

19 July 2017

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

Dear Chairperson

## INQUIRY INTO WORKSAFE

May I take this opportunity to introduce myself as Chair of the Commission of Occupational Safety and Health in Western Australia (COSH), Ms Stephanie Mayman.

The aforementioned inquiry was the subject of discussion at the July meeting of COSH. The outcome of that discussion requires me to place a written submission before your Committee on a number of matters. It is important to emphasise COSH has a statutory role, separate to Worksafe, under the *Occupational Safety and Health Act 1984*. COSH is largely tripartite, comprising representatives from:

- industry (Chamber of Commerce and Industry of WA, Chamber of Minerals and Energy);
- unions (UnionsWA, including one mining union representative);
- persons with expertise in occupational health and/or safety;
- the Commissioner;
- 2 persons employed in the Public Service and nominated by the Minister (Worksafe and Resources Safety Divisions); and
- a chairperson.

The *Occupational Safety and Health Act 1984* specifies the Commission's functions as:

### *14. Functions of Commission*

(1) *The functions of the Commission are —*

- (a) to inquire into and report to the Minister upon any matters referred to it by the Minister; and*
- (b) to make recommendations to the Minister with respect to —*
  - (i) this Act; and*

- (ii) *any law or provision of a law, relating to occupational safety and health that is administered by the Minister and any law or provision of a law relating to occupational safety and health that is prescribed for the purposes of this paragraph; and*
  - (iii) *subsidiary legislation, guidelines and codes of practice proposed to be made under or for the purposes of any prescribed law;*
- and*
- (c) *to examine, review and make recommendations to the Minister in relation to existing and proposed registration or licensing schemes relating to occupational safety and health; and*
  - (d) *to provide advice to and cooperate with Government departments, public authorities, trade unions, employer organisations and other interested persons in relation to occupational safety and health; and*
  - (e) *to formulate or recommend standards, specifications or other forms of guidance for the purpose of assisting employers, self employed persons and employees to maintain appropriate standards of occupational safety and health; and*
  - (f) *to promote education and training in occupational safety and health as widely as possible; and*
  - (g) *in cooperation with educational authorities or bodies to devise and approve courses in relation to occupational safety and health; and*
  - (h) *having regard to the criteria laid down by the National Occupational Health and Safety Commission, to advise persons on training in occupational safety and health and to formulate and accredit training courses in occupational safety and health; and*
  - (i) *to recommend to the Minister the establishment of public inquiries into any matter relating to occupational safety and health; and*
  - (j) *to collect, publish and disseminate information on occupational safety and health; and*
  - (k) *to formulate reporting procedures and monitoring arrangements for identification of workplace hazards, and incidents in which injury or death is likely to occur in an occupational situation; and*
  - (l) *to commission and sponsor research into occupational safety and health.*
- (2) *The Commission may issue for public review and comment any regulations, codes of practice or guidelines with respect to which it proposes under subsection (1)(b) to make any recommendations to the Minister.*
- (3) *The Commission shall ensure, as far as is practicable, that any information it provides is in such language and form as are appropriate for the persons to whom the information is directed.*
- (4) *The Minister shall within 60 days after receiving from the Commission a recommendation under subsection (1) make reply in writing to the Commission in relation to that recommendation.*

COSH has recently undertaken strategic planning sessions to prioritise projects and focus areas for the coming year. COSH members support education and continuous safety and health improvements. For example, at the July meeting COSH endorsed a set of education materials to promote awareness of the risks of slips trips and falls. COSH members strongly support working to identify areas for improvement and develop strategies to achieve better safety and health outcomes in WA.

COSH does not consider all of the Terms of Reference of your Committee are relevant to this submission. What is relevant is the TOR g) *legislative and jurisdictional issues*, a critical matter before COSH currently and always one in which COSH members are mindful of changes at the national and international levels, having regard for the occupational health and safety needs of persons in West Australian workplaces.

For example, at the July meeting COSH noted that the *Occupational Safety and Health Act 1984* was to be amended, a matter currently before the Minister.

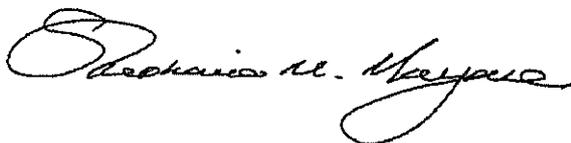
The Minister addressed the June meeting of COSH advising that the current government had a reform agenda in occupational health and safety and would be implementing change. Furthermore, comment was made that national harmonisation of legislation was an important objective, so far as is possible.

The Committee may be aware that over the past years there have been several attempts to amend the *Occupational Safety and Health Act 1984*. This included lengthy consultation with industry, unions and community groups. Those attempts were formulated into what became known as 'The Green Bill' however were never formally debated by the Parliament. COSH notes that a number of current standing OSH matters are on hold pending the outcome of the legislative reforms.

As indicated at the outset of our submission COSH seeks to limit its submission to a single TOR; that relating to the matters of legislative and jurisdictional issues.

In closing I would like to emphasise that COSH has a strong interest in furthering reform of occupational safety and health legislation in Western Australia and I would be happy to appear before the Committee to further explain the Commission's thoughts. You may contact me on [stephanie@mayman.com.au](mailto:stephanie@mayman.com.au) or alternatively, 0439932447.

Yours sincerely



Stephanie Mayman  
Chairperson

**COMMISSION FOR OCCUPATIONAL SAFETY AND HEALTH WA**