



Annual Report

Commission for
Occupational Safety and
Health

2009-2010

CONTENTS

CONTENTS	1
STATEMENT OF COMPLIANCE	3
REPORT FROM THE CHAIR	4
SECTION ONE: ABOUT THE COMMISSION.....	6
Responsible Minister.....	6
Enabling Legislation.....	6
Our Vision – 2012.....	6
Functions of the Commission	6
Composition of the Commission	7
SECTION TWO: GOVERNANCE DISCLOSURES.....	8
Commission’s Governance Framework.....	8
Compliance with Public Sector Standards and Ethical Codes.....	8
Recordkeeping.....	8
Public Interest Disclosure	8
Advertising and sponsorship.....	8
SECTION THREE: REPORT ON 2009-2010	9
National harmonisation of occupational health and safety legislation	9
Safety and health representatives’ forum.....	9
Commission accredited introductory training courses for safety and health representatives	10
Publications	11
Changes to legislation	13
The National Arena.....	13
Report against strategic plan 2009-2012.....	15
SECTION FOUR: ADVISORY COMMITTEES	19
Legislation Advisory Committee.....	19
Construction Industry Safety Advisory Committee	20

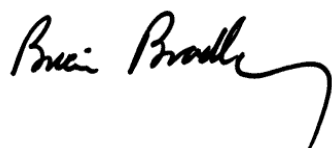
Risk Advisory Committee (previously Emerging Issues and Risk Management Advisory Committee)	20
Working Parties	21
Committees and Working Parties	22
SECTION FIVE: MINING INDUSTRY ADVISORY COMMITTEE	23
Changes to legislation	25
CONTACT DETAILS	26

STATEMENT OF COMPLIANCE

HON BILL MARMION 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 2010.



Brian Bradley
Deputy Chair (Acting Chair)
Commission for Occupational Safety and Health

REPORT FROM THE CHAIR

As Acting Chair of the Commission for Occupational Safety and Health (the Commission), I am pleased to present its annual report for the year ended 30 June 2010.

The Commission is established under the *Occupational Safety and Health Act 1984* (the OSH Act) and is responsible to the Minister for Commerce. The Commission's functions include providing advice to the Minister on occupational safety and health matters and publishing occupational safety and health codes of practice and guidance material.

In April 2010, the Commission's Chair, Mr Tony Cooke stepped down from his role as Chair of the Commission. Since Mr Cooke's resignation, as Deputy Chairperson, I have been responsible for undertaking the role of Acting Chairperson of the Commission while the position of Chairperson is filled.

Mr Cooke held the position of Commission Chair from May 2002, following on from eight years as a member of the Commission, representing the Trades and Labor Council. During Mr Cooke's time as Chair, the public profile of the Commission was raised through his engagement with industry and participation at many industry forums and summits. Mr Cooke's high level of commitment and his passion for improving occupational safety and health in Western Australia was recognised and much appreciated by the Commission.

The 2009-2010 year was a busy and productive year for the Commission with ongoing progress towards a national harmonised occupational safety and health regime the key focus.

In July 2009, the Commission convened a Strategic Planning Workshop to consider its future role and direction. A Strategic Plan for 2009-2012, outlining the Commission's vision and objectives for the coming years was developed as an outcome of this planning process.

The Commission's advisory committees play a key role in achieving the Commission's objectives and in 2009-2010 were involved in several significant initiatives.

In particular, the Legislation Advisory Committee met on a number of occasions and worked under tight timeframes to review the draft national model legislation. In November 2009, the Commission provided the Minister with comprehensive advice on the exposure draft for the model Work Health and Safety Act and administrative regulations and the implications for Western Australia. This report assisted the Government in determining its position in regard to the harmonisation process.

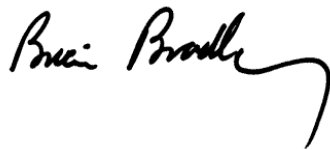
In October 2009, the Commission, in association with WorkSafe, hosted a well attended community forum on *Sharing Best Practices in Construction*. Dr Michael Behm from the East Carolina University, USA, presented at the forum and discussed his experiences in 'designing for construction safety'.

Once again, the Commission partnered with WorkSafe and WorkCover in hosting the Work Safe Forum in Perth in October 2009. The forum was targeted at elected safety and health representatives and attended by approximately 600 delegates. A very successful Work Safe Regional Forum was held in Albany in May 2010, attended by approximately 100 delegates. These forums provide an excellent opportunity for safety and health representatives to learn and share information and to meet others performing this important role.

Looking towards the coming year, the Commission will continue to participate in the ongoing national harmonisation process and anticipates with enthusiasm a new era in workplace health and safety.

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 interest and commitment has resulted in a number of key achievements for 2009-2010, 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 hard work and professionalism over the past year.

A handwritten signature in black ink that reads "Brian Bradley". The signature is written in a cursive style with a long, sweeping tail that extends to the right.

Brian Bradley

Acting Chair, Commission for Occupational Safety and Health

SECTION ONE: ABOUT THE COMMISSION

Responsible Minister

The Minister for Commerce, the Hon Bill Marmion MLA, is responsible for the administration of the OSH Act. Section 16 of the OSH Act requires 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 was established in April 1985 (as the Occupational Health, Safety and Welfare Commission) under section 6 of the OSH Act.

Our Vision – 2012

The Commission's vision is to be the peak consultative forum on occupational safety and health issues.

As a tripartite group, the Commission will show strong leadership and engagement with the community. The Commission will contribute to an environment where the occupational safety and health legal framework supports safety and health in WA workplaces now and in the future.

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;
- 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:

▪ An independent Chair (nominated by the Minister);
▪ The WorkSafe Western Australia Commissioner;
▪ 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> ;
▪ Two members nominated by the Chamber of Commerce and Industry Western Australia (CCI);
▪ One member nominated by the Chamber of Minerals and Energy of Western Australia (CME);
▪ 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
▪ Three members having knowledge of or experience in OSH (nominated by the Minister).

The following members held office during 2009/2010:

- Independent Chair: Tony Cooke (until April 2010)
- WorkSafe Western Australia Commissioner: Nina Lyhne
- Officers of the Public Service: Brian Bradley (Deputy Chair), 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; Joy Barrett; Linda Morich
- Three members with knowledge of or experience in OSH, nominated by the Minister: Dr John Suthers; Professor Steve Allsop (until April 2009,) Dr Barry Chesson (from October 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 2009/2010 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 2009/2010.

SECTION THREE: REPORT ON 2009-2010

National harmonisation of occupational health and safety legislation

In July 2008, the Council of Australian Governments formally committed to the harmonisation of work health and safety laws by signing an *Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety*.

An independent panel reviewed work health and safety laws in each state, territory and the Commonwealth and advised the Workplace Relations Ministers' Council (WRMC) on the optimum structure and content of a work health and safety Act that can be adopted in all jurisdictions.

In May 2009, WRMC agreed to a framework for uniform OHS laws to address the current inconsistencies in OSH laws across jurisdictions.

In late September 2009, an exposure draft model Work Health and Safety Act (WHS Act) was released by Safe Work Australia for a 6 week public comment period.

Between June 2009 and November 2009, the Commission's Legislation Advisory Committee met on a number of occasions to consider the draft model WHS Act. In November 2009, the Commission provided the Minister for Commerce with a comprehensive report on the provisions of the model WHS Act and the implications for Western Australia. The report served to inform the Government in determining its position on the model Work Health and Safety Act.

Safety and health representatives' forum

The Commission presented the 2009 *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 27 October 2009 and was attended by over 600 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.

The forum featured a range of speakers with a wealth of knowledge and expertise in occupational safety and health. Keynote speaker Dr Ali Dale spoke about 'the marriage between safety and psychology' and the need to do something different in order to break through the plateau in safety performance. The 2009 program included a mixture of interesting plenary sessions and concurrent workshop sessions.

A regional forum was conducted in Albany in May 2010. The forum was attended by over 100 people and gave attendees the chance to explore the latest workplace safety strategies and developments and share safety knowledge and information with others. The program included a range of speakers including the former Commission Chair, Mr Tony Cooke, who spoke passionately about the psychology of safety.

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: Published 2009-2010

The following publications were approved by the Minister for Commerce, upon the recommendation of the Commission, as codes of practice under section 57 of the OSH Act.

TITLE	Publication in Government Gazette
<i>Code of practice: Safeguarding of machinery and plant</i>	11 December 2009
<i>National Code of practice for precast, tilt-up and concrete elements in building construction</i>	9 February 2010
<i>Code of practice: Manual tasks</i>	18 June 2010

The *Code of practice: Prevention and control of legionnaires disease* was reviewed by the Commission in 2009-2010 and published, as a joint publication with the Mining Industry Advisory Committee, in 2010-2011.

The *Code of practice: Concrete and masonry cutting and drilling* was reviewed by the Commission in 2009-2010 and reprinted after minor amendments.

Codes of Practice: Revoked 2009-2010

The following publications were revoked by the Minister for Commerce, upon the recommendation of the Commission, as codes of practice under section 57 of the OSH Act.

TITLE	Publication in Government Gazette
<i>Code of practice: Tilt-up and precast concrete construction</i>	9 February 2010
<i>Code of practice for safety and health within the waste management and recycling industries</i>	9 March 2010
<i>Code of practice: Manual handling</i>	18 June 2010
<i>National code of practice for the prevention of occupational overuse syndrome</i>	18 June 2010

Guidance Notes

The *Guidance note – Isolation of plant* was reviewed and updated by the Commission in 2009-2010.

The *Guidance note – Preparing for emergency evacuations* was also reviewed and updated and the new version will be published at a later date.

Bulletins

In 2009-2010, the Risk Advisory Committee developed *A guide for migrant workers*, a bulletin published in a number of different languages. This bulletin was produced to provide guidance for migrant workers on understanding the safety and health needs of the workplace. The bulletin is supported by two other bulletins, one targeting community groups and the other targeting employers.

The Commission formed an expert reference group to oversee the development of educational materials providing information on working safely in hot conditions. The reference group developed an informative bulletin supported by a poster targeting prevention strategies. Although the publications provide information suited to a range of hot workplaces, the promotional plan will target workers in the North West.

Changes to legislation

The following amendments were made to the OSH regulations during 2009/2010.

WRITTEN LAW	GAZETTAL DATE
Occupational Safety and Health Amendment Regulations (No 4) 2009 Amendments in relation to construction induction training	31 July 2009
Occupational Safety and Health Amendment Regulations (No 5) 2009 Amendments in relation to flashback arresters	25 August 2009
Occupational Safety and Health Amendment Regulations (No 3) 2009 Amendments in relation to asbestos licensing requirements	22 December 2009
Occupational Safety and Health Amendment Regulations (No 7) 2009 Amendments to update references to Australian Standards	15 January 2010
Occupational Safety and Health Amendment Regulations 2010 Clarification amendment to asbestos licensing regulations	25 May 2010
Occupational Safety and Health Amendment Regulations (No 3) 2010 Amendments in relation to fees and charges	25 June 2010

The National Arena

The Commission has participated in the national harmonisation process and the development of the model WHS Act.

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 Safe Work Australia.

Commission for Occupational Safety and Health Strategic Plan 2009-2012

Vision

To be the peak consultative forum on occupational safety and health issues

Mission

Through strong leadership and engagement with the community, the Commission will contribute to an environment where the OSH legal framework supports safety and health in WA workplaces now and in the future

Objective 1	Objective 2	Objective 3	Objective 4	Objective 5
<p>Through strong leadership, maintain the focus, visibility and relevance of the Commission <i>The Commission will ensure its outputs demonstrate strategic focus, visibility and relevance.</i></p>	<p>Align with the National Strategy <i>The Commission will recognise the goals and objectives of the national OSH strategy and positively contribute to identifying priorities and establishing targets agreed at the national level.</i></p>	<p>Engage with the community <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></p>	<p>Ensure a relevant legislative framework <i>The Commission will ensure the legislative framework remains relevant to the changing world of work.</i></p>	<p>Plan for the future <i>The Commission will identify and respond to emerging issues that impact on OSH.</i></p>
Indicators of success				
<p><i>Increased OSH knowledge and skills in workplaces and the community.</i></p>	<p><i>Actions against elements of the National Strategy are in place.</i></p>	<p><i>Stakeholders are provided with information.</i></p>	<p><i>Commission advises the Minister on the legislative framework and other OSH matters.</i></p>	<p><i>Commission influences the agenda.</i></p>
Strategies				
<p>Influence state and federal governments and their agencies on occupational safety and health issues.</p> <p>Engage with the public and private sectors to promote and deliver effective OSH programs.</p> <p>Maintain and promote effective tripartite relationships and decision making on safety and health in the workplace.</p> <p>Promote a greater understanding of the role of the Commission and its initiatives.</p>	<p>Focus on high incidence /high severity risks.</p> <p>Eliminate hazards and control risks at source where practicable.</p> <p>Improve/enhance the capacity of business operators and workers to manage OSH effectively.</p> <p>Seek to review and prevent occupational disease more effectively in WA.</p> <p>Influence government to improve/enhance OSH outcomes.</p>	<p>Make OSH relevant to a broader range of people and promote a preventative culture.</p> <p>Influence and promote OSH skills development and training.</p> <p>Promote, educate and develop broader community awareness of OSH.</p> <p>Use and expand our networks to engage effectively with the community with a particular focus on regional areas.</p> <p>Address issues that inhibit a preventative approach to OSH within a diverse workforce.</p>	<p>Provide input to relevant parties (including the Minister) on the COAG harmonisation agenda.</p> <p>Monitor and measure the effectiveness of the regulations.</p> <p>Monitor and evaluate issues in WA and consider the need for legislative controls.</p> <p>Reassess the form, nature, purpose and impact of Commission information and guidance materials</p>	<p>Increase the relevance of and priority given to OSH in a world of competing priorities and changing work arrangements.</p> <p>Engage with stakeholders in initiating and developing research.</p> <p>Collect, analyse and utilise information/data to predict and respond to future trends.</p> <p>Monitor and evaluate initiatives leading to continuous improvements.</p>

Engage and consult broadly on safety and health in the workplace
 Provide information and guidance on safety and health that is relevant, credible and accessible

Report against strategic plan 2009-2012

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 2009-2010:

- participated in the national harmonisation agenda and provided comprehensive advice to the Minister;
- maintained and promoted effective tripartite relationships and decision-making through the various advisory committees; and
- continued to promote the strategic direction of the Commission to enhance and improve OSH in Western Australia by developing and updating standards and codes of practice.

Plans for 2010-2011:

- continue to influence government and relevant bodies on OSH issues by contributing to the development of national harmonised model WHS legislation, standards and codes of practice;
- continue to maintain and promote effective tripartite relationships and decision making on safety and health in the workplace; and
- continue to promote a greater understanding of the role of the Commission and its initiatives.

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 2009-2010:

- advised the Minister on the potential role of the Commission in a harmonised OSH environment;
- amended regulations on the harmonisation of construction safety awareness training across States;
- considered the *National Code of Practice for Precast Tilt-Up and Concrete Elements in Building Construction* and implemented it in WA in February 2010; and
- participated in the national harmonisation agenda by providing advice to the Minister.

Plans for 2010-2011:

- continue to participate in the national harmonisation agenda and provide advice to the Minister.

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 2009-2010:

- developed a draft *Guidance note: Falls prevention in the agriculture sector* that has been released for public comment and feedback evaluated;
- finalised publication of a *Guidance Note: Preparing for emergency evacuations*;
- completed the development of the following *Codes of Practice*:
 - *Man Overboard prevention and response* for the commercial fishing industry, awaiting publication;
 - *Manual tasks*, gazetted June 2010;
- developed and printed a poster and bulletin on *Working safely in hot conditions*; and
- conducted comprehensive reviews of the *Code of Practice: Legionnaire's Disease* and the *Code of Practice: Concrete and Masonry Cutting and Drilling*.

Plans for 2010-2011:

- to publish the draft *Code of Practice: Man Overboard prevention and response* under section 57 of the OSH Act;
- to continue to develop, as required, material to ensure the community is provided with information and guidance that is relevant, credible and accessible;
- to participate in the development of national model WHS legislation; and
- to participate in the development of National codes of practice.

Objective 4: Ensure a relevant legislative framework

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

Key achievements 2009-2010:

- provided advice to Minister in regard to proposed amendment to OSH Act – Share Fishing arrangements;
- implemented amendment of the licensing threshold for bonded asbestos removal;
- implemented amendments to regulation 1.3 of the OSH Regulations in regard to the updating the year of the Building Code and the definition of medical practitioners;
- implemented amendment of regulation 3.98(2) of the OSH Regulations – Flashback Arresters;
- implemented amendments to Schedule 1 of the OSH Regulations (Australian Standards);
- developed amendments to regulation 3.63 of the OSH regulations 1996 in relation to testing and tagging of electrical equipment; and
- progressed towards updating the standard: Confined Spaces – Revised Australian Standard (AS2865-2009).

Plans for 2010-2011:

- continue to advise the Minister and contribute to relevant parties on the COAG harmonisation agenda including development of the model Work Health and Safety Regulations;
- constantly monitor and evaluate the effectiveness of the regulations;
- monitor and evaluate issues in WA and consider the need for legislative controls; and
- reconsider the form, nature, purpose and impact of Commission information and guidance materials.

Objective 5: Plan for the future

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

Key achievements 2009-2010:

- developed a framework for the future role and functions of the Commission and liaised with the Resources Safety Division of the Department of Mines and Petroleum in regard to the role and functions of the Mining Industry Advisory Committee appointments;

- continued to collect and review information on identified priority OSH issues such as ageing workers and casual workers (Risk Advisory Committee);
- developed bulletins to provide information for migrant workers in a number of different languages; and
- assessed potential emerging issues.

Plans for 2010-2011:

- develop a publication to provide information on ageing workers; and
- identify, research and monitor emerging trends in OSH.

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 2009-2010

- Brian Bradley, Chair, (Department of Commerce)
- Anne Bellamy (Chamber of Commerce and Industry)
- Nina Lyhne (WorkSafe)
- Linda Morich (UnionsWA)
- David Todd (Chamber of Minerals and Energy)
- Melina Newnan (Resources Safety Division, Department of Mines and Petroleum)
- Gary Wood (UnionsWA)

The Legislation Advisory Committee met on 13 occasions during 2009-2010.

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 2009-2010

- Ms Nina Lyhne, Chair (WorkSafe)
- Mr Andy Peppercorn (Master Builders Association)
- Ms Anne Bellamy (Chamber of Commerce and Industry)
- Mr Chris Kirwin (WorkSafe)
- Mr David Endersby (Housing Industry Association)
- Dr John Suthers (Commission expert member)
- Mr Mick Buchan (Construction, Forestry, Mining and Energy Union)
- Mr Steven MacCartney (Australian Manufacturing Workers' Union)
- Mr Greg Wilton (UnionsWA) from June 2010

The Construction Industry Safety Advisory Committee met on 9 occasions during 2009-2010.

Risk Advisory Committee (previously Emerging Issues and Risk Management Advisory Committee)

After a review of the functions of this committee it was agreed to rename it the Risk Advisory Committee (RAC).

The key objectives of the Risk 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;
- 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 2009-2010

- Ms Andrea Roelofs (Chair) (Chamber of Commerce and Industry)
- Ms Nicole Roocke (Chamber of Minerals and Energy)
- Dr John Suthers (Commission expert member)
- Dr Matthew Davies (Commission expert member)
- Ms Joy Barrett (UnionsWA)

The Emerging Issues and Risk Management Advisory Committee met on 9 occasions during 2009-2010.

Working Parties

In 2009-2010, the Commission established two working parties.

Safe work in hot conditions expert reference group

A reference group was convened to develop a poster and bulletin to assist workplaces in working safely in hot conditions. The reference group reflected the tripartite composition of the Commission and comprised:

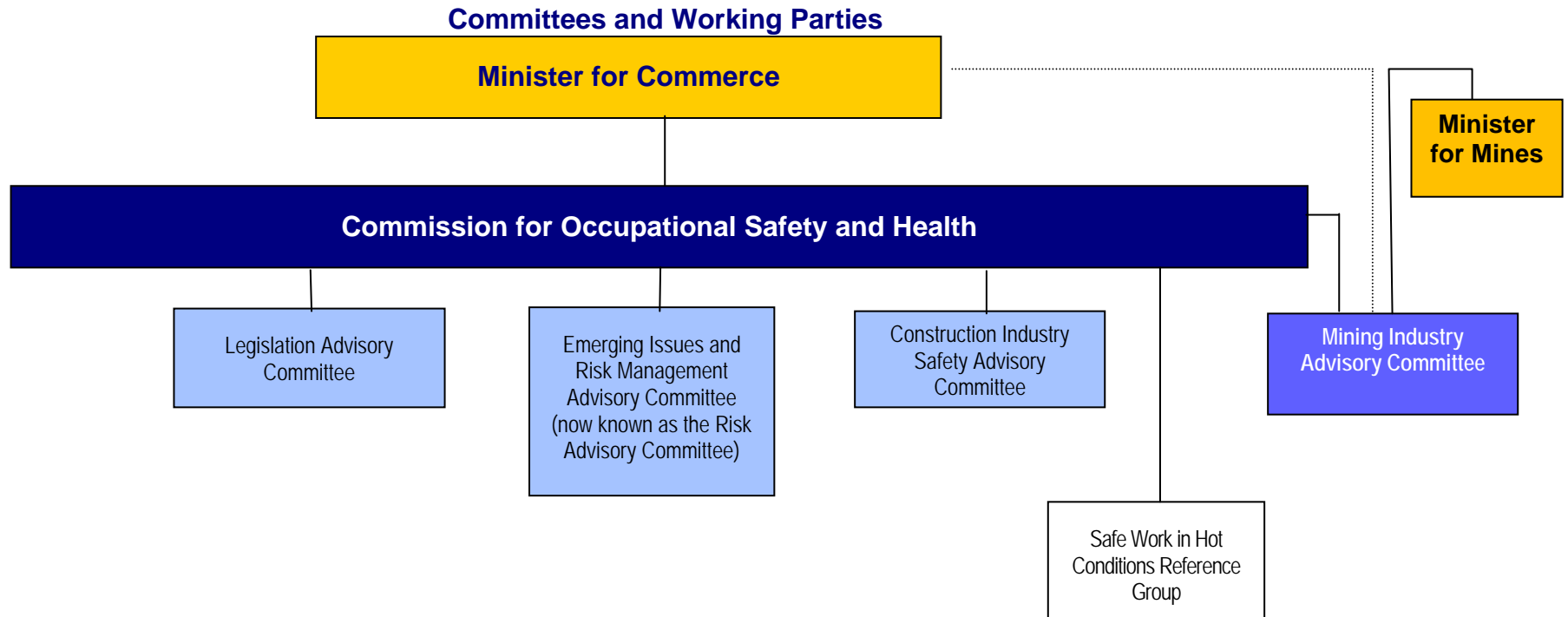
- Mr Tony Cooke (Chair)
- Ms Andrea Roelofs (Chamber of Commerce and Industry)
- Dr Barry Chesson (Commission expert member)
- Ms Linda Morich (UnionsWA)
- Mr John Chatfield (Firefighters Union of WA)

The reference group met on 3 occasions in 2009-2010.

Working hours review Working Party

A working party was convened in early 2010 to review the *Code of practice: Working Hours 2006*. Although it is anticipated that a National Code of practice will be developed as part of the national harmonisation process, this may be some time off and this review will inform the development of a National code.

COMMISSION FOR OCCUPATIONAL SAFETY AND HEALTH



- Statutory committee established under the *Occupational Safety and Health Act 1984*. Advises the Minister for Mines and Petroleum on matters concerning the *Mines Safety and Inspection Act 1994*
- 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 OSH Act effective from April 2005 led to the establishment 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*. The Hon Norman Moore MLC, Minister for Mines and Petroleum is responsible for administration of the *Mines Safety and Inspection Act 1994*.

In January 2010, new appointments were made as a result of the retirement of the State mining engineer, Mr Martin Knee, and the resignation of CME member Ms Nicole Roocke. At Mr Knee's final meeting members acknowledged his outstanding contribution to the effective operation and achievements of MIAC, and for his unparalleled service to the former Mines Occupational Safety and Health Advisory Board over a period of some years.

The membership comprises:

- Mr Malcolm Russell (Chairperson)
Executive Director, Resources Safety Division,
Department of Mines and Petroleum
- Mr Simon Ridge
State Mining Engineer, Resources Safety Division,
Department of Mines and Petroleum
- Mr David Todd
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 2009-2010

- Submission of comments to the Minister for Mines and Petroleum on the 119 recommendations arising from Commissioner Kenner's statutory review of the Mines Safety and Inspection Act 1994.
- Submission of three codes of practice to the Minister for Mines and Petroleum which received approval:
 - Code of Practice: Consultation at Work*
 - Code of Practice: Safe Design of Buildings and Structures (based on the Commission code)*
 - Code of Practice: Safeguarding of Machinery and Plant (joint code with the Commission)*
- Consultation on national harmonisation of occupational health and safety laws
- Consultation on the National Mine Safety Framework strategies

Plans for 2010-2011

- Development of a strategic plan
- Continued consideration of legislative matters arising from anticipated rapid developments under the National Mine Safety Framework and national occupational safety and health harmonisation
- Ongoing development of codes of practice and guidance material, subject to the outcome of the national reform process

MIAC met on three occasions and once informally during 2009-2010.

Changes to legislation

The following amendments were made during 2009-2010 to the *Mines Safety and Inspection Act 1994* and Mines Safety and Inspection Regulations 1995.

Written Law	Gazettal Date
<p><i>Mines Safety and Inspection Amendment Act 2009</i></p> <p>This Act amended the <i>Mines Safety and Inspection Act 1994</i> to enable regulations to make provision for a (mines safety) levy.</p>	<p>Royal assent on 3 December 2009</p>
<p>Mines Safety and Inspection Amendment Regulations 2009</p> <p>A package of amendments including the implementation of the national standard for licensing persons performing high risk work; updates to guidance material (eg NOHSC), and changes to health assessment provisions.</p>	<p>21 July 2009, in effect 22 July except for Regulation 18, in effect 22 July 2010</p>
<p>Mines Safety and Inspection Amendment Regulations (No. 3) 2009</p> <p>Changes arising from amendments to the <i>Mines Safety and Inspection Act 1994</i> made by the <i>Training Legislation Amendment and Repeal Act 2008</i> thereby giving rise to consequential amendments to the Regulations.</p>	<p>21 August 2009, in effect 22 August 2009</p>
<p>Mines Safety and Inspection Levy Regulations 2010</p> <p>These regulations set out who is liable to pay the (mines safety) levy, how it will be assessed and charged, and the payment process.</p>	<p>23 April 2010, in effect 24 April 2010</p>
<p>Mines Safety and Inspection Amendment Regulations 2010</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>25 June 2010, in effect 1 July 2010</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