrea Roelofs (CCI)

Dr John Suthers (Commission expert member)

Mr Stephen Hood (Western Australian Fishing Industry Council Inc)

Mr Steven Hall (Western Australian Fishing Industry Council Inc)

Mr Will Tracey (Maritime Union Of Australia)

Ms Sue Matthew (Department for Planning and Infrastructure)

Mr Arthur Baker (WorkSafe Inspector)

It is proposed that the code will be released for public comment later in 2009.

2. Waterfront Issues Working Party

In July 2008, the then Minister for Employment Protection, the Hon Jon Ford MLC, wrote to the Commission Chair requesting that the Commission review the current legislative coverage in relation to the waterfront in Western Australia and advise on whether any legislative gaps exist.

The Commission resolved to establish a tripartite working party to consider this matter and report back to the Minister on its findings.

The Waterfront Issues Working Party was established in September 2008 and comprised:

Mr Tony Cooke (Commission Chair)

Ms Anne Bellamy (CCI)

Ms Linda Morich (UnionsWA)

Ms Nina Lyhne (WorkSafe Western Australia Commissioner)

Dr Matthew Davies (Commission expert member)

The terms of reference for the working party were to:

- (i) identify the legislative arrangements currently in place for managing occupational safety and health on the waterfront in Western Australia;
- (ii) consult with stakeholders operating on the waterfront and assess whether there are any gaps or overlaps in regard to the legislative arrangements; and
- (iii) provide a report to the Commission setting out the working parties findings, conclusions and recommendations.

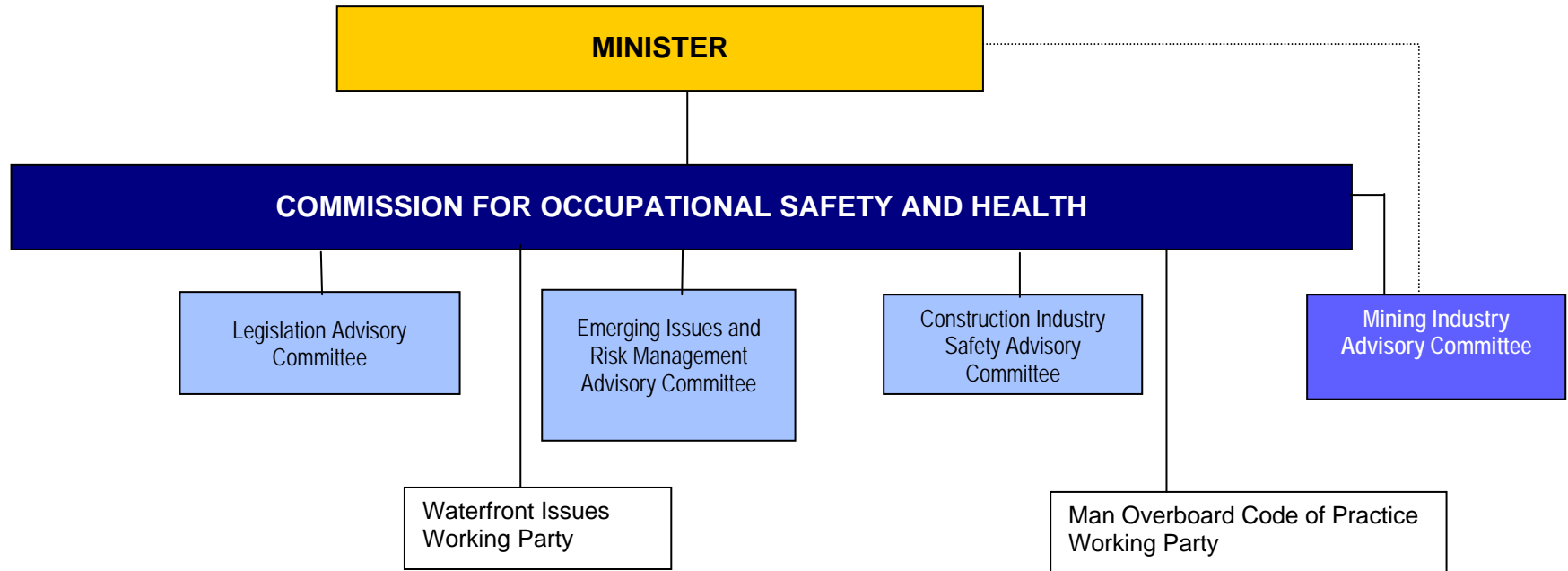
The working party met in October 2008 and January 2009.

The Waterfront Issues Working Party met its terms of reference and provided advice to the Commission on the issues identified.

A final report on the matter was provided to the Minister for Commerce in June 2009.

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 FIVE: MINING INDUSTRY ADVISORY COMMITTEE

Changes to the Act effective from April 2005 led to the establishment in 2005/06 of a 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 MIAC are to:

- advise and make recommendations to the Ministers and the Commission on occupational safety and health matters concerning the mining industry;
- liaise with the Commission to coordinate activities and to maintain parallel standards;
- to make recommendations to the Minister for Mines regarding the formulation, amendment, or repeal of laws relating to occupational safety and health for which that Minister is responsible;
- 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 MIAC is determined by the Minister or Ministers responsible for the administration of the *Occupational Safety and Health Act 1984* and the *Mines Safety and Inspection Act 1994*.

Responsibility for the administration of the *Mines Safety and Inspection Act 1994* was allocated to the Hon Norman Moore MLC, Minister for Mines and Petroleum which resulted in the move of the Resources Safety Division (which provides the MIAC secretariat) to the new Department of Mines and Petroleum, effective from 1 January 2009.

Consequently the appointment of the MIAC membership required the joint agreement of the Ministers responsible for the *Occupational Safety and Health Act 1984* and the *Mines Safety and Inspection Act 1994*. In June 2009 the membership was finalised and the Committee formally reconstituted.

The new membership comprises:

Mr Malcolm Russell (Chairperson)
Executive Director,
Resources Safety Division,
Department of Mines and Petroleum

Mr Martin Knee
State Mining Engineer,
Resources Safety Division,
Department of Mines and Petroleum

Ms Nicole Roocke
The Chamber of Minerals and Energy Western Australia

Mr Darren Batchler
The Chamber of Minerals and Energy Western Australia

Mr Gary Wood
UnionsWA

Mr Stephen Price
UnionsWA

Dr Peter Lilly
Expert member

Achievements for 2008-2009

In view of members' terms expiring in August 2008 an informal meeting was held on 20 October 2008 during the period post the 2008 State election which caused a delay in new appointments to MIAC.

Two meetings were held consecutively on 29 and 30 June 2009 to consider the 119 recommendations arising from the statutory Review of the *Mines Safety and Inspection Act 1994* conducted by Commissioner S J Kenner. The Minister for Mines and Petroleum, the Hon Norman Moore MLC, tabled the final report in Parliament on 8 April 2009.

Plans for 2009-2010

- submission of comments to the Minister for Mines and Petroleum on the recommendations arising from Commissioner Kenner's statutory review of the *Mines Safety and Inspection Act 1994*;
- continued consideration of legislative matters that are anticipated to arise from the Government's consideration of the statutory review of the *Mines Safety and Inspection Act 1994* in addition to other matters referred by the Commission;
- development of a strategic plan;

- monitoring of developments under the National Mine Safety Framework and national OHS harmonisation; and
- ongoing development of codes of practice and guidance material.

MIAC met on two occasions during 2008-2009.

CHANGES TO LEGISLATION

The following amendments were made during 2008-2009 to the Mines Safety and Inspection Regulations 1995

Written Law	Gazettal Date
<p>Mines Safety and Inspection Amendment Regulations (No. 2) 2009</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>	<p>16 June 2009</p>

CONTACT DETAILS

COMMISSION FOR OCCUPATIONAL SAFETY AND HEALTH

In Person: Westcentre, 1260 Hay Street West Perth

Postal: PO Box 294 WEST PERTH WA 6872

Telephone: (08) 9327 8777 or 1300-307-877

TTY: (08) 9327 8838

Facsimile: (08) 9321 2148

Email: safety@worksafe.wa.gov.au

Internet: www.worksafe.wa.gov.au