



Commission for Occupational Safety and Health

Annual Report 2004/05

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Statement of transmittal

Hon John Kobelke MLA
Minister for Consumer and Employment Protection

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 2005.

This Annual Report will be published on the web site of the Parliament of Western Australia and WorkSafe's *SafetyLine* website.

Tony Cooke
Chair
Commission for Occupational Safety and Health

19 October 2005

Foreword

The past year has been both productive and challenging for the Commission for Occupational Safety and Health.

In December 2004, the *Occupational Safety and Health Legislation Amendment and Repeal Act 2004* was proclaimed, heralding the introduction of significant changes in occupational safety and health laws. These changes included amendments to the composition of the Commission to allow for formal representation by people with knowledge of the mining industry in Western Australia.

During the year, the Commission also celebrated its 20th anniversary. Over the course of the past 20 years, the Commission has dramatically improved awareness of occupational safety and health, and I thank all members, both past and present, for their outstanding contributions to that significant achievement.

Over the past 12 months, the Commission has continued to focus on the construction industry and has put in place new strategies to improve safety in this important industry sector. Major achievements include the development of a package of measures to reduce the risk of injury in tilt-up construction, and the development of a framework for the delivery of safety awareness training for people carrying out construction work.

This past year, the Commission has also developed new training programs for safety and health representatives to equip them with the knowledge and skills necessary to be able to carry out their important role in the workplace. In addition, the Commission has again partnered WorkSafe and WorkCover in hosting the 2005 Work Safe Forum held in Geraldton and Karratha in May. These forums provide an excellent opportunity for safety and health representatives to learn and share information and to meet others performing this key role.

For all the achievements over the past year, I would like to thank members of the Commission and its advisory committees and working parties for their valuable contributions. My thanks also go to WorkSafe staff for their continued support and commitment.



Tony Cooke
Chair
Commission for Occupational Safety and Health

Responsible Minister

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

Enabling legislation

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

Composition of the Commission

The composition of the Commission is set out in section 6 of the Act. In April 2005, amendments to the Act arising from the 2000 statutory review conducted by Robert Laing saw the composition of the Commission change to provide for formal representation by people with knowledge and experience of the mining industry in Western Australia.

The composition of the Commission over the period of this report is set out below.

| Membership prior to April 2005 | Membership since April 2005 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none">An independent Chair (nominated by the Minister); | <ul style="list-style-type: none">An independent Chair (nominated by the Minister); |
| <ul style="list-style-type: none">The WorkSafe Western Australia Commissioner; | <ul style="list-style-type: none">The WorkSafe Western Australia Commissioner; |
| <ul style="list-style-type: none">Two officers of the Public Service nominated by the Minister responsible for the administration of the Occupational Safety and Health Act 1984; | <ul style="list-style-type: none">Two officers of the Public Service nominated by the Minister(s) responsible for the administration of the <i>Occupational Safety and Health Act 1984</i> and the <i>Mines Safety and Inspection Act 1994</i>; |
| <ul style="list-style-type: none">Three members nominated by the Chamber of Commerce and Industry of Western Australia (CCI); | <ul style="list-style-type: none">Two members nominated by the Chamber of Commerce and Industry of Western Australia (CCI); |
| | <ul style="list-style-type: none">One member nominated by the Chamber of Minerals and Energy of Western Australia; |
| <ul style="list-style-type: none">Three members nominated by UnionsWA; and | <ul style="list-style-type: none">Three members nominated by UnionsWA, one of whom must have knowledge and experience of the mining industry in Western Australia; and |
| <ul style="list-style-type: none">Three members having knowledge of or experience in occupational safety and health (nominated by the Minister). | <ul style="list-style-type: none">Three members having knowledge of or experience in occupational safety and health (nominated by the Minister). |

The following members held office during 2004/05:

- *Independent Chair:* Tony Cooke
- *WorkSafe Western Australia Commissioner:* Nina Lyhne
- *Officers of the Public Service:* Brian Bradley, Director-General, Department of Consumer and Employment Protection; Malcolm Russell, Director, Safety, Health and Environment Division, Department of Industry and Resources (until April 2005); Bill Phillips, Assistant Director-General, Department of Industry and Resources (from April 2005)
- *Members nominated by the Chamber of Commerce and Industry:* Anne Bellamy; Stephen Day (until April 2005); Linda Thompson (until April 2005); Andrea Roelofs (from April 2005)
- *Member nominated by the Chamber of Minerals and Energy:* Reg Howard-Smith (from April 2005)
- *Members nominated by UnionsWA:* Stephanie Mayman (until December 2004); Robert (Bob) Bryant; Joy Barrett (until April 2005); Janine Freeman (from April 2005); Gary Wood (from February 2005)
- *Three members with knowledge of or experience in occupational safety and health, nominated by the Minister:* Pat Gilroy (until October 2004); Mike Phillips; Dr John Suthers; Dr Steve Allsop (from October 2004)



Functions of the Commission

The Commission for Occupational Safety and Health is funded through the WorkSafe division of the Department of Consumer and Employment Protection.

The Commission's functions include:

- advising and cooperating with Government departments, public authorities, unions, employer organisations and other interested parties;
- developing and reviewing occupational safety and health legislation and associated standards and making recommendations to the Minister;
- devising, accrediting and promoting training and educational courses;

- publishing occupational safety and health information, standards, specifications and guidance material; and
- reviewing registration and licensing schemes.

Meetings of the Commission

The Commission met 11 times during 2004/05.

Strategy 2004-07

In the period covered by this report, the Commission for Occupational Safety and Health continued to work under the guidance of the *Commission for Occupational Safety and Health Strategy 2004-07*. This strategy commits the Commission to the goals and objectives of the *National Occupational Health and Safety Strategy 2002-2012*, while retaining the capacity to respond to priority local initiatives.

The *Commission for Occupational Safety and Health Strategy 2004-07* is reproduced at page 9 of this report.

In 2005/06, the Commission will review its strategy and set new strategic directions.

Advisory Committees and Working Parties

Under section 15 of the Act, the Commission may appoint advisory committees made up of employer and employee representatives and people with specialist knowledge or experience in occupational safety and health 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 occupational safety and health specific to their area of expertise. Each committee and working party is chaired by a member of the Commission.

Details of achievements for 2004-05 and plans for 2005-06 for the Commission's advisory committees and working parties are provided in this report at pages 11-17.

The Commission plans to review its committee structure in 2005/06 as part of its strategic planning process.

Achievements and review - 2004-05

Occupational Safety and Health Legislation Amendment and Repeal Act 2004

During 2004/05, Parliament passed legislation bringing about major changes in occupational safety and health laws as recommended in the Laing Report published in 2002. These changes took effect in January and April 2005. The Commission made a significant contribution to the development and implementation of the legislative changes.

Some of the key changes brought about by the new legislation are:

- an expansion of the general duties of care, largely to close the gaps, particularly in the labour hire industry;
- an increase in penalties, particularly for corporations, including provision for imprisonment in cases involving serious harm or death when the breach constitutes gross negligence;
- the provision for more flexible processes for the election of safety and health representatives and the establishment of safety and health committees; and
- the introduction of the right of appropriately trained safety and health representatives to issue provisional improvement notices, commonly known as PINs.

The *Occupational Safety and Health Legislation Amendment and Repeal Act 2004* also established a new statutory advisory committee to advise the Commission on matters relating to occupational safety and health in the mining industry in Western Australia. This advisory committee is called the Mining Industry Advisory Committee (MIAC).

The functions of MIAC are set out in section 14A of the Act. Membership of the committee 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 chairperson of MIAC is determined under section 14A of the Act.

The inaugural meeting of the Mining Industry Advisory Committee will take place in the latter part of 2005.

Safety and health representative training

During the year, the Commission completed its review of the accreditation guidelines and training requirements for the introductory course for safety and health representatives. This review took into account the changes to the Act effective from January and April 2005. New accreditation guidelines were published in February 2005.

The Commission also developed a revised legislation module for the introductory course, and a new transitional training course. This transitional training course is designed to equip existing safety and health representatives with the knowledge and skills necessary for them to be able to issue PINs and undertake their new role effectively.

Tilt-up and precast concrete construction

In 2004/05, the Commission finalised the development of a new package of measures to improve safety standards in the tilt-up and precast concrete construction industry. The package consisted of new regulations, a code of practice and a one-day training course. The new package was launched by the Hon Minister for Consumer and Employment Protection at an industry forum held on 24 November 2005. The forum was attended by over 100 people from across the construction industry. The new regulations took effect on 1 January 2005.

Construction safety awareness training

During 2004/05, the Commission made substantial progress on the development of a framework for the delivery of mandatory safety awareness training for the construction industry in Western Australia. Draft regulations were endorsed by the Commission in May 2005 and will come into effect on 1 January 2007. The regulations will be supported by guidance material and an accredited training course. Those who successfully complete the new training will be issued with a card which will be recognised at, and portable between, all construction sites in Western Australia. The new training course developed by the Commission will be delivered by Registered Training Organisations who have the appropriate scope of registration under the Australian Quality Training Framework.

Working Hours Code of Practice

In June 2004, the Commission established a working hours working party and a supporting stakeholder reference group to oversee the development of a code of practice on working hours. This project was initiated at the request of the Hon Minister for Consumer and Employment Protection following the publication of the recommendations of the Extended Working Hours Review Panel.

During 2004/05, the working party completed the development of a draft code of practice on working hours which was released for public comment in June 2005. The draft code of practice recommends ways in which safety and health hazards and risks commonly associated with working hours arrangements can be addressed in accordance with the Act. The code will be finalised in the light of the comments received.

Publications

During 2004-05, the Commission published or contributed to the following:

Codes of Practice

- Fatigue management for commercial vehicle drivers
- Tilt-up and precast concrete construction
- Occupational safety and health in call centres (draft for public comment)

Guidance Notes

- Preparing for emergency evacuations at the workplace
- Covert and dangerous operations in the Western Australian Police Service
- Provision of information on hazardous substances at workplaces (Material Safety Data Sheets (MSDS))

Other

- Video – Working safely with forklifts – refresher training for forklift operators (revised)
- Safety and health representatives handbook
- WorkSafe Bulletin 10/2005: Gloves, selection, use and maintenance

Forums & industry summits

During 2004-05, the Commission conducted or contributed to the following forums and industry summits:

- Tilt-Up and Precast Concrete Construction Industry Forum, which marked the launch of a new package of measures to improve safety in the tilt-up and precast concrete construction industry.
- WorkSafe 2005 Forums held in Geraldton and Karratha, which were attended by 250 delegates, more than 100 of whom were elected safety and health representatives.

Changes to legislation

Key changes to legislation included those related to the changes to the *Occupational Safety and Health Act 1984* and the introduction of a new safety regime for tilt-up and precast concrete construction. (Details of 2004-05 amendments to occupational safety and health law are provided at page 18.)

Training courses in occupational safety and health accredited by the Commission

Under section 14(1)(h) of the Act, the Commission may accredit training courses in occupational safety and health. Details of the accreditation process are provided in the publication *Guidelines and criteria for accreditation of introductory training courses for safety and health representatives*. These guidelines and criteria were reviewed during 2004/05 and new guidelines were published in February 2005. The guidelines and criteria for accreditation are available online at: www.worksafe.wa.gov.au

The following organisations* conducted Commission-accredited training courses for safety and health representatives in 2004-05:

Alcoa of Australia Limited
Australian Centre for Work Safety
Catholic Education Office of WA
CGU Safety & Risk Services
Chamber of Commerce and Industry of Western Australia
Construction Skills Training Centre
Edith Cowan University
Great Southern TAFE
Industrial Foundation for Accident Prevention
Nationwide Training
Training & Safety Consultants (TASC)
Unity Training Services.

In 2004-05, 234 introductory courses were conducted, 145 in the metropolitan area and 89 in country locations. A total of 3085** safety and health representatives participated in introductory training courses.

In addition, 82 transitional training courses were conducted, 63 in the metropolitan area and 19 in country locations. A total of 1073 safety and health representatives participated in transitional training courses in 2004/05.

* Transport Training Centre did not provide any training during the year.

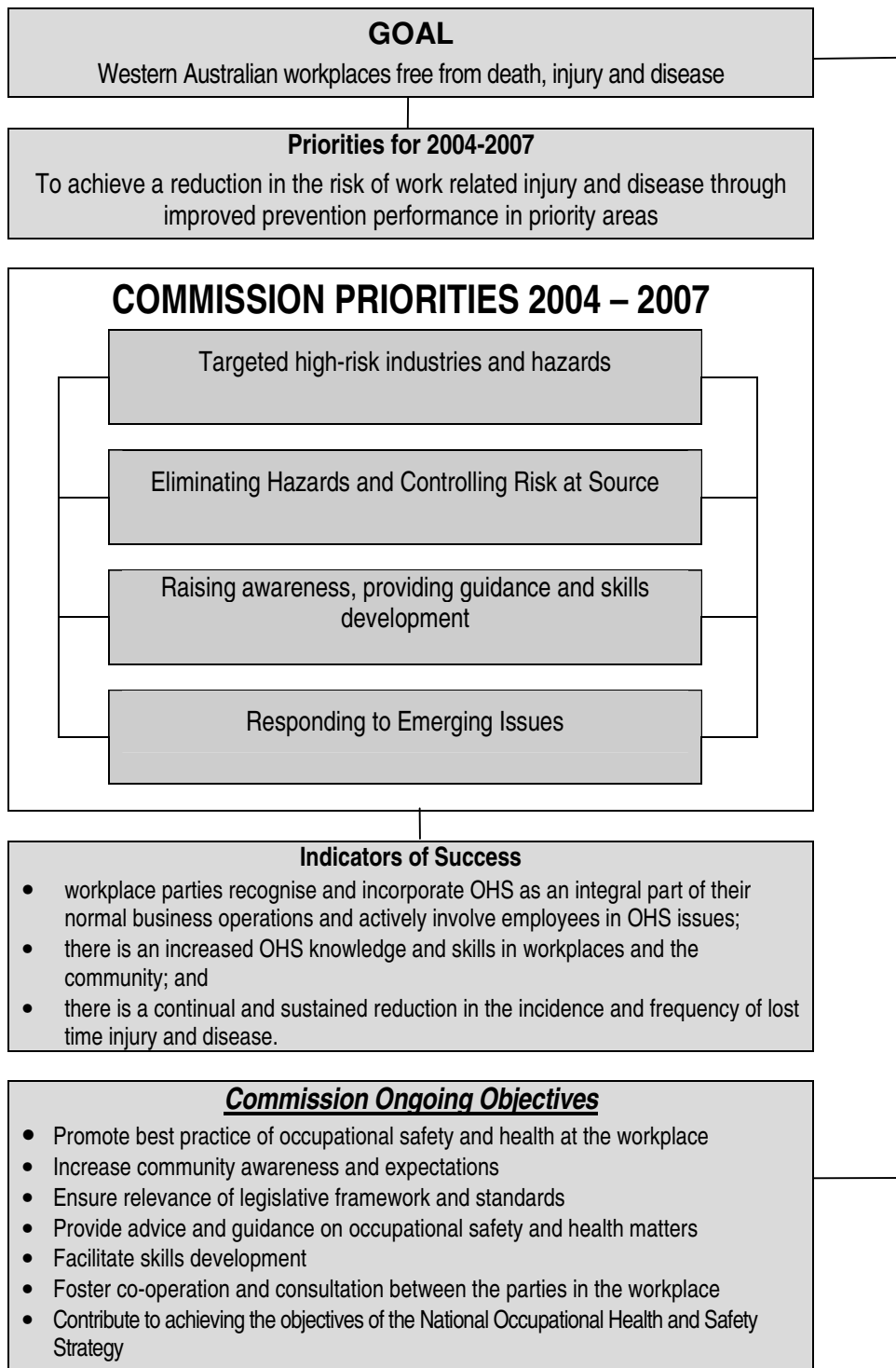
** Numbers do not include employees of the Shop Distributive & Allied Employees Association of Western Australia trained through Unity Training Services.

Public comment and submissions

During the year, the Commission submitted comment on the following documents produced by the National Occupational Health and Safety Commission (NOHSC):

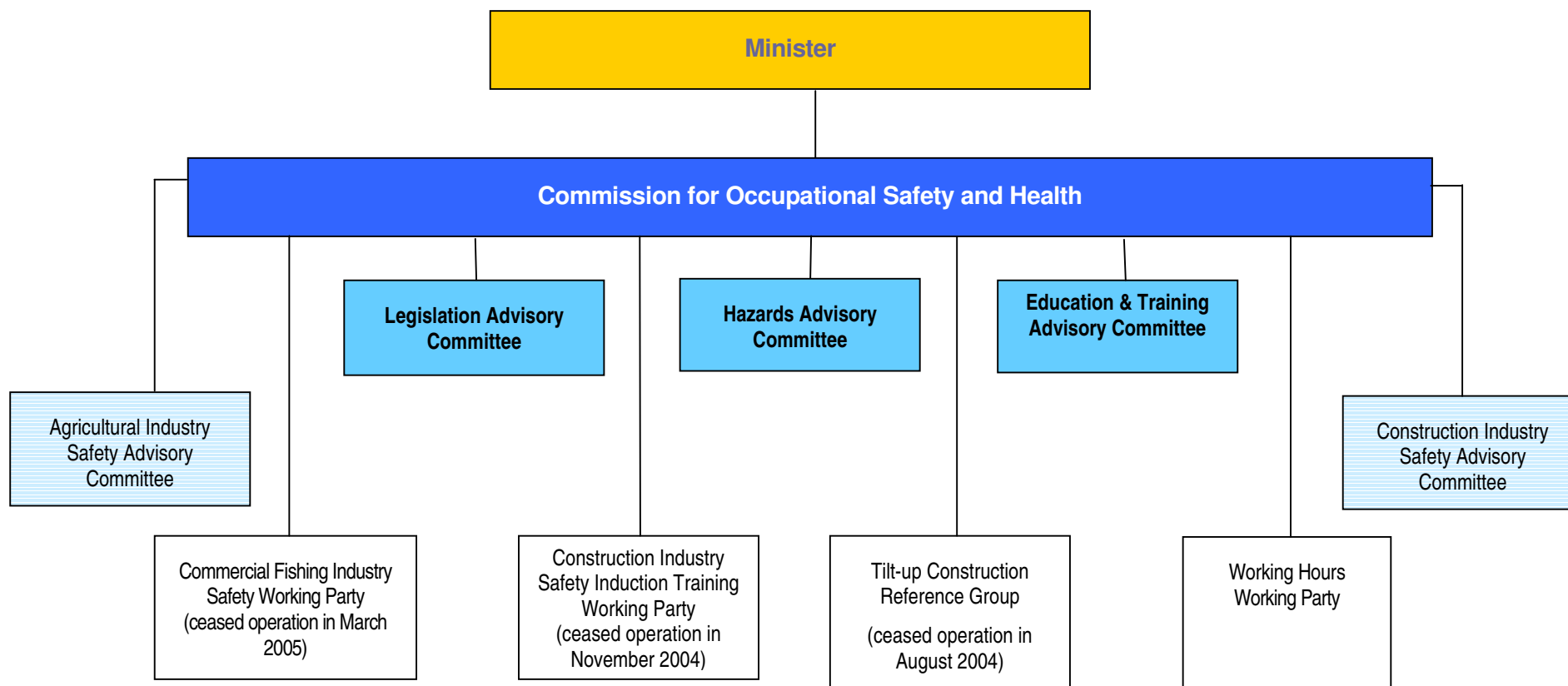
- Draft National Standard for Manual Handling and draft National Code of Practice for the Prevention of Musculoskeletal Disorders from Manual Handling at Work
- Draft National Standard for Construction Work and draft National Code of Practice for the Prevention of Falls from Height in Construction Work




Commission for Occupational Safety and Health Strategy 2004 - 2007



COMMISSION FOR OCCUPATIONAL SAFETY AND HEALTH

Committees and Working Parties



-  Advisory Committees established for the duration of the *2004-2007 Strategic Plan*
-  Industry Advisory Committees established to provide industry specific guidance
-  Working Parties established to provide an expert or technical focus

Advisory Committees and Working Parties

Advisory Committees

The following advisory committees operated in 2004-05:

- Legislation Advisory Committee
- Hazards Advisory Committee
- Education and Training Advisory Committee
- Agricultural Industry Safety Advisory Committee
- Construction Industry Safety Advisory Committee

Working Parties

During the year, the following additional working parties assisted the Commission in determining policies and strategies for improving occupational safety and health:

- Commercial Fishing Industry Safety Working Party - to advise the Commission and consider the development of a general occupational safety and health code of practice for the commercial fishing industry.
- Construction Industry Safety Induction Training Working Party - to consider and advise on a framework for the delivery of construction industry safety induction training.
- Tilt-up Construction Reference Group – to develop new regulations and guidance material to improve occupational safety and health in the tilt-up and precast concrete construction industry.
- Working Hours Working Party - to develop a working hours code of practice.

Details of achievements for 2004-05, and plans for 2005-06 for the Commission's advisory committees and working parties are provided in the following sections of this report.

Legislation Advisory Committee

The key objectives of the Legislation Advisory Committee are to:

- continually enhance the occupational safety and health legislative framework by considering legislative change to ensure traditional and new hazards are taken into account and the broadest possible coverage is achieved;
- review the occupational safety and health legislative framework in the light of the Laing review of the *Occupational Safety and Health Act 1984*, and provide advice on other legislative review processes that impact on Western Australia's occupational safety and health legislation; and
- ensure the relevance of the legislative framework and standards, and promote a nationally consistent occupational safety and health regulatory framework.

Achievements 2004-05

- Developed amendments to the Occupational Safety and Health Act and Regulations. (Details of the amendments are given on page 18 of this report.)
- Oversaw the formulation and review of guidance notes and codes of practice.

Plans for 2005-06

- Continue to enhance the legislative framework by considering and developing reforms to the Occupational Safety and Health Regulations 1996.
- Contribute to the development of codes of practice and guidance notes.

In 2004-05, members of the Legislation Advisory Committee were: Brian Bradley (Chair), Anne Bellamy, Malcolm Russell (until April 2005), Nina Lyhne, Bjorn Gillgren, Bob Bryant and Gary Wood (from February 2005).

The Legislation Advisory Committee met on 18 occasions during 2004-05.

Hazards Advisory Committee

The key objectives of the Hazards Advisory Committee are to:

- investigate, monitor and set priorities for occupational safety and health hazards and evaluate outcomes;
- identify emerging occupational safety and health hazards through local, national and international research; and
- develop appropriate materials and other initiatives to increase occupational safety and health knowledge and skills in workplaces and the community.

Achievements 2004-05

- Continued to collect and review information on occupational safety and health hazards, including slips and trips, work-related stress and occupational dermatitis.
- Prepared the *Prevention Of Violence, Aggression and Bullying at Work: a Draft Code of Practice for Prevention and Management* for Commission approval.
- Prepared the draft Guidance Note *Dealing with Workplace Bullying - a Guide for Workers* for Commission approval.
- Reviewed the following national documents relating to manual handling:
 - the draft *National Standard for Manual Handling*; and
 - the draft *National Code of Practice for the Prevention of Musculoskeletal Disorders from Manual Handling at Work*;

- Continued to liaise with the Hairdressers' Registration Board and the Wholesale, Retail and Personal Services Industry Council of WA regarding occupational safety and health in the hairdressing and beauty industries.

Plans for 2005-06

- Continue to collect and review information on occupational safety and health hazards, in accordance with the Commission's strategic plan.

In 2004-05, members of the Hazards Advisory Committee were: Mike Phillips (Co-Chair), Joy Barrett (Co-Chair) (until April 2005), Linda Thompson (until July 2005), Nina Lyhne, John Suthers and Bob Bryant (from May 2005). Jeff Langley also attended meetings on behalf of WorkSafe.

The Hazards Advisory Committee met on 9 occasions during 2004-05.

Education and Training Advisory Committee

The key objectives of the Education and Training Advisory Committee are to:

- improve the interface between the vocational, education and training and occupational safety and health sectors to ensure improved methods of occupational safety and health skills development;
- promote the value of education and training in occupational safety and health through information development, exchange and formation of key partnerships; and
- monitor and develop educational and informational materials to meet identified occupational safety and health needs.

Achievements for 2004-05

- Completed a substantive review of the accreditation guidelines and training requirements for the introductory course for safety and health representatives.
- Developed a new legislation module, including supporting training materials, for the introductory course for safety and health representatives.
- Developed a transitional training course for existing safety and health representatives to equip them with the skills and knowledge to be able to issue Provisional Improvement Notices and undertake their new role and responsibilities effectively.

Plans for 2005-06

- Continue to monitor and develop educational and informational materials to meet identified occupational safety and health needs.

In 2004-05, members of the Education and Training Advisory Committee were: Stephanie Mayman (Chair) (until December 2004), Stephen Day (until April 2005), Brian Bradley, Pat Gilroy (until October 2004) and Nicole Roocke.

The Education and Training Advisory Committee met on four occasions during 2004-05.

Industry Advisory Committees

Agricultural Industry Safety Advisory Committee

The Agricultural Industry Safety Advisory Committee was established by the Commission to advise on policies and strategies to improve occupational safety and health in the agricultural industry. The committee's role includes working collaboratively with the industry to identify and establish priorities for short and long-term safety and health goals, and to recommend appropriate measures to meet those goals.

Achievements 2004-05

- Focused on priority areas of:
 - communication and consultation;
 - education and training;
 - chemical hazards and respiratory diseases; and
 - statistics on farm injuries and diseases.
- Provided input into the implementation of the Farm Safety Strategy.
- Discussed the adoption of codes of practice for safe design and safe use of silos, field and chaser bins.

Plans for 2005-06

- Continue to address the priority areas.

In 2004-05, members of the Agricultural Industry Safety Advisory Committee were: Patrick Gilroy (replaced by Nina Lyhne in October 2004), Gerry Crowden, Donald Sutherland, Vikki Gates, Sally Nicholl, Tony Hiscock, Ralph Chapman, Isabelle Ellis (replaced by Tania Wiley in December 2004), Garry Fischer, Phil Taylor, Jenny Fry, Tim Daly, Bob Bryant and Chris Kirwin. The Committee was chaired by Patrick Gilroy up to October 2004 and by Nina Lyhne thereafter.

The Agricultural Industry Safety Advisory Committee met on 5 occasions during 2004-05.

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 occupational safety and health 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.

Achievements 2004-05

- Provided assistance to the Commission in the development of the tilt-up and precast concrete construction training package.
- Provided input into the development of a mandatory generic safety awareness training program for the construction industry.
- Provided feedback and comment to the National Occupational Health and Safety Commission (NOHSC) on the draft national standard for construction work, and the draft code of practice for the prevention of falls from height in construction work.
- Developed the framework for the code of practice on safe design.
- Adapted a series of hazard profiles developed by WorkCover NSW.
- Provided feedback and comment to Cement, Concrete and Aggregates Australia on their industry standard for concrete pumping.
- Provided feedback and comment to NOHSC on the draft national standard for manual handling and draft national code of practice for the prevention of musculoskeletal disorders from manual handling work.
- Discussed new exposure standards for crystalline silica, and the follow-up action plan.
- Discussed proposed changes to the regulations on safety helmets.
- Convened an information session on safe design on behalf of NOHSC.

Plans for 2005-06

- Continue to provide input into the development of a mandatory generic safety awareness training program for the construction industry.
- Complete the development of hazard profiles to support the preparation of safe work method statements in the construction industry.
- Convene an industry forum on the demolition of tilt-up structures.
- Complete the development of a code of practice on safe design.

In 2004-05, members of the Construction Industry Safety Advisory Committee were: George Allingame, Anne Bellamy, Nina Lyhne, Bob Bryant, Noel Byrne, Stuart Collins, Darren Kavanagh and Colin Saunders. The Committee was chaired by Nina Lyhne.

The Construction Industry Safety Advisory Committee met on nine occasions during 2004-05.

Working Parties

Commercial Fishing Industry Safety Working Party

The Commission established the commercial fishing industry safety working party in 2003 following concerns raised by the Hon Minister for Consumer and Employment Protection and the State Coroner in relation to the occupational safety and health performance of the commercial fishing industry, particularly in relation to fatalities.

A key objective of the group was to consider and advise on a general occupational safety and health code of practice for the industry, to be endorsed under the *Occupational Safety and Health Act 1984*.

The working party held its last meeting in March 2005 and submitted a report to the Commission recommending that the most appropriate course of action was to support and actively encourage the further development and uptake of the industry code of practice developed by the Western Australian Fishing Industry Council. The Commission accepted the working party's recommendation and will continue to monitor the occupational safety and health performance of the commercial fishing industry over the course of the coming year.

In 2004-05, members of the Commercial Fishing Industry Safety Working Party were: Malcolm Russell (Chair), Anne Bellamy, Bob Bryant, Graham Short, Brett McCallum, Brad Armstrong, Geoffrey Atterton and Steve Trend.

Construction Industry Safety Induction Training Working Party

The Construction Industry Safety Induction Training Working Party was established in December 2003 to progress discussion on the development of mandatory induction training for the construction industry.

During 2004/05, the working party finalised the framework for the new training course. The aim of this course is to provide participants with a basic knowledge and understanding of occupational safety and health in Western Australia and of the management of hazards associated with construction work. The course modules and supporting training materials will be finalised during 2005/06.

In 2004/05, the members of the Construction Industry Safety Induction Training Working Party were: Anne Bellamy (Chair), Stuart Collins, Andy Watson, Kim Young (alternate Darren Kavanagh), Colin Saunders and Gail McGowan.

The Construction Industry Safety Induction Training Working Party met for one final time during 2004-05.

Tilt-up Construction Reference Group

The Tilt-up Construction Reference Group was established in 2002 to develop new regulations and a draft code of practice to help improve safety in the tilt-up and precast concrete construction industry. The group held its last meeting in August 2004. The new package of measures for the industry was launched in November 2004.

In 2004-05, members of the Tilt-up Construction Reference Group were: Tony Cooke (Chair), Matt Perrella, Garry Wilson, Les Wanke, Peter Shaw, Bob Bryant, Kim Young, Brian Hauser, Anne Bellamy and John Reilly.

Working Hours Working Party

A Working Hours Working Party and supporting stakeholder reference group were established in June 2004 to progress the development of a code of practice on working hours.

A draft code of practice was finalised in June 2005 and released for a three-month period of public comment. The code of practice will be finalised in 2005/06.

In 2004/05, members of the Working Hours Working Party were: Anne Bellamy, Kathryn Heiler, Reg Howard-Smith, Nina Lyhne (Chair), Stephanie Mayman (until October 2004), Mike Philips, Malcolm Russell (until November 2004), Gary Wood and Bruce Williams.

The working party met on seven occasions in 2004/05.

Changes to legislation

Amendments during the year were:

| Legislation amendment | | Number | Gazettal Date | Pages |
|-----------------------|-----------------------------------------------------------------------------------------|---------------|------------------|-----------|
| 1 | Occupational Safety and Health Legislation Amendment and Repeal Act 2004 (Proclamation) | (No. 51) 2004 | 14 December 2004 | 5999-6000 |
| 2 | Occupational Safety and Health Amendment Regulations | (No. 3) 2004 | 22 October 2004 | 4834-4841 |
| 3 | Occupational Safety and Health Amendment Regulations | (No. 6) 2004 | 14 December 2004 | 6009-6018 |
| 4 | Occupational Safety and Health Amendment Regulations | 2005 | 7 January 2005 | 76-77 |
| 5 | Occupational Safety and Health Amendment Regulations | (No. 3) 2005 | 4 March 2005 | 881-883 |
| 6 | Occupational Safety and Health Amendment Regulations | (No. 4) 2005 | 1 April 2005 | 1066-1068 |
| 7 | Occupational Safety and Health Amendment Regulations | (No. 8) 2005 | 28 June 2005 | 2912-2913 |

- (1) The *Occupational Safety and Health Legislation Amendment and Repeal Act 2004* strengthens and improves the existing provisions of the *Occupational Safety and Health Act 1984*. The significant areas of change are: an expansion of the duties of care; substantial increases in penalties; new provisions enabling prosecution action to be taken when offences relate to Government agencies; more flexible processes for the election of safety and health representatives; the introduction of the right of appropriately trained safety and health representatives to issue provisional improvement notices; the establishment of the Occupational Safety and Health Tribunal; and the establishment of a Mining Industry Advisory Committee to advise on matters relating to safety and health in the mining industry in Western Australia.

- (2) The *Occupational Safety and Health Amendment Regulations (No. 3) 2004* introduce new requirements relating to the manufacture, transport, storage, cramage and erection of tilt-up panels. The regulations also emphasise the importance of training and require people involved in tilt-up work to undergo approved training.
- (3) The *Occupational Safety and Health Amendment Regulations (No. 6) 2004* amend the penalties for breaches of the Act.
- (4) The *Occupational Safety and Health Amendment Regulations 2005* update references to the National Occupational Health and Safety Commission (NOHSC) Exposure Standards
- (5) The *Occupational Safety and Health Amendment Regulations (No. 3) 2005* prescribe the training courses that safety and health representatives must complete in order to become 'qualified' to issue PINs
- (6) The *Occupational Safety and Health Amendment Regulations (No. 4) 2005* prescribe the form to be used for referrals to the Occupational Safety and Health Tribunal.
- (7) The *Occupational Safety and Health Amendment Regulations (No. 8) 2005* increase from 1 July 2005 the application fees for certificates of competency, licences and registrations issued and approved by WorkSafe.

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 report of the Department of Consumer and Employment Protection for 2004-05.

Small business impact statement

Regulatory, legislative or policy initiatives with potential to impact significantly on small business are supported with a statement which identifies:

- small businesses or groups of small businesses affected by the proposal and the likely impacts, both positive and negative;
- direct and indirect costs of compliance;
- extent of consultation with small business representatives/associations; and
- implementation measures that would assist small business in adapting to the proposed change.

Contact details

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