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E-MAILED
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16 December 2019

Hon Adele Farina MLC
Chair
Standing Committee on Public Administration
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Chair

DESIGNATION OF WORKSAFE

Thank you for your letter of 28 October 2019 regarding the abovementioned matter.

I confirm the advice of Mr Lindsay Warner, Executive Director, Policy and Data Analytics that there does not appear to be any department of the State designated as Worksafe pursuant to section 35 of the *Public Sector Management Act 1994* (the PSM Act).

You have asked for my view as to the implications of the fact there is no department designated as Worksafe given the terms of section 6 of the *Occupational Safety and Health Act 1984* (the OSH Act).

The involvement of the Public Sector Commission (the Commission) in relation to the designation of the Department of Mines, Industry and Regulation Safety (DMIRS), and its predecessors, stems from section 35 of the PSM Act. This provides a role for the Commission in giving effect to Government policy by making recommendations to the Governor in relation to the establishment, designation, amalgamation, abolition or redesignation of departments. Section 35 of the PSM Act also provides that the Minister for Public Sector Management can direct the Commissioner in making a recommendation regarding any of the preceding matters to the Governor.

In the course of implementing such changes, the Commission liaises with the relevant departments, including those directly affected, to ensure that any legislative impediments to the proposed changes are identified and addressed.

In relation to the functions performed by DMIRS and its predecessors in assisting the Commission for Occupational Safety and Health, it is apparent that a designation of the kind contemplated by section 6(7) of the OSH Act has not been in place for quite

some time.

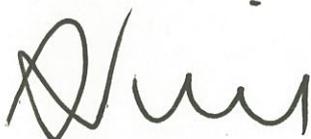
I am not aware of any adverse consequences that this lack of designation may have caused in the eyes of the community, industry, or other stakeholders. Similarly, I am not aware of any direct bearing that the lack of designation has had on the way in which the department's functions are structured and organised. In fact, I would expect that those matters have been determined independently of any consideration of the fact that a designation of Worksafe does not exist.

The existence of any confusion, limitations or other implications from this lack of designation is a matter which I respectfully suggest the Committee enquire of the Director General of DMIRS should it see fit.

Although I am not aware of any adverse consequences from the longstanding lack of designation, it may be preferable to add Worksafe to the designation of the department as contemplated by section 6(7) of the OSH Act. Alternatively, depending on the ongoing purpose that this section serves, consideration could be given to legislative amendment, to make it less prescriptive in relation to the designation of the department assisting the Commission in the performance of its functions.

I trust that this information is of assistance to your Committee.

Yours sincerely



SHARYN O'NEILL
PUBLIC SECTOR COMMISSIONER