

Section 16 of the Occupational Safety and Health Act 1984 requires the Commission for Occupational Safety and Health to prepare a report for the Minister for Commerce on its activities during the financial year

Commission for Occupational Safety and Health

Annual Report 2012-13

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STATEMENT OF COMPLIANCE

HON MICHAEL MISCHIN MLC 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 2013.

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George Allingame Chair Commission for Occupational Safety and Health

REPORT FROM THE CHAIR

As 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 2013.

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 (OSH) matters and publishing occupational safety and health codes of practice and guidance material.

The harmonisation of work health and safety laws under the auspices of the *Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety* (the WHS IGA) continued to be a major focus for the work of the Commission in 2012-13. In view of the Government's commitment to establishing the regulatory impact of the model regulations in Western Australia, and the finalisation of the mining regulations prior to introducing harmonised legislation, the Commission agreed to extend the operation of its Strategic Plan 2009-12 pending a decision on implementation.

The Commission's advisory committees play a key role in achieving the Commission's objectives and in 2012-2013 were involved in several significant initiatives. In particular, I would like to thank the members of the Asbestos Management Review Working Party and the Working Hours Review Working Party for developing detailed reports regarding national developments within limited timeframes.

While the work of harmonisation has proven challenging, the Commission has continued to work to meet its objectives as the peak forum on OSH issues in Western Australia. In 2012 the Commission supported the WorkSafe Division of the Department of Commerce (WorkSafe) in its transition from the annual forum concept to a new initiative, Safe Work October 2012. The month long focus on safety incorporated Safe Work Australia's National Safety Week and comprised a number of events. The backbone of Safe Work October 2012 was a series of nine targeted workshops spaced throughout the month. More than 700 people, a mix of safety and health professionals and elected representatives, attended the workshops. The month concluded with a presentation breakfast for the winners of the Work Safety Awards 2012, with members of the Commission in attendance.

The Commission will continue to monitor developments in the national arena consistent with the Government's commitments under the WHS IGA and will review its strategic objectives to ensure they continue to meet the expectations of Western Australians as the peak body for occupational safety and health matters in this State.

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

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George Allingame

Chair, Commission for Occupational Safety and Health

SECTION ONE: ABOUT THE COMMISSION

Responsible Minister

The Minister for Commerce, the Hon Michael Mischin MLC, 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

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 OSH legal framework supports safety and health in Western Australian 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 *Mines Safety and Inspection Act 1994*;
- two members nominated by the Chamber of Commerce and Industry of WA (CCIWA);
- one member nominated by the Chamber of Minerals and Energy of Western Australia (CME);
- three members nominated by 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 2012/2013:

- Independent Chair: Mr George Allingame
- WorkSafe Western Australia Commissioner: Mr Lex McCulloch
- Officers of the Public Service: Mr Brian Bradley (Deputy Chair), Director-General, Department of Commerce; and Mr Simon Ridge, Executive Director, Resources Safety Division, Department of Mines and Petroleum
- Members nominated by the CCIWA: Ms Andrea Roelofs and Ms Karin Lee
- Member nominated by the CME: Ms Nicole Roocke
- Members nominated by UnionsWA: Ms Joy Barrett, Ms Linda Morich and Mr Gary Wood
- Three members with knowledge of or experience in OSH, nominated by the Minister: Dr Barry Chesson, Dr Matthew Davies and Dr Peter Connaughton.

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 the 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 2012/2013 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 2012/2013.

SECTION THREE: REPORT ON 2012-2013

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 the WHS IGA.

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

The model Work Health and Safety Act (the model WHS Act) was endorsed by the WRMC on 11 December 2009. After being released for a public comment period ending in April 2011, the model Work Health and Safety Regulations (the model WHS regulations) were redrafted by Safe Work Australia and presented for approval to the Select Council on Workplace Relations (SCWR, formerly the WRMC) on 10 August 2011.

Safe Work Australia (SWA) continued to release model Work Health and Safety codes of practice (model WHS codes) during 2012-13 and the Commission, and the Legislation Advisory Committee (LAC), have continued to review the model WHS codes for their application to safety and health in Western Australia. A particular focus of these discussions has been to ensure that important areas of regulation in Western Australia are adequately covered in the model WHS codes when no similar regulation exists in the model WHS regulations.

In 2012, the Western Australian Government committed to the preparation of a regulatory impact statement (RIS) for the model WHS regulations. Commission members provided submissions through their organisations during the public comment period, and the Commission continues to monitor the progress of the RIS.

Safety and health representatives' forum

In 2012 WorkSafe Western Australia, with the support of the Commission, moved away from its traditional one day forum in preference for a new initiative – Safe Work October 2012. This entailed a month long focus on safety and health, and incorporated Safe Work Australia's National Safety Week. The month featured a number of activities, the most significant of which being a series of targeted workshops.

The workshops were all conducted at Technology Park in Bentley over the course of the month with 709 attendees across the nine events. The attendees were a mix of elected safety and health representatives, general management, and safety and health professionals. The key objective of these workshops was to provide hands-on information and skills experiences. They also provided the OSH community with networking opportunities.

The workshop series featured a range of speakers with a wealth of knowledge and expertise in OSH. The program included a mixture of sessions ranging from *Risk Assessments*, *OSH Management Systems* and *Workers' Compensation*, through to *Safety Leadership*, *Safety Conversations* and *Safety Engagement*.

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* (the accreditation guidelines), which is available from WorkSafe's website, <u>www.worksafe.wa.gov.au</u>.

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

The Commission has continued to review model WHS codes released by SWA during 2012-13. This included areas presently regulated in Western Australia under the Occupational Safety and Health Regulations 1996 (the OSH regulations) which have no specific regulations under the model WHS regulations. As new drafts of model WHS codes are released, the Commission, the Construction Industry Safety Advisory Committee (the CISAC) and the Legislation Advisory Committee (the LAC) have considered analyses of these gaps.

Changes to legislation

The following amendments were made to the OSH regulations during 2012/2013.

WRITTEN LAW	GAZETTAL DATE
Occupational Safety and Health Amendment Regulations (No.2) 2012	27 July 2012
Updated the definition of "medical practitioner"	
Occupational Safety and Health Amendment Regulations (No.2) 2013	14 June 2013
Updating the reference document for driver fitness to provide consistency with transport regulations	

The National Arena

Two hazards were a subject of significant discussions in the national arena during 2012-13; asbestos and bullying.

The Commonwealth's Asbestos Management Review proposed a number of recommendations for the removal of asbestos in the built environment in a nationally coordinated fashion. Asbestos is a significant issue in Western Australia and the Commission established the Asbestos Management Review Working Party to provide advice to the Minister on the recommendations.

In October 2012, the Commonwealth House of Representatives Standing Committee on Education and Employment released its report Workplace bullying: We just want it to stop. This was followed by the Commonwealth Government's response to the report released on February 2013. The Commission published the code of practice: Violence, aggression and bullying at work in 2010 and has monitored developments on this subject with a view to providing advice on the impact of any further proposals on duty holders in Western Australia.

The Commission also continued to participate in the national harmonisation of work health and safety laws and the development of model codes of practice and guidance material.

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

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 2012-2013

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 2012-2013:

- 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.

Plans for 2013-2014:

- continue to influence government and relevant bodies on OSH issues by contributing to the development of national harmonised model Work Health and Safety (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 2012-2013:

- continued to monitor developments in the harmonisation process, including consideration of the model WHS codes;
- provided advice to the Minister on issues arising from the model WHS legislation in the Western Australia context; and
- provided advice to the Minister regarding the Commonwealth's Asbestos Management Review.

Plans for 2013-2014:

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 Western Australian community have access to knowledge and information so that they can exercise their rights and meet their obligations with respect to OSH.

Key achievements 2012-2013:

continue to engage with member organisations in relation to developments nationally.

Plans for 2013-2014:

- to continue to develop, as required, material to ensure the community is provided with information and guidance that is relevant, credible and accessible; and
- to participate in the development of national model 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 2012-2013:

- implemented amendments of the OSH regulations in relation to the reference document for driver fitness and the definition of medical practitioner: and
- monitored developments in the national arena with relevance to Western Australian OSH law.

Plans for 2013-2014:

- continue to advise the Minister about the Council of Australian Government's harmonisation agenda including ongoing development of model WHS codes and implementation issues;
- constantly monitor and evaluate the effectiveness of the OSH regulations;
- monitor and evaluate issues in WA and consider the need for legislative controls; and
- continually review 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 OSH.

Key achievements 2012-2013:

- continued examination of the draft model WHS regulations and model WHS codes and provided advice to the Minister on their implementation in Western Australia;
- continued to collect and review information on identified priority OSH issues; and
- assessed potential emerging issues.

Plans for 2013-2014:

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 (LAC)

The key objectives of the LAC 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 2012-2013

- Mr Brian Bradley, Chair, (Department of Commerce)
- Ms Karin Lee (Chamber of Commerce and Industry)
- Mr Lex McCulloch (WorkSafe)
- Ms Linda Morich (UnionsWA)
- Mr Richard Wilson (Chamber of Minerals and Energy)
- Ms Melina Newnan (Resources Safety Division, Department of Mines and Petroleum)
- Mr Gary Wood (UnionsWA)

The Legislation Advisory Committee met on five occasions during 2012-2013 and continued its gap analysis of the model WHS regulations.

Construction Industry Safety Advisory Committee (CISAC)

The key objectives of the CISAC 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 2012-2013

- Mr Lex McCulloch, Chair (WorkSafe)
- Mr Andy Peppercorn (Master Builders Association)
- Ms Sherill Lepp (Chamber of Commerce and Industry)
- Mr Chris Kirwin (WorkSafe)
- Mr James Skouros (Housing Industry Association)
- Mr Steve McCann (Construction, Forestry, Mining and Energy Union)
- Mr Steve McCartney (Australian Manufacturing Workers' Union)

The CISAC met on five occasions during 2012-13 with a continued focus on providing advice to the Commission on construction-related matters arising from harmonisation.

Risk Advisory Committee (RAC)

The key objectives of the Risk Advisory Committee (RAC) 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 2012-2013

- Ms Andrea Roelofs (Chair) (CCIWA)
- Ms Nicole Roocke (CME)
- Dr Matthew Davies (Commission expert member)
- Ms Joy Barrett (UnionsWA)

The RAC met on seven occasions during 2012-13, and focussed on developments in the top five hazards identified by the risk register, including noise and slips, trips and falls.

Working Parties

Working Hours Review Working Party (the WHRWP)

The WHRWP was reconvened on 3 April 2013 to review a new draft of the model *Code of Practice: Preventing and Managing Fatigue in the Workplace* (the model fatigue code).

Members 2012-13

- Mr Lex McCulloch (Chair, WorkSafe)
- Ms Karin Lee (CCIWA)
- Dr Matthew Davies (Commission expert member)
- Ms Linda Morich (UnionsWA)
- Ms Nicole Roocke (CME)

The WHRWP met on four occasions in 2012-13 to develop the Commission's response to issues in the model fatigue code in the Western Australian context.

Asbestos Management Review Working Party (AMRWP)

On 29 October 2010, the then Commonwealth Minister for Tertiary Education, Skills, Jobs and Workplace Relations, Senator the Hon Chris Evans, announced the establishment of the Asbestos Management Review (AMR). Chaired by Mr Geoff Fary, and assisted by an expert advisory group, the AMR conducted research and consultation into the prevalence of asbestos in Australia and strategies for mitigation or removal. In June 2012, the AMR released the Asbestos Management Review Report 2012 (the AMR Report) which included 12 recommendations for dealing with the hazards of asbestos in the built environment.

The AMRWP was formed by the Commission on 5 September 2012 to develop a Commission response to the recommendations of the AMR Report.

Members 2012-13:

- Dr Barry Chesson (Chair, expert member of the Commission)
- Ms Joy Barrett (UnionsWA)
- Mr John Innes (WorkSafe)
- Ms Karin Lee (Chamber of Commerce and Industry)

The AMRWP met on four occasions in 2012-13 to provide the Minister with a comprehensive response on each recommendation of the AMR Report from a Western Australian perspective.

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 (the MIAC). The composition and functions of MIAC are set out in section 14A of the OSH Act.

Membership of the MIAC is determined by the Ministers responsible for the administration of the OSH Act and the *Mines Safety and Inspection Act 1994* (the MSI Act). The Minister for Mines and Petroleum is responsible for administration of the MSI Act.

The key objectives of MIAC are to:

- advise and make recommendations to the Minister for Commerce, the Minister for Mines and Petroleum and the Commission on OSH 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 and Petroleum 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.

MIAC met on five occasions during the financial year 2012-2013.

In May 2012, the three year term of members' expired with a new committee being reconstituted in August 2012. The membership was expanded to create an additional industry member, union member and expert member.

Listed below is the current membership of MIAC:

- Mr Simon Ridge (Chairperson) Executive Director, Resources Safety Division, Department of Mines and Petroleum
- Mr Bob Allan Expert Member
- Mr Simon Bennison Association of Mining and Exploration Companies nominee
- Mr Andrew Chaplyn Department of Mines and Petroleum

- Mr Chris Davies Expert Member
- Mr Tony Hall UnionsWA nominee
- Ms Peta Libby Expert Member
- Mr Rob Mincham Expert Member
- Mr Stephen Price UnionsWA nominee
- Mr Rob Watson CME nominee
- Mr Gary Wood UnionsWA nominee
- Mr Doug Brown (Executive Officer) Department of Mines and Petroleum

Long standing MIAC member Mr David Todd (Chamber of Minerals and Energy nominee) resigned his membership on 13 June 2013. The process for finding a replacement for Mr Todd is progressing.

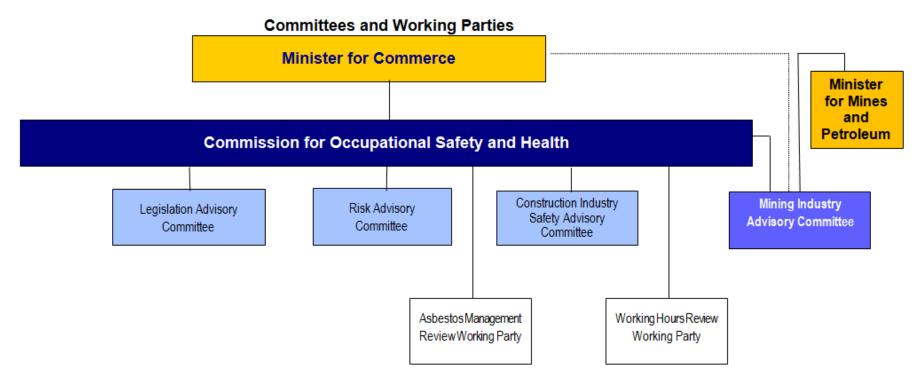
Key projects/issues considered since reconstitution in August 2012

- Updating its Rules of Operation.
- Developing a Strategic Plan and Induction Manual.
- Approved repealing the need for initial and periodic health assessments in mining.
- Code of Practice for Mineral Exploration Drilling.
- Guidance material for diesel emissions in underground mines.
- Competencies for critical mining occupations.
- Continued consideration of the implications of the model WHS Act, National Mine Safety Framework, Mines Safety Regulations (Core and Non-Core), Codes of Practice and Western Australian Legislation, including a detailed review of mining specific regulations.

Plans for 2013-2014

- Continuing to consider legislative matters arising from work health and safety legislation.
- A cooperative roll out of the harmonised WHS legislation package to industry to support its implementation.
- Ongoing development of guidance material.

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

CONTACT DETAILS

COMMISSION FOR OCCUPATIONAL SAFETY AND HEALTH

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