



Ministerial Advisory Panel on Safety Legislation Reform AGENDA

Date:	Wednesday 10 December 2014	Time:	8:30am – 10:30am
Venue:	Fraser Room 4, Fraser Suites - Level 1 10 Adelaide Terrace, East Perth		

Item No.	Item	Who
1.	Welcome and apologies	Chair
2.	Regulatory Impact Statement process – presentation by Marsden Jacob Associates	Alex Marsden
3.	Actions from previous meetings	Chair
4.	Safety Legislation Reform update - Work Health and Safety (Resources) Bill	Simon Ridge
5.	Other business	Chair
6.	<i>Next Meeting: 28 January 2015 8:30am – 10:30am</i>	

Information Papers:

1. Actions list
2. Safety Legislation Reform progress update



File No: A1375/201301

ACTIONS LIST – 10 December 2014

Ministerial Advisory Panel

Active Actions

ACTION ITEM	DUE DATE	STATUS
1. Meeting 26 March 2014		
DMP to invite an officer from WorkSafe to join MAP when the discussions on the regulations commence.	TBA	WorkSafe to be invited when discussions on regulations commence.

Completed Actions

ACTION ITEM	DUE DATE	STATUS
1. Meeting 22 January 2014		
Panel members to confirm their proxies before 28 January 2014.	28 January 2014	Completed Proxies approved by the Minister
Include in terms of reference out of session tacit approval of minutes	1 February 2014	Completed Terms of reference amended and approved by Minister
The Panel would like clarity what the WA government is not willing to compromise on in the WHS legislation.	26 March 2014	Completed Confirmation of the issues the government is not willing to consider changing in the WHS legislation: Previously, the government had views on four specific areas - penalty levels, union right of entry, health and safety representatives' capacity to direct the cessation of work, and reverse onus of proof in discrimination matters. The Department understands that the level of penalties is subject to some discussion, but the position on the other items remains unchanged.
Mr Tooma's presentation to be distributed to Panel members with the minutes.	28 January 2014	Completed Emailed to members on 28 January 2014
Project team to provide a diagram of the restructure proposed within RSD.	26 March 2014	Completed Distributed with the agenda for meeting 26 March 2014
If Safework Australia put out a table of amendments for the mining WHS legislation, the Panel would like a copy.	26 March 2014	Completed Safework Australia does not have a table for the mining amendments. DMP will continue to monitor.
Panel members to provide feedback on the Petroleum Discussion Paper by 12 February 2014.	12 February 2014	Completed Comments received. Summary provided with MAP agenda papers for 26 March meeting.
MAP members would like to be kept informed of the RSD internal restructure.	ongoing 23 July 2014	Completed DMP provided updates on the progress of the RSD restructure at all MAP meetings up to 23 July 2014.

ACTION ITEM		DUE DATE	STATUS
2.	Meeting 26 March 2014		
	Department to provide details (the 5% changes) of changes between the national model and the WHS Resources Bill.	29 Aug 2014	Completed Comparison table emailed to MAP 25 August 2014, comments due 15 September 2014, for discussion at MAP meeting 24 September 2014.
	Project team to send an invitation and details of the Professor Sparrow presentations to members. Members to respond with their preference to attend one of or all of the sessions.	26 March 2014	Completed Email to members sent 26 March 2014
	MIAC minutes to be attached to the meeting papers.	2 April 2014	Completed Link to MIAC minutes sent 26 March 2014
	Project team to send the link to the model regulations and members to come back to DMP by the end of April with any concerns.	30 April 2014	Completed: Email containing links to the Safework Australia website sent to members 2 April 2014
	Project team to coordinate members for the working groups, and terms of reference for the groups.	30 April 2014	Completed: ToR drafted, nominations received, meetings scheduled.
	Department to meet with Nick Zovko to discuss the GHS.	30 April 2014	Completed
	DMP to meet with APPEA to discuss the petroleum legislation.	30 April 2014	Completed Meeting held 9 June 2014: Agreed that a Regulatory Impact Statement will be used to consult stakeholders on options for consolidating safety legislation
	Miranda Jane Taylor to provide a copy of pilot training course on MHFs critical risks from Victoria.	28 May 2014 23 July 2014	Completed Available for any members who would like a copy.
	Greg Stagbouer to provide a copy of the Defence training model.	28 May 2014 23 July 2014	The RAAF Training Program is not available as it is a restricted document.
3.	Meeting 28 May 2014		
	A working group on management and supervision will be formed after the current groups complete their tasks.	24 Sept 2014	Completed Management and Supervision Workshop held 15 September 2014. Feedback to be discussed at MAP meeting 24 September 2014.
	The dangerous goods presentation to be sent to members with the minutes.	4 June 2014	Completed
	Ian Fletcher to meet with the CEO of the CME and possibly the CME safety committee to discuss their view on the legislation.	23 July 2014	Completed - Meeting held 9 July 2014. Letter from CME distributed to MAP members with agenda papers.
4.	Meeting 23 July 2014		

ACTION ITEM		DUE DATE	STATUS
	Richard Kern to provide some working examples of PHMPs and PCPs.	5 Sep 2014	Attempted to obtain some working examples, but none are available at this time.
	Michael Tooma to prepare paper on how the PHMP and PCP interact.	5 Sep 2014	Completed Paper received 5 September 2014 for discussion at MAP on 24 September 2014.
	DMP to review statistics relating to incidents involved with guarding under the current regulatory arrangements, including other Australian jurisdictions that require the use of a tool to remove guarding	24 Sep 2014	Completed To be discussed at MAP meeting 24 Sep 2014.
	If Minister issues a Media Release about the Resources Safety Bill, DMP to distribute to MAP.	TBA	Completed - Media release sent to members 13 August 2014.
	DMP to schedule meetings for December 2014 through to mid-2016 and amend MAP Terms of Reference to reflect this.	8 Aug 2014	Completed - 2015 meeting dates set. 2016 will be diarised towards the end of 2015. Terms of reference updated and uploaded to the DMP website.
	MAP members to provide submissions on the preferred legislation numbering and sequencing approach by 6 August 2014.	6 Aug 2014	Completed MAP preferred numbering based on the Model WHS Act – email sent to confirm 7/8/2014
	DMP to confirm whether WA will be adopting the model legislation requirements on fitness for work.	24 Sep 2014	Fitness for work requirements will be provided when drafting instructions for the regulations are prepared.
	Drafting instructions relating to health monitoring and consultation to be provided to MAP.	24 Sep 2014	Health monitoring requirements will be provided when drafting instructions for the regulations are prepared. Consultation requirements will be the same as Part 5 in the model WHS Act.
	DMP to consider Working Groups' recommendations and provide advice to the Minister.	24 Sep 2014	Completed
5.	Meeting 24 September 2014		
	DMP to distribute timeline for consultation on the RIS to MAP members.	31 Oct 2014	Completed email sent to MAP members 7/10/14
	Andrew Woodhams to provide a copy of the APPEA safe supervisor competency program.	15 Oct 2014	Completed
	MAP to send a letter to Stuart Smith congratulating him on his appointment as CEO to NOPSEMA and set up a meeting to brief him on the reform.	10 Dec 2014	Completed meeting scheduled for 15 December 2014.
	Ask the RIS consultant to make a presentation at the December MAP meeting.	10 Dec 2014	Completed presentation to be held 10 December 2014



Government of **Western Australia**
Department of **Mines and Petroleum**

Ministerial Advisory Panel on Safety Legislation Reform

Progress update: 10 December 2014

Work Health and Safety (Mines) Bill and regulations

Drafting of the Work Health and Safety (Mines) Bill has commenced.

On 23 October 2014, WorkSafe tabled its *Work Health and Safety Bill 2014* ('the Green Bill') in Parliament for public comment. Submissions must be sent to the Department of Commerce by 30 January 2015. For further information on WorkSafe's Green Bill, please refer to the Department of Commerce website: <https://www.commerce.wa.gov.au/worksafe/work-health-and-safety-bill-2014>

In 2015, a DMP officer will be working part-time with WorkSafe, to ensure consistency in the development of WHS regulations for mines and for general industry. A WorkSafe officer will also be invited to attend future MAP meetings during development of the regulations.

Regulatory Impact Statement – consolidation of safety legislation

The Regulatory Impact Statement (RIS) consultation process has commenced, to identify the preferred option for consolidating the safety legislation for mines, petroleum and major hazard facilities.

Marsden Jacob Associates was selected under a public tender to independently manage the consultation process.

The Consultation RIS paper was released for comment on 31 October 2014, with written submissions due by 19 December 2014. A stakeholder forum was held on 26 November 2014, to provide stakeholders with an opportunity to discuss the five proposed options.

Feedback from the consultation RIS will be collated and incorporated into a Decision RIS. This is expected to be finalised by 31 January 2015 and will be forwarded to the Minister for a decision by 31 March 2015.

For further information on the RIS process, please refer to the Marsden Jacob Associates website: <http://www.marsdenjacob.com.au/structural-reform-resources-safety-legislation-wa/>



MEETING MINUTES:

Ministerial Advisory Panel on Safety Legislation Reform

Date:	Wednesday, 10 December 2014	Time:	8:30am to 10:00am
Venue:	Fraser Suites, Fraser Room 4 – Level 1 – 10 Adelaide Terrace, East Perth		

Present

Mr Ian Fletcher	Independent Chairperson
Mr Simon Ridge	Executive Director, Resources Safety Division, Department of Mines and Petroleum (DMP)
Mr Andrew Chaplyn	State Mining Engineer and Director Mines Safety, Resources Safety Division, DMP
Mr Simon Bennison	Chief Executive Officer, Association of Mining and Exploration Companies (AMEC)
Mr Rick Armstrong	Representing, Australian Drilling Industry Association (ADIA) (<i>proxy for Greg Stagbouer</i>)
Mr Barrie Sturgeon	Representing Australian Pipeline Industry Association (APIA) (<i>proxy for Kevin Wolfe</i>)
Mr Andrew Woodhams	Director – Environment, Safety & Productivity, Australian Petroleum Production and Exploration Association (APPEA)
Mr Gary Wood	Secretary, Construction Forestry Mining and Energy Union (CFMEU) Mining and Energy Division WA District
Ms Adrienne La Bombard	Manager – Workplace Health and Safety (representing Chamber of Minerals and Energy WA - CMEWA) (<i>proxy for Richard Kern</i>)
Mr Michael Tooma	Partner, Norton Rose Fulbright
Mr Nick Zovko	Regulatory Policy Manager, Plastics and Chemicals Industries Association (PACIA) (<i>via teleconference</i>)
Ms Karin Lee	Manager Safety and Risk Services, Chamber of Commerce and Industry WA (CCI WA)
Mr Glenn McLaren	State Organiser, OHS Advisor, Australian Manufacturing Workers' Union (AMWU)
Mr Lew Pritchard	General Manager Business Development, DMP
Mr David Eyre	Senior Policy Officer, DMP
Ms Jennifer Shelton	Principal Policy Officer, DMP
Mr Walter Wemyss	Graduate Officer, DMP (<i>Observer</i>)

Apologies

Mr Stephen Price	Secretary, Australian Workers Union (AWU)
Mr Kevin Wolfe	Business Development Manager, Monadelphous representing Australian Pipeline Industry Association (APIA)
Mr Richard Kern	Regional Manager Asia Pacific Newmont (representing Chamber of Minerals and Energy WA - CMEWA)
Mr Chris Oughton	Director, Kwinana Industries Council (KIC)

Agenda items

Item	Topic	Action
1.	Introduction & Actions from previous meeting	
	<ul style="list-style-type: none"> The Chair welcomed and introduced the members and proxies. Rick Armstrong advised that he will be the new representative from the Australian Drilling Industry Association as Greg Stagbouer has resigned. The minutes from the previous meeting were confirmed out of session and uploaded to the website. 	

Item	Topic	Action
	<p>(simplicity, transparency etc)</p> <ul style="list-style-type: none"> ○ Simplicity should be one of the key objectives for consolidation and modernisation of legislation. • If members have concerns about the five options, nominate their preferred option/s in a written submission, but include your concerns about the preferred option/s. Stakeholders may also nominate a first and second preference in their written submission. • The Chair urged Marsden Jacob Associates to liaise with the unions to get the workers' perspective on the consolidation. • All submissions, unless marked confidential, will be made available on the Marsden Jacob website after the closing date of 19 December 2014. 	
3.	Actions from the previous meeting	
	<p>Actions from last meeting - See actions list Attachment 1:</p> <ul style="list-style-type: none"> • Active action: DMP to invite an officer from WorkSafe to join MAP when the discussions on the regulations commence. <i>WorkSafe to be invited when discussions on regulations commence. A senior officer from DMP will join WorkSafe part-time in the new year to work together on the legislation.</i> • DMP to distribute timeline for consultation on the RIS to MAP members. <i>Completed: email sent to MAP members 7 October 2014</i> • Andrew Woodhams to provide a copy of the APPEA safe supervisor competency program. <i>Completed</i> • MAP to send a letter to Stuart Smith congratulating him on his appointment as CEO to NOPSEMA and set up a meeting to brief him on the reform. <i>Completed: meeting scheduled for 15 December 2014.</i> • Ask the RIS consultant to make a presentation at the December MAP meeting. <i>Completed: presentation to be held 10 December 2014</i> 	
4.	Safety Legislation Reform Update	
	<ul style="list-style-type: none"> • See Attachment 2. Simon Ridge provided an update on the progress of the Work Health and Safety (Mines) Bill (the Bill). • The WHS (Mines) Bill is in for drafting. It will be drafted in line with the WorkSafe 'green bill' for general industry, which will inform some of the content of the mines bill. • Members asked if there was any preliminary feedback from WorkSafe on the green bill. The period for public comment does not close until 29 January 2015, and there is no information available at this time. 	
5.	Other business	
	<p>Safework Australia COAG review:</p> <ul style="list-style-type: none"> • Safework Australia met this week about the outcomes of the COAG review. Members would like the recommendations distributed, and discussed at the next meeting. <p>Dangerous Goods Safety Act review:</p> <ul style="list-style-type: none"> • The Dangerous Goods Safety Act review report was tabled in Parliament in September. Members would like an update on what's happening next. <p>Mental Health FIFO Inquiry:</p>	<p>Provide an update on the Safework Australia COAG review, and the Dangerous Goods Safety Act review at the next meeting.</p>

Item	Topic	Action
	<ul style="list-style-type: none"> This is not an issue for MAP involvement unless changes to the new legislation are recommended. However, members briefly discussed the parliamentary inquiry into the mental health impacts of FIFO work. Whilst suicide is a wider societal issue, employers have a responsibility to assist workers in being able to communicate with family, provide mental health professionals and programs in the workplace/camp. 	
6.	Next meeting	
	<ul style="list-style-type: none"> Members agreed to cancel the meeting scheduled for 28 January 2015, as information on the green bill and the RIS outcomes will not be available until February 2015. If necessary, information will be sent to members out of session. The next meeting is Wednesday 25 March 2015, 8:30am – 10:30am. 	