



# Annual Report

Commission for  
Occupational Safety and  
Health

**2010-2011**

# CONTENTS

---

<b>CONTENTS .....</b>	<b>1</b>
<b>STATEMENT OF COMPLIANCE .....</b>	<b>3</b>
<b>REPORT FROM THE CHAIR .....</b>	<b>4</b>
<b>SECTION ONE: ABOUT THE COMMISSION.....</b>	<b>6</b>
Responsible Minister.....	6
Enabling Legislation.....	6
Our Vision – 2012.....	6
Functions of the Commission .....	6
Composition of the Commission .....	7
<b>SECTION TWO: GOVERNANCE DISCLOSURES.....</b>	<b>9</b>
Commission’s Governance Framework.....	9
Compliance with Public Sector Standards and Ethical Codes.....	9
Recordkeeping.....	9
Public Interest Disclosure .....	9
Advertising and sponsorship.....	9
<b>SECTION THREE: REPORT ON 2010-2011 .....</b>	<b>10</b>
National harmonisation of occupational health and safety legislation .....	10
Safety and health representatives’ forum.....	10
Commission accredited introductory training courses for safety and health representatives .....	11
Publications .....	12
Changes to legislation .....	13
The National Arena.....	14
Report against strategic plan 2009-2012.....	16
<b>SECTION FOUR: ADVISORY COMMITTEES .....</b>	<b>19</b>
Legislation Advisory Committee.....	19
Construction Industry Safety Advisory Committee .....	20

<b>Risk Advisory Committee .....</b>	<b>20</b>
<b>Working Parties .....</b>	<b>21</b>
<b>Committees and Working Parties .....</b>	<b>22</b>
<b>SECTION FIVE: MINING INDUSTRY ADVISORY COMMITTEE .....</b>	<b>23</b>
<b>Changes to legislation .....</b>	<b>25</b>
<b>CONTACT DETAILS .....</b>	<b>236</b>

## STATEMENT OF COMPLIANCE

---

HON SIMON O'BRIEN 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 2011.



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 2011.

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.

I was appointed as Chair of the Commission after Mr Tony Cooke stepped down from his role as Chair in April 2010.

The Commission continues to strive to meet the visions and objectives outlined in its Strategic Plan for 2009-2012. The 2010-11 year has seen an increased tempo in the development of a national harmonised occupational safety and health regime under the auspices of the *Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety*. The focus for 2010-11 has been on the development of model regulations and model codes of practice. Since the endorsement of the model Work Health and Safety Act by the Workplace Relations Ministers Council on 11 December 2009, the Commission has also continued its commitment to improving safety outcomes in Western Australia.

The Commission's advisory committees play a key role in achieving the Commission's objectives and in 2010-2011 were involved in several significant initiatives.

In particular, the Legislation Advisory Committee held a range of special meetings to consider the significant volume of material in the model regulations and model codes of practice. Consequently, the Commission provided the Minister with advice on the model regulations and model codes of practice and the potential implications for Western Australia.

While the work of harmonisation has proven challenging, the Commission has continued to work to meet its objectives as the peak forum on occupational safety and health issues in Western Australia. Once again, the Commission partnered with WorkSafe and WorkCover in hosting the Work Safe Forum in Perth in October 2010. The forum was targeted at elected safety and health representatives and attended by 500 delegates. Successful regional forums were also held in Kalgoorlie and Geraldton. 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 2010-2011, 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.



**George Allingame**

**Chair, Commission for Occupational Safety and Health**

## **SECTION ONE: ABOUT THE COMMISSION**

---

### **Responsible Minister**

The Minister for Commerce, the Hon Simon O'Brien 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 – 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 2010/2011:

- Independent Chair: George Allingame (from October 2010)
- WorkSafe Western Australia Commissioner: Nina Lyhne (to February 2011)
- WorkSafe Western Australia Commissioner: Lex McCulloch (from February 2011)
- 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 (until August 2010); Dr Barry



Chesson; Dr Matthew Davies; and Dr Peter Connaughton (from October 2010).

## **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 2010/2011 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 2010/2011.

## **SECTION THREE: REPORT ON 2010-2011**

---

### **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.

The model Work Health and Safety Act (the model WHS Act) was endorsed by the WRMC on 11 December 2009 and significant progress has been made in the development of the model Work Health and Safety Regulations (the model WHS regulations) and model codes of practice (the model codes). Drafts of the model WHS regulations and the model codes (the model WHS provisions) were released on 7 December 2010 for a four-month public comment period which ended on 4 April 2011.

Between December 2010 and April 2011 the Commission, the Legislation Advisory Committee and the Construction Industry Safety Advisory Committee met on a number of occasions to consider the draft model WHS provisions. The Commission provided advice to the Minister in April 2011 summarising areas of the draft model WHS provisions of particular concern for Western Australia.

### **Safety and health representatives' forum**

The Commission presented the 2010 *WorkSafe Forum* in association with WorkSafe and WorkCover Western Australia. Safety and health representatives, safety professionals and officers from all industries and interested members of the community were encouraged to attend the forum.

This forum was held at the Perth Convention Centre on 26 October 2010 and was attended by 500 delegates. 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. The 2010 program included a mixture of interesting plenary sessions and concurrent workshop sessions. Popular sessions included *Turning Theory into Practice* and *Workplace Blowups*. In feedback provided for the forum, the overwhelming majority of participants who completed the questionnaire indicated that their expectations of the forum had been met.

Regional WorkSafe forums were conducted in Kalgoorlie and Geraldton in May 2011 which provided attendees the chance to explore the latest workplace safety strategies and developments and share safety knowledge and information with others. Popular topics included a presentation on the progress of harmonisation and working in hot conditions.

### **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](http://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 2010-2011

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: Prevention and control of Legionnaires' disease</i>	3 August 2010
<i>Code of practice: Man overboard: Prevention and reponse</i>	20 August 2010

### Codes of Practice: Revoked 2010-2011

The following publication was 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: Prevention and control of Legionnaires' disease</i>	3 August 2010

In 2010, the Commission created a working party to review the *Code of practice: Working hours*. The working party have has solicited public comment on the present version of the code which has included holding focus groups with unions, employer groups and the mining industry.

### Guidance Notes

The *Guidance note – Falls prevention in the agricultural sector* was developed in conjunction with the Agricultural Industry Safety Group.

### Bulletins

The Risk Advisory Committee developed the bulletin *Understanding the safety and health needs of your workplace: Older workers and safety* and has commenced developing a guide for casual workers.

## Changes to legislation

The following amendments were made to the OSH regulations during 2010/2011.

WRITTEN LAW	GAZETTAL DATE
Occupational Safety and Health Amendment Regulations (No 2) 2010  Consequential amendments in relation to the <i>Occupational Safety and Health Amendment Act 2009</i> (proclaimed on 30 June 2010)	9 July 2010
Occupational Safety and Health Amendment Regulations (No 4) 2010  Amendments to update references to Australian Standards	2 November 2010
Occupational Safety and Health Amendment Regulations (No 5) 2010  Amendments in relation to the requirements for electrical testing and tagging of electrical equipment	14 September 2010
Occupational Safety and Health Amendment Regulations (No 6) 2010  Amendments permitting the use of chemicals labelled in accordance with the Globally Harmonised System	10 December 2010
Occupational Safety and Health Amendment Regulations (No 7) 2010  Amendments updating references to the Building Code of Australia	7 January 2011
Occupational Safety and Health Amendment Regulations (No 3) 2011  Amendments in relation to fees and charges	22 June 2011

## **The National Arena**

The Commission has continued to participate in the national harmonisation process and the development of the model WHS Regulations and the model codes.

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><b>Through strong leadership, maintain the focus, visibility and relevance of the Commission</b>  <i>The Commission will ensure its outputs demonstrate strategic focus, visibility and relevance.</i></p>	<p><b>Align with the National Strategy</b>  <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><b>Engage with the community</b>  <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><b>Ensure a relevant legislative framework</b>  <i>The Commission will ensure the legislative framework remains relevant to the changing world of work.</i></p>	<p><b>Plan for the future</b>  <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><b>Influence state and federal governments and their agencies on occupational safety and health issues.</b></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><b>Improve/enhance the capacity of business operators and workers to manage OSH effectively.</b></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><b>Promote, educate and develop broader community awareness of OSH.</b></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><b>Provide input to relevant parties (including the Minister) on the COAG harmonisation agenda.</b></p> <p>Monitor and measure the effectiveness of the regulations.</p> <p><b>Monitor and evaluate issues in WA and consider the need for legislative controls.</b></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><b>Collect, analyse and utilise information/data to predict and respond to future trends.</b></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 2010-2011:**

- 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 2011-2012:**

- 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 2010-2011:**

- continued to monitor developments in the harmonisation process;
- engaged with Safe Work Australia to improve consultation on the model diving regulations;
- considered the draft model WHS regulations and first stage model codes of practice during the public comment period and prior to the presentation of redrafted model WHS provisions to the WRMC; and
- provided advice to the Minister on issues arising from the model WHS provisions in the Western Australia context.

### **Plans for 2011-2012:**

- 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 2010-2011:**

- commenced a review of the Commission code of practice: Working hours, including seeking community feedback and holding focus groups.
- finalised publication of a the *Code of practice: Prevention and control of Legionnaires' disease*;
- published the *Guidance note – Falls prevention in the agricultural sector*, and
- published the bulletin *Understanding the safety and health needs of your workplace: Older workers and safety*

### **Plans for 2011-2012:**

- 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 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 2010-2011:**

- implemented amendments of the OSH regulations in relation to the testing and tagging of electrical equipment;
- commenced the process of updating the OSH regulations to correctly refer to the National Construction Code (previously the Building Code of Australia);
- implemented amendments to the OSH regulations to permit the use of chemicals labelled in accordance with the Globally Harmonised System; and
- implemented amendments to Schedule 1 of the OSH Regulations (Australian Standards).

##### **Plans for 2011-2012:**

- continue to advise the Minister and contribute to relevant parties on the COAG harmonisation agenda including ongoing development of codes of practice and implementation issues;
- 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 2010-2011:**

- commenced examining the draft model WHS regulations and codes of practice with a view to its implementation in Western Australia;
- continued to collect and review information on identified priority OSH issues; and
- assessed potential emerging issues.

##### **Plans for 2011-2012:**

- develop a publication to provide information on casual 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 2010-2011**

- Brian Bradley, Chair, (Department of Commerce)
- Anne Bellamy (Chamber of Commerce and Industry)
- Nina Lyhne (WorkSafe) (to February 2011)
- Lex McCulloch (WorkSafe) (from February 2011)
- 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 2010-2011.

## **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 2010-2011**

- Ms Nina Lyhne, Chair (WorkSafe) (to February 2011)
- Mr Lex McCulloch, Chair (WorkSafe) (from February 2011)
- Mr Andy Peppercorn (Master Builders Association)
- Ms Anne Bellamy (Chamber of Commerce and Industry)
- Mr Chris Kirwin (WorkSafe)
- Mr Ian Munns (WorkSafe)
- Mr Simon Barry (Housing Industry Association)
- Mr Mick Buchan (Construction, Forestry, Mining and Energy Union) (to June 2011)
- Mr Steve McCann (Construction, Forestry, Mining and Energy Union)(from June 2011)
- Mr Glenn McLaren (Australian Manufacturing Workers' Union)
- Mr Greg Wilton (UnionsWA)

The Construction Industry Safety Advisory Committee met on 7 occasions during 2010-11.

## **Risk Advisory Committee**

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 2010-2011**

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

The Emerging Issues and Risk Management Advisory Committee met on 11 occasions during 2010-11.

## **Working Parties**

### **Working hours review Working Party**

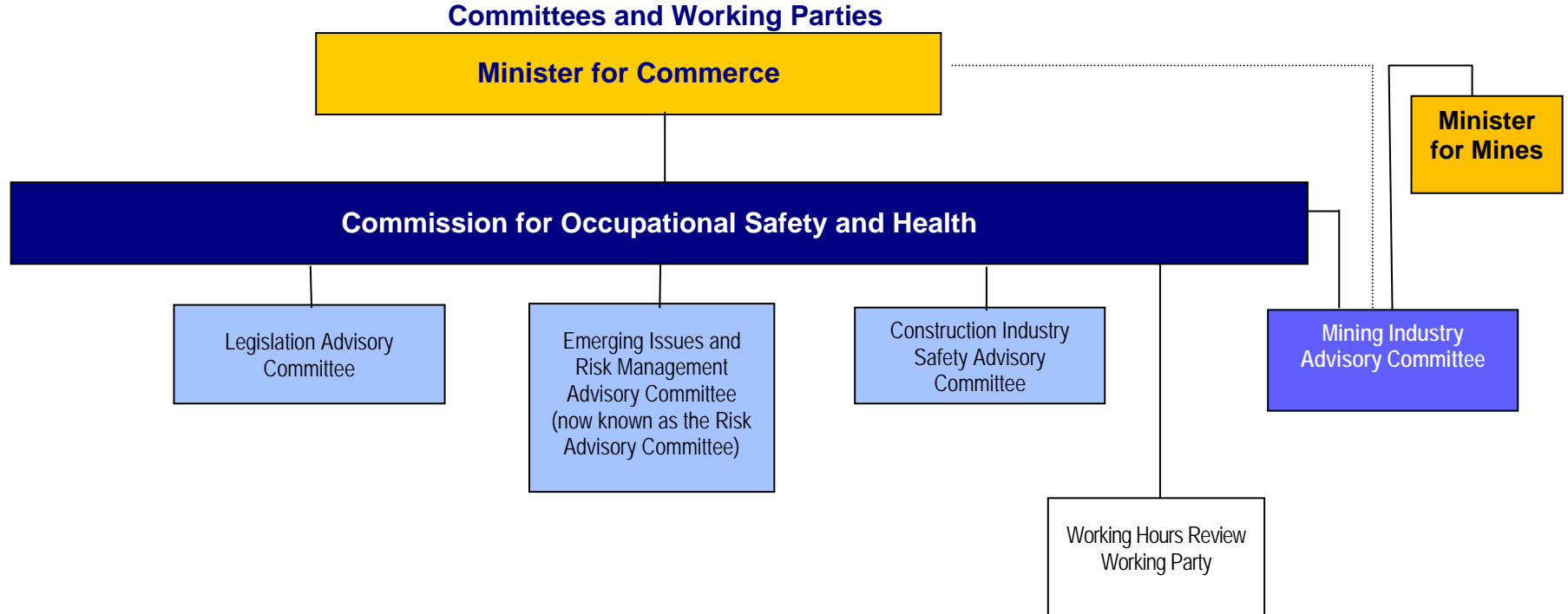
A working party was convened in early 2010 to review the *Code of practice: Working Hours 2006*. Members

- Mr Lex McCulloch (Chair, WorkSafe)
- Ms Anne Bellamy (Chamber of Commerce and Industry)
- Dr Matthew Davies (Commission expert member)
- Ms Linda Morich (UnionsWA)
- Ms Nicole Roocke (Chamber of Minerals and Energy)

The working party met five times in 2010-11 and held three focus groups.

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*. MIAC met on six occasions during the financial year 2010-2011.

In July 2011 a new appointment was made owing to the resignation of Chamber of Minerals and Energy Western Australia nominee Mr Darren Batchler.

Current membership comprises:

- Mr Malcolm Russell (Chairperson)  
Executive Director, Resources Safety Division,  
Department of Mines and Petroleum
- Professor Peter Lilly  
Expert member
- Mr Stephen Price  
UnionsWA
- Mr Simon Ridge  
State Mining Engineer, Resources Safety Division,  
Department of Mines and Petroleum
- Mr David Sadler  
The Chamber of Minerals and Energy Western Australia
- Mr David Todd  
The Chamber of Minerals and Energy Western Australia
- Mr Gary Wood  
UnionsWA



## **Achievements for 2010-2011**

- Submission of the following code of practice to the Minister for Mines and Petroleum which received approval:  
*Code of Practice: Prevention and Control of Legionnaires Disease.*
- Review of Minehealth system and the role of the position of Mines Occupational Physician.
- Guideline: Management of Fibrous Minerals in Western Australian Mining Operations.
- GHS – Overseas Manufactured Hazardous Substances.
- Mines Survey Code of Practice – Second edition.
- Guideline: General Duty of Care in Western Australian Mines – Second edition.

## **Current projects**

- Guidance material relating to diesel particulates.
- Impairment prevention in the workplace including the effects of drugs, alcohol and fatigue.
- Continued consideration of the implications of the Model Work Health and Safety Act, National Mine Safety Framework, Mines Safety Regulations (Core and Non-Core), Codes of Practice and WA Legislation, including a detailed review of mining specific regulations.

## **Plans for 2011-2012**

- Continuing to consider legislative matters arising from harmonised OHS legislation.
- A cooperative roll out of the harmonised OHS legislation package to industry to support its implementation.
- Ongoing development of guidance material.
- Consider and act on the review by Mr Bob Hirte into the effectiveness of MIAC commissioned by the Director General of the Department, due to be completed in September 2011.
- Development of a strategic plan that was put on hold until the release of the review into MIAC.

## Changes to legislation

The following amendments were made to the *Mines Safety and Inspection Act 1994* and *Mines Safety and Inspection Regulations 1995* during 2010-2011.

Written Law	Gazettal Date
Mines Safety and Inspection Levy Regulations 2010 Amendments addressed unnecessarily burdensome provisions relating to the recording of worker names and hours, the exclusion of port authorities from the mines safety levy, a reduction in the reassessment period from 5 years to 2 years, changes to late payment penalties and recourse to SAT.	Published in Government Gazette 21 June 2011

## **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](mailto:safety@worksafe.wa.gov.au)

Internet: [www.worksafe.wa.gov.au](http://www.worksafe.wa.gov.au)