



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 2015-16

CONTENTS	1
STATEMENT OF COMPLIANCE	4
REPORT FROM THE CHAIR	5
SECTION ONE: ABOUT THE COMMISSION.....	7
Responsible Minister.....	7
Enabling Legislation.....	7
Our Vision.....	7
Functions of the Commission	7
Composition of the Commission	8
SECTION TWO: GOVERNANCE DISCLOSURES	9
Commission’s Governance Framework.....	9
Compliance with Public Sector Standards and Ethical Codes	9
Recordkeeping.....	9
Public Interest Disclosure	9
Advertising and sponsorship.....	9
SECTION THREE: REPORT ON 2015-2016	10
National harmonisation of occupational health and safety legislation	10
Safe Work October 2015	10
Publications	11
Changes to legislation	12
The National Arena	12
Strategic plan 2015-2018.....	13
Objective 1: Reduce the incidence of work-related death, injury and illness.....	14
Objective 2: Reduce exposure to hazards and risks	14
Objective 3: Improved hazard control	15
Objective 4: Improved work health and safety infrastructure.....	15
Business Plan Focus Areas	16
SECTION FOUR: ADVISORY COMMITTEES	17
Construction Industry Safety Advisory Committee (CISAC)	17
Members of CISAC 2015-2016	17
Legislation Advisory Committee (LAC).....	18
Members of Legislation Advisory Committee (LAC) 2015-2016.....	18

Risk Advisory Committee (RAC)..... 19
Members of RAC 2013-2014..... 19

SECTION FIVE: MINING INDUSTRY ADVISORY COMMITTEE..... 20

Committees and Working Parties 23

**Minister for Commerce
.....**

CONTACT DETAILS 24

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 2016.



George Allingame
Chairperson
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 2016.

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 2015-16.

On 23 October 2014, the Minister for Commerce tabled in Parliament the Work Health and Safety Bill 2014 (the WHS Bill), in the form of a Green Bill, for a three month public comment period ending on 30 January 2015. During the three-month consultation period, Commission members through their respective organisations made submissions concerning the content of the WHS Bill and its impacts on Western Australian businesses and the wider community.

A discussion paper, which provided a summary of recommended amendments to the model WHS regulations based on a review conducted by WorkSafe, was released for a public consultation period, commencing on 1 June 2016 and ending on 31 August 2016. As with the Green Bill, Commission members through their respective organisations will provide their comment on the proposed regulations.

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.

Accordingly, in March 2015, the Commission conducted a planning day to prepare a strategic plan for the period 2015-2018. The plan has as its objectives: to reduce the incidence of work-related death, injury and illness; to reduce exposure to hazards and risks; to improve hazard control; and to improve work health and safety infrastructure.

To pursue the objectives of the business plan, the Commission formed a number of working groups to focus on the following five areas: occupational diving, electrical safety, slips, trips & falls at the same level, leadership/chief executive officer engagement and optimising occupational safety and health compliance.

During the 2015-2016 year the Commission, in accordance with its guidelines and criteria, approved introductory courses for safety and health representatives in response to applications received from Registered Training Organisations.

Two members of the Commission, together with the WorkSafe Western Australia Commissioner and a person nominated by the WorkSafe Inspectorate, formed the judging panel for the annual Work Safety Awards. The award process invites participants in Western Australian workplaces to lodge an entry into one of four categories to achieve recognition in workplace safety and health.

The Commission continued its ongoing consideration of WorkSafe WA statistical data which reports work-related fatalities and regulatory activity, as well as safety alerts issued and posted on the Department of Commerce, WorkSafe Division website.

Specific occupational safety and health issues that were addressed by the Commission during the year included current initiatives in asbestos management, horizontal underground directional drilling, licensing of high risk work, prohibition of 'live' electrical work, slips, trips and falls, plant item registration and training for construction site induction.

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.



George Allingame

Chairperson, 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 *Occupational Safety and Health Act 1984* (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 foster continuous improvement in work health and safety.

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 (CMEWA);
- three members nominated by UnionsWA, one of whom must have knowledge of and experience in 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 2015/2016:

- 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 (until 31 July 2015); Ms Anne Driscoll, Deputy Chair, Acting 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 (until 31 July 2015)
- Member nominated by the CMEWA: Ms Nicole Roocke
- Members nominated by UnionsWA: Ms Joy Barrett, Mr Owen Whittle, Mr Gary Wood (until 23 September 2015) and Mr Mike Zoetbrood (appointed 12 April 2016)
- Three members with knowledge of or experience in OSH, nominated by the Minister for Commerce: Dr Barry Chesson, Dr Matthew Davies and Dr Peter Connaughton (until 31 March 2016).

The Commission's Executive Officer is Mr Alan Layton of WorkSafe WA.

SECTION TWO: GOVERNANCE DISCLOSURES

Commission's Governance Framework

The Commission's Handbook and Code of Conduct 2015 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 any code of conduct applicable to the public sector body or employee concerned.

Recordkeeping

The Commission's record keeping and use of information policy is contained within its Handbook and Code of Conduct 2015. 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 2015/2016 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 2015/2016.

SECTION THREE: REPORT ON 2015-2016

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 – subsequently the now abolished 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.

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. The Western Australian specific RIS was prepared for the government by independent consultants Marsden Jacob Associates. The completed RIS was made available on WorkSafe's website and a hard copy made available to Commission members in September 2014.

On 23 October 2014, the Minister for Commerce tabled in Parliament the Work Health and Safety Bill 2014 (the WHS Bill), in the form of a Green Bill, for a three month public comment period ending on 30 January 2015. Commission members agreed to distribute information about the WHS Bill to their constituents. Rather than make a combined Commission submission, members agreed that individual submission would be made during the three-month public consultation period.

In May 2016, WorkSafe prepared a discussion paper in the form of a summary of recommended amendments to the model WHS regulations. The discussion paper was released for a public consultation period, commencing on 1 June 2016 and ending on 31 August 2016. As with the Green Bill, Commission members through their respective organisations will provide their comment on the proposed regulations.

Safe Work October 2015

In 2015 Worksafe Western Australia, with support of the Commission, continued with its annual month long focus on workplace safety and health – Safe Work October 2015. This month long focus is a national event, supported by Safe Work October and is also conducted in other jurisdictions. The month features a number of activities, the most significant of which was a series of targeted workshops and culminated with the presentation of the 2015 Work Safety Awards.

Workshops were held between 6 – 27 October at Technology Park Function Centre in Bentley. There were 431 attendees across 13 workshops in 2015. The attendees were a mix of elected safety and health representatives, general management and safety and health professionals. Key objective of these workshops were to provide hands-on information and skills experiences and provide the OSH community with networking opportunities.

The Workshops series featured a range of speakers with a wealth of knowledge and expertise in OSH. The program featured a mixture of sessions including topics such as Safety leadership, Human factors in incident investigation, Mental health in the workplace, Safe handling and storage of chemicals and Managing personal safety and health in high stress environments, amongst others.

Two Commission members contributed as judges for the 2015 Work Safety Awards Western Australia. The winners of the awards were announced at the Work Safety Awards Breakfast on 30 October 2015. The awards recognise outstanding occupational safety and health management, solutions and innovation in Western Australian workplaces that reduce the risk of work-related injury and disease.

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 occupational safety and health. Details of the accreditation process for introductory courses for safety and health representatives are provided in the publication *Guidelines and criteria for accreditation of introductory training courses for safety and health representatives* (the accreditation guidelines), available on WorkSafe's website, www.commerce.wa.gov.au/worksafe . The Commission accredited 12 organisations to conduct the introductory safety and health representative training course in 2015-16.

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:

- approved for publication an updated version of the Commission's Handbook and Code of Conduct;
- continued to review model WHS codes and guidance notes released by SWA during 2015-16;
- reviewed the SWA paper "Work-Related Injuries and Fatalities in Construction 2003-2013"; and
- approved the publication of the amended Western Australian Code of Practice – Fatigue Management for Vehicle Drivers.

Changes to legislation

There were no changes to occupational safety and health legislation during the 2015-2016 year.

The National Arena

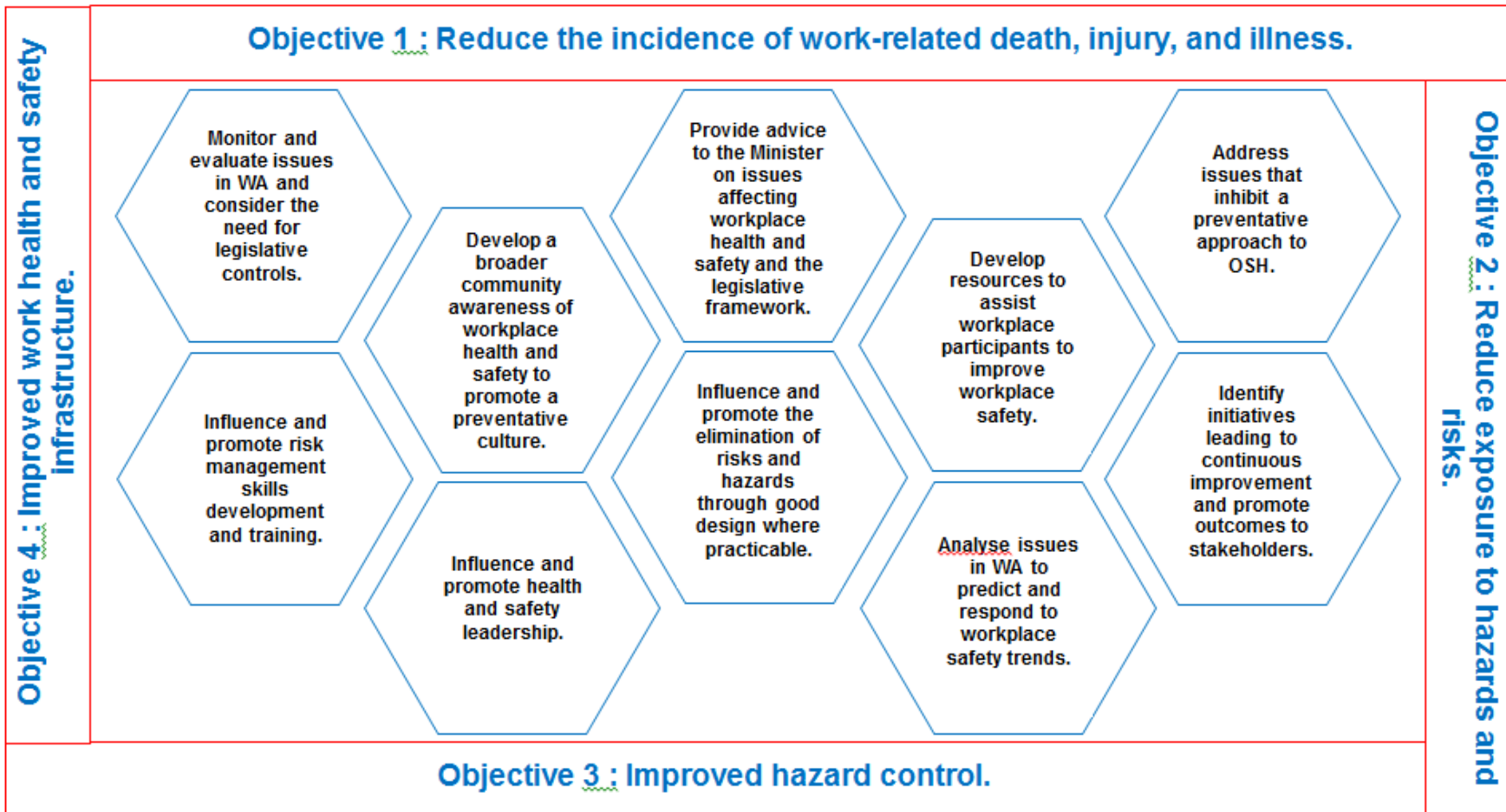
During the 2015-2016 year, a number of issues which were the subject of discussion in the national arena were addressed by the Commission.

Significant among these issues were:

- national harmonisation of work health and safety laws, including the development of codes of practice and guidance material;
- mental health in the workplace – development of guidance material;
- carcinogen classification and communication;
- work-related injuries and fatalities in construction;
- national strategic plan for asbestos management;
- Safe Work Australia Operational Plan 2016-2017;
- Guidance material - tree trimming and removal work and cattle handling; and
- Publication of project reports- Psychosocial and human costs on workplace productivity and Bullying and harassment in Australian workplaces.

VISION: HEALTHY AND SAFE WORKING LIVES WITHIN WESTERN AUSTRALIA

MISSION: CONTINUOUS IMPROVEMENT IN WORK HEALTH AND SAFETY



Strategic plan 2015-2018

Objective 1: Reduce the incidence of work-related death, injury and illness

Strategies:

- maintain and support effective tripartite relationships and decision-making on safety and health in the workplace
- enhance the capacity of business operators and workers to manage OSH effectively
- monitor and evaluate issues by collecting, analysing and utilising data and information to predict and respond to OSH trends
- educate and develop broader community awareness to promote a preventative culture

Objective 2: Reduce exposure to hazards and risks

Strategies:

- collect, analyse and utilise data and information to develop strategies to respond to high incidence and severity of risks
- develop and communicate targeted education and guidance materials and programs that address identified risks
- monitor the legislative framework to ensure evidence-based risk management
- monitor and evaluate issues leading to continuous improvements and promote the outcomes to stakeholders

Objective 3: Improved hazard control

Strategies:

- enhance the capacity of workplaces to eliminate hazards and control risks through good design where practicable
- influence and promote OSH skills development and training
- monitor and evaluate issues and consider need for legislative controls
- address issues that inhibit a preventative approach to OSH

Objective 4: Improved work health and safety infrastructure

Strategies:

- provide timely and comprehensive advice to Minister on policy and legislative change
- monitor developments in the national arena with relevance to Western Australian OSH law
- influence and promote OSH skills development, communication, training and leadership
- maintain and develop a robust evidence base through data collection and analysis, monitoring emerging issues and evaluating the effectiveness of legislative controls
- engage with other agencies and enterprises to promote and undertake research relevant to Western Australia's OHS priorities

Business Plan Focus Areas

To pursue the objectives of its Business Plan, the Commission formed working parties to achieve outcomes in the following five focus areas:

Optimising Occupational Safety and Health Compliance:

- Outcome: To source relevant data, determine targets, recommend solutions and provide tools to achieve change.

Slips, Trips & Falls:

- Outcome: To increase awareness of falls at the same level and target specific industry sectors based on injury statistics.

Leadership / Chief Executive Officer Engagement:

- Outcome: To facilitate industry leaders engaging in a safety conversation.

Occupational Diving:

- Outcome: To develop a high level code of practice for the diving industry in Western Australia.

Electrical Safety:

- Outcome: To implement a regulatory ban on 'live' electrical work.

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 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.

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 of CISAC 2015-2016

- Mr Lex McCulloch, Chair (WorkSafe)
- Mr Andy Peppercorn (Master Builders Association)
- Ms Andrea Roelofs (Chamber of Commerce and Industry)
- Mr Chris Kirwin (WorkSafe)
- Mr James Skouros (Housing Industry Association)
- Mr Bob Benkesser (Construction, Forestry, Mining and Energy Union)
- Mr Steve McCartney (Australian Manufacturing Workers' Union)
- Mr Owen Whittle (UnionsWA)

The CISAC met on eight occasions during 2015-16 with a continued focus on providing advice to the Commission on construction-related matters arising from harmonisation and industry activity.

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 of Legislation Advisory Committee (LAC) 2015-2016

- Ms Anne Driscoll (Department of Commerce)
- Mr Lex McCulloch (WorkSafe)
- Ms Nicole Roocke (Chamber of Minerals and Energy WA)
- Ms Andrea Roelofs (Chamber of Commerce and Industry WA)
- Mr Gary Wood (UnionsWA) (until 23 September 2015)
- Mr Owen Whittle (UnionsWA)
- Ms Melina Newnan (Resources Safety Division, Department of Mines and Petroleum)

The Legislation Advisory Committee met on two occasions during 2015-2016

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 of RAC 2013-2014

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

The RAC did not meet during 2015-2016 following a decision by Commission members that issues being addressed by RAC would be dealt with at Commission meetings.

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 OSH matters concerning the mining industry;
- liaise with the Commission to coordinate activities and to maintain parallel standards;
- 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.

Membership of 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 administering the MSI Act.

MIAC consists of 12 members, two from Government, three from industry, three from the union movement and four independent expert members. During the reporting period Mr Tony Hall (Union member) resigned from MIAC in November 2014 and was replaced by Mr Glenn McLaren.

Listed below are the names of MIAC members at the end of the reporting period:

- Mr Bob Allan (Expert member)
- Mr Glenn McLaren (Union member)
- Mr Simon Bennison (Industry member)
- Mr Rob Mincham (Expert member)
- Mr Andrew Chaplyn (State Mining Engineer, Government member)
- Mr Stephen Price (Union member)
- Mr Chris Davis (Expert member)
- Mr Simon Ridge (Government member) (Chairperson)
- Ms Adrienne LaBombard (Industry member)
- Mr Rob Watson (Industry member)
- Ms Peta Libby (Expert member)
- Mr Gary Wood (Union member)

The Executive Officer of MIAC is Mr Doug Brown from the Department of Mines and Petroleum.

MIAC met on five occasions during the reporting period.

Examples of projects/issues conducted by MIAC in 2015-2016

- Maintaining and adding issues to MIAC's Action Register.
- Endorsement of the following guidance material:
 - Guideline: *Working at heights in underground mines*;
 - Guideline: *Effective safety and health supervision in Western Australian mining operations*; and
 - Guideline: *Mobile autonomous equipment*.
- Clarification of regulatory requirements for rigging on mine sites.
- Tyre safety on mine sites;
- Providing information to stakeholders on Principal Hazard Management Plans.
- High risk work licences and levels of competence.
- Mine Safety Levy – Options for simplification.
- Design of cranes operating on mine sites.
- Health effects of diesel emissions.
- Possible under reporting of working hours in the exploration sector.
- Considering the implications of the proposed work health and safety resources legislation and associated codes of practice.

Plans for 2016-2017

- Develop a three year strategic plan for the 2015-2018 period.
- Continue considering matters arising from the proposed work health and safety resources legislation.
- Continue the development of guidance material for the mining and exploration sectors.
- Continue to implement the recommendations from the Parliamentary Inquiry into the impact of FIFO work practices on mental health.

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

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