



# Ministerial Advisory Panel on Safety Legislation Reform

## AGENDA

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Date:	Wednesday 25 March 2015	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.	Overview of NOPSEMA's current activities	Martin Squire & Keith Spence
3.	Actions from the previous meeting – <b>Attachment 1</b>	Chair
4.	COAG review and Dangerous Goods Safety Act review – verbal update	Simon Ridge
5.	Safety Legislation Reform Update – <b>Attachment 2</b>	Chair
6.	Creation of a Resources Safety Advisory Committee – <b>Attachment 3</b>	Simon Ridge
7.	Other business	Chair
8.	<i>Next Meeting: 27 May 2015 8:30am – 10:30am</i>	

### Information Papers:

1. Actions list
2. Safety Legislation Reform progress update
3. Creation of a Resources Safety Advisory Committee



File No: A1375/201301

## ACTIONS LIST – 25 March 2015

### Ministerial Advisory Panel

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#### Active Actions

ACTION ITEM	DUE DATE	STATUS
<b>1. Meeting 26 March 2014</b>		
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.
<b>2. Meeting 10 December 2014</b>		
Provide an update on the Safework Australia COAG review, and the Dangerous Goods Safety Act review at the next meeting.	March 2015	To be discussed at Agenda item 4. 25 March 2015

#### Completed Actions

ACTION ITEM	DUE DATE	STATUS
<b>1. Meeting 22 January 2014</b>		
Panel members to confirm their proxies before 28 January 2014.	28 January 2014	<b>Completed</b> Proxies approved by the Minister
Include in terms of reference out of session tacit approval of minutes	1 February 2014	<b>Completed</b> 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	<b>Completed</b> 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	<b>Completed</b> Emailed to members on 28 January 2014
Project team to provide a diagram of the restructure proposed within RSD.	26 March 2014	<b>Completed</b> 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	<b>Completed</b> Safework Australia does not have a table for the mining amendments. DMP will continue to monitor.

ACTION ITEM		DUE DATE	STATUS
	Panel members to provide feedback on the Petroleum Discussion Paper by 12 February 2014.	12 February 2014	<b>Completed</b> 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.	<del>ongoing</del> 23 July 2014	<b>Completed</b> DMP provided updates on the progress of the RSD restructure at all MAP meetings up to 23 July 2014.
<b>2.</b>	<b>Meeting 26 March 2014</b>		
	Department to provide details (the 5% changes) of changes between the national model and the WHS Resources Bill.	29 Aug 2014	<b>Completed</b> 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	<b>Completed</b> Email to members sent 26 March 2014
	MIAC minutes to be attached to the meeting papers.	2 April 2014	<b>Completed</b> 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	<b>Completed:</b> 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	<b>Completed:</b> ToR drafted, nominations received, meetings scheduled.
	Department to meet with Nick Zovko to discuss the GHS.	30 April 2014	<b>Completed</b>
	DMP to meet with APPEA to discuss the petroleum legislation.	30 April 2014	<b>Completed</b> 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.	<del>28 May 2014</del> 23 July 2014	<b>Completed</b> Available for any members who would like a copy.
	Greg Stagbouer to provide a copy of the Defence training model.	<del>28 May 2014</del> 23 July 2014	The RAAF Training Program is not available as it is a restricted document.
<b>3.</b>	<b>Meeting 28 May 2014</b>		
	A working group on management and supervision will be formed after the current groups complete their tasks.	24 Sept 2014	<b>Completed</b> 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	<b>Completed</b>

ACTION ITEM		DUE DATE	STATUS
	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	<b>Completed</b> - Meeting held 9 July 2014. Letter from CME distributed to MAP members with agenda papers.
<b>4.</b>	<b>Meeting 23 July 2014</b>		
	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	<b>Completed</b> 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	<b>Completed</b> 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	<b>Completed</b> - 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	<b>Completed</b> - 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	<b>Completed</b> 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	<b>Completed</b>
<b>5.</b>	<b>Meeting 24 September 2014</b>		
	DMP to distribute timeline for consultation on the RIS to MAP members.	31 Oct 2014	<b>Completed</b> email sent to MAP members 7/10/14
	Andrew Woodhams to provide a copy of the APPEA safe supervisor competency program.	15 Oct 2014	<b>Completed</b>

ACTION ITEM		DUE DATE	STATUS
	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	<b>Completed</b> meeting scheduled for 15 December 2014.
<b>6.</b>	<b>Meeting 10 December 2014</b>		
	The PowerPoint presentation by Marsden Jacobs on the consolidation of the safety legislation will be distributed to MAP members.	10 Dec 2014	<b>Completed</b> email sent to MAP members 10/12/14
	Send members a link to the RIS written submission which will be available on the Marsden's website.	January 2015	<b>Completed</b>



## **Ministerial Advisory Panel on Safety Legislation Reform**

Progress update: 25 March 2015

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### **Regulatory Impact Statement – consolidation of safety legislation**

Marsden Jacob Associates finalised the Decision Regulatory Impact Statement (RIS) on the structural reform of mining, petroleum and major hazard facilities safety legislation. The Decision-RIS was submitted and approved by the Regulatory Gatekeeping Unit.

The Decision-RIS recommends implementing option 1, which entails the unification of safety legislation covering mining, petroleum and MHFs into a single Act with one regulator, DMP. The Minister for Mines and Petroleum Hon. Bill Marmion has endorsed this approach.

The full Decision-RIS will be uploaded to the DMP website shortly. The following is an extract from the Decision-RIS:

*“Marsden Jacob recommend that the detailed legislative and regulatory content associated with Option 1 be further developed and be subject to further scrutiny through separate RIS processes (covering the content of the legislation and the regulations respectively). Provided the legislative and regulatory content is found to provide a net benefit compared with the status quo, Option 1 should be implemented as the preferred option.*

*If it is not possible to develop legislative and regulatory content that delivers a net benefit, or if other factors cause the development of Option 1 to be delayed and risk delaying the implementation of modernisation for mining and or general industry, then Option 2 should be implemented.”*

### **Work Health and Safety (Resources) Bill**

#### **Structure**

- The Work Health and Safety (Resources) Bill (WHS (R) Bill) requires a new approach of combining health and safety provisions from six different Acts into one Act covering mining, petroleum and major hazard facilities. It is also not a ‘one size fits all’ approach, there will still be sector-specific requirements and risk management approaches.
- The objective is to develop a regulatory structure that improves health and safety outcomes, whilst balancing regulatory burden. The structure of the WHS (R) Bill is based on the nationally harmonised Model WHS legislation, to maximise consistency with other jurisdictions, including WorkSafe.
- The WHS (R) Bill will be high-level. It will contain common provisions that cover all sectors, such as objects and definitions, and the powers to make regulations. This structure will provide better alignment with WorkSafe’s WHS Act for general industry.



## **Ministerial Advisory Panel on Safety Legislation Reform**

- Importantly, it is proposed that most sector-specific provisions for mining, petroleum and MHFs will be moved to the regulations.

### **Timing & Further Regulatory Impact Statements**

- In 2015, DMP intends to undertake another independent RIS consultation process on the details of the WHS (R) Bill. The Bill is expected to go into Parliament in late-2015.



Meeting date	25 March 2015
Agenda item	6. CREATION OF A RESOURCES INDUSTRY ADVISORY COMMITTEE UNDER THE <i>WORK HEALTH AND SAFETY (RESOURCES) ACT</i> .

Agenda item type: ☐ For information ☐ For decision ☒ For information and decision

## Purpose

To present to the Ministerial Advisory Panel for comment, a model of an industry advisory body proposed under the *Work Health and Safety (Resources) Act* (the WHSR Act).

## Background

Tripartite industry advisory bodies exist to provide expert advice to regulators, government and industry stakeholders. To be deemed effective, such bodies need terms of reference that allow them to operate independently to address issues raised by relevant stakeholder groups.

The two peak tripartite consultation bodies currently operating in this State's resources sector providing advice on OHS issues are the Mining Industry Advisory Committee (MIAC) and the Offshore Petroleum Safety Tripartite Forum (OPSTF). The former is a statutory body created under a State Act with its focus being on the mining and exploration industries. The OPSTF lies outside of the State's jurisdiction and is setup at the request of the federal Minister for Resources and Energy focusing primarily on OHS in offshore gas and oil facilities.

Tripartite advisory bodies in the resources industry exist throughout Australia and share similar characteristics (see Attachment). MIAC is a typical example apart from its enabling legislation. It is convened under s.14(A) of the *Occupational Health and Safety Act 1984* (the OSH Act) which in effect makes MIAC a sub-committee of the Commission of Occupational Safety and Health (COSH). MIAC was created to provide advice to COSH on OHS issues in the mining and exploration sectors as well providing advice to the Minister for Commerce and the Minister for Mines and Petroleum. This arrangement make administrating MIAC complex which would be avoided by having one consultative OHS advisory body covering all resources sectors in Western Australia other than those parts that fall within the scope of the OPSTF.

When the WHSR Act is proclaimed MIAC will cease to exist and be replaced by another body broader in scope dealing with OHS issues across the industries regulated by that Act. Proposed for members' comment is a model of such a body which will be titled the Resources Industry Advisory Committee (RIAC).

RIAC's terms of reference would consist of four guiding principles:

1. be tripartite in nature, thereby ensuring the views of all stakeholders are considered;
2. be chaired by an independent person appointed by the Minister administering the WHSR Act, to maintain the body's impartiality;
3. to include the same number of members from key industry and union stakeholders; and
4. be empowered to develop its own rules of operation without reference to any external parties, other than to the Minister administrating the WHSR Act.



### Proposed constitution of RIAC

The table below shows the proposed make-up of RIAC with the tenure of members being three years. Members would be eligible to be re-nominated for subsequent terms.

Representation	Members	Organisations
Industry	1	Australian Petroleum Production and Exploration Association
	1	Australian Pipeline Industry Association
	1	Australian Drilling Industry Association
	1	Plastics and Chemical Industries Association
	1	Association of Mining and Exploration Companies
	1	Chamber of Commerce and Industry Western Australia
	1	Chamber of Minerals and Energy of Western Australia
Unions	7	UnionsWA (Able to nominate expert members as proxies.)
Government	3	DMP officers nominated by the Minister administering the WHSR Act.
Chairperson	1	Independent person nominated by the Minister administering the WHSR Act.

### Independence

It is proposed that RIAC be an independent advisory body answerable only to the Minister administering the WHSR Act. It should be free to draft its own rules of operation covering meeting procedure, voting, record keeping and other administrative matters. The Chairperson would be nominated by the Minister who would also approve the names of the other members submitted by key stakeholders.

### Operation

It is envisaged RIAC will meet every two months with other meetings convened when deemed necessary. However, the frequency rate of meetings would be determined by members.

As an independent body RIAC would have the option of forming ad hoc sub-committees/working parties should the need arise. The Department of Mines and Petroleum will provide secretarial support.

## Key points

- The existing tripartite consultative body in the resources sector (MIAC) will cease when the WHSR Act is proclaimed and be replaced with RIAC.
- The scope of the tripartite RIAC will cover OHS in petroleum, Major Hazards Facilities and mining and exploration.
- RIAC will be a statutory body under the WHSR Act, be independent in its operation and report to the Minister administering the WHSR Act.
- RIAC will have an independent chair appointed by the Minister. The Minister would approve the names of other members submitted by key stakeholders. Tenure of membership will be for three years.
- An equal number of union and industry members will be represented on RIAC.
- RIAC will be empowered to develop and amend its own rules of operation with approval of the Minister. Secretarial support will be provided by the Department of Mines and Petroleum.

## Recommendations

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It is recommended that members:

1. consult their constituents over the proposed model RIAC to be created under the WHSR Act; and
2. provide comment to **Jennifer Shelton by 30 April 2015**.

## Decision

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Recommendation	Yes	No	Comments
It is recommended that members: <ol style="list-style-type: none"><li>1. consult their constituents over the proposed model RIAC to be created under the WHSR Act;</li><li>2. provide comment to Jennifer Shelton by <b>30 April 2015</b>.</li></ol>			



## Attachment 3

## ATTACHMENT

### Examples of Tripartite Safety and Health Bodies in Occupational Safety and Health

The following table provides examples of tripartite consultative bodies at the national level and in state jurisdictions having a significant resources industry.

Title	Jurisdiction	Status of Chairperson	Membership	Status under legislation	Notes
<b>Offshore Petroleum Safety Tripartite Forum (OPSTF).</b>	National	The Chairperson is the CEO of NOPSEMA.	21 Members (Includes Chairperson). 7 x Government representatives (Includes the Chairperson.) 7 x Industry representatives 7 x Union representatives	Not a statutory body. Formed at the request of the federal Minister for Resources and Energy.	Is focused specifically on offshore petroleum operations.
<b>Safe Work Australia</b>		Independent Chairperson appointed by the Minister administering the <i>Safe Work Australia Act 2008</i> .	15 Members (Includes Chairperson). 10 x Government representatives 2 x Industry representatives 2 x Union representatives 1 x Independent Chairperson.	Constituted under the <i>Safe Work Australia Act 2008</i> .	Safe Work Australia is the peak occupational safety body in Australia.
<b>Commission for Occupational Safety and Health (COSH).</b>	WA	Independent Chairperson nominated by the Minister and appointed by the Governor.	13 Members (Includes Chairperson). 3 x Government representatives 3 x Industry representatives 3 x Union representatives 3 x Independent experts 1 x Independent Chairperson.	Constituted under s.6 of the OSH Act (WA).	While not covering the resources sector, COSH does have an interest in safety on MHF general industry sites which will be regulated by the WHSR Act.
<b>Mining Industry Advisory Committee (MIAC).</b>		The OSH Act requires the Chairperson is to be a member of COSH. Currently it is Executive Officer of Resources Safety Division, DMP.	12 Members (Includes Chairperson). 2 x Government representatives (Includes the Chairperson.) 3 x Industry representatives 3 x Union representatives 4 x Independent experts.	Constituted under s.14(A) of the OSH Act (WA).	Primary concerned with mining and mining related exploration.

<b>Coal Mining Safety and Health Advisory Committee</b>	Queensland	The Chairperson is the Commissioner for Mine Safety and Health appointed under the <i>Coal Mining Safety and Health Act 1999</i> (Qlds)	9 Members (Includes Chairperson). 3 x Government representatives (Includes the Chairperson.) 3 x Industry representatives 3 x Union representatives	Constituted under the <i>Coal Mining Safety and Health Act 1999</i> (Qlds)	Peak tripartite advisory body in Queensland's coal mining industry.
<b>Mining Safety and Health Advisory Committee</b>		The Chairperson is the Commissioner for Mine Safety and Health appointed under the <i>Mining and Quarrying Safety and Health Act 1999</i> (Qlds)	9 Members (Includes Chairperson). 3 x Government representatives (Includes the Chairperson.) 3 x Industry representatives 3 x Union representatives	Constituted under the <i>Mining and Quarrying Safety and Health Act 1999</i> (Qlds)	Peak tripartite advisory body in Queensland's mining and quarrying industries.
<b>NSW Mine Safety Advisory Council</b>	NSW	Independent Chairperson appointed by the Minister administering the <i>Work Health and Safety (Mines) Act 2013</i> (NSW).	10 Members (Includes Chairperson). 1 x Government representatives 3 x Industry representatives 3 x Union representatives 2 x Independent experts. 1 x Independent Chairperson.	Constituted under the <i>Work Health and Safety (Mines) Act 2013</i> (NSW)	Peak tripartite advisory body in NSW's mining and quarrying industries.

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## MEETING MINUTES:

### Ministerial Advisory Panel on Safety Legislation Reform

<b>Date:</b>	Wednesday, 25 March 2015	<b>Time:</b>	8:30am to 10:00am
<b>Venue:</b>	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	Rio Tinto, Representing, Australian Drilling Industry Association (ADIA)
Mr Kevin Wolfe	Business Development Manager, Monadelphous representing Australian Pipeline Industry Association (APIA)
Ms Miranda Jane Taylor	Director – Environment, Safety & Productivity, Australian Petroleum Production and Exploration Association (APPEA)
Mr Stephen Price	Secretary, Australian Workers Union (AWU)
Mr Richard Kern	Regional Manager Asia Pacific Newmont (representing Chamber of Minerals and Energy WA - CMEWA)
Ms Linda Morich	Rail Tram and Bus Union ( <i>proxy for Glenn McLaren</i> )
Ms Karin Lee	Manager Safety and Risk Services, Chamber of Commerce and Industry WA (CCI WA)
Mr Leigh Meyers	CSBP, representing Plastics and Chemicals Industries Association (PACIA) ( <i>proxy Nick Zovko</i> )
Mr Bob Gregorovich	CSBP, representing Kwinana Industries Council (KIC) ( <i>Proxy for Chris Oughton</i> )
Mr Owen Whittle	UnionsWA ( <i>proxy for Gary Wood</i> )
Mr Lew Pritchard	General Manager Business Development, DMP
Ms Jennifer Shelton	Principal Policy Officer, DMP
Mr David Eyre	Senior Policy Officer, DMP

#### Guests

Mr Keith Spence	Chair, NOPSEMA Advisory Board
Mr Stuart Smith	Chief Executive Officer, NOPSEMA
Mr Martin Squire	Stakeholder Relations and Legislative Change Manager, NOPSEMA

#### Apologies

Mr Gary Wood	Secretary, Construction Forestry Mining and Energy Union (CFMEU) Mining and Energy Division WA District
Mr Glenn McLaren	State Organiser, OHS Advisor, Australian Manufacturing Workers' Union (AMWU)
Mr Nick Zovko	Regulatory Policy Manager, Plastics and Chemicals Industries Association (PACIA)
Mr Michael Tooma	Partner, Norton Rose Fulbright
Mr Chris Oughton	Director, Kwinana Industries Council (KIC)

#### Agenda items

Item	Topic	Action
1.	<b>Welcome and apologies</b>	
	<ul style="list-style-type: none"> <li>The Chair welcomed and introduced the members, proxies and guests from NOPSEMA.</li> </ul>	

Item	Topic	Action
	<ul style="list-style-type: none"> <li>The minutes from the previous meeting were confirmed out of session and uploaded to the DMP website.</li> </ul>	
<b>2.</b>	<b>Overview of NOPSEMA's current activities</b>	
	<ul style="list-style-type: none"> <li>NOPSEMA provided a PowerPoint presentation with an overview of their current activities, and agreed for it to be distributed to members with the minutes.</li> </ul>	NOPSEMA PowerPoint Presentation to be sent to members with the minutes.
<b>3.</b>	<b>Actions from the previous meeting</b>	
	<p><b>Actions from last meeting - See actions list Attachment 1:</b></p> <ul style="list-style-type: none"> <li><b>Active action: DMP to invite an officer from WorkSafe to join MAP when the discussions on the regulations commence.</b>  <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></li> </ul>	
<b>4.</b>	<b>COAG review and Dangerous Goods Safety Act Review</b>	
	<ul style="list-style-type: none"> <li>Simon Ridge advised members that the COAG WHS legislation review is still in progress, and has not yet been completed. DMP will await advice from WorkSafe, and feed information back to MAP.</li> </ul>	
<b>5.</b>	<b>Safety Legislation Reform Update</b>	
	<ul style="list-style-type: none"> <li>See Attachment 2. The Chair referred members to the email of 23 March 2015 from Jennifer Shelton which provided the link to the DMP website and the Decision Regulatory Impact Statement (RIS) by Marsden Jacob Associates. The RIS recommended option 1 – full consolidation of the safety legislation. This will be done in one process, there won't be a phased approach.</li> <li>The Chair raised his concern with a comment in the RIS that said some industry respondents think this will be a 'one size fits all' approach. Simon Ridge explained that the new Work Health and Safety (Resources) legislation (WHS R) will not be a 'one size fits all approach'. It will be risk-based and not prescriptive. There will be appropriate chapters in the legislation for the different industries. It will define the safety case framework for petroleum and MHFs, which is about choosing and applying the best method that suits your site to achieve safety outcomes. Mines will use a safety management system (SMS), and for small to medium size mining companies, the SMS will fit their risk profile.</li> <li>The WHS (R) legislation is much more in keeping with contemporary safety approaches. Technology moves on and prescriptive legislation cannot keep up, but if it is risk-based, the operators can tailor the appropriate safety methods to their operations and still achieve safety outcomes.</li> <li>Richard Kern asked if the list of principal hazards will be removed from the new legislation. Simon Ridge confirmed that the list will be retained, and it will be up to operators to identify what their principal hazards are in their SMSs. There is no intention to develop a petroleum-style safety case regime for mining.</li> <li>Lew Pritchard advised that the WHS (R) Bill will be drafted shortly. The Bill will be quite high level; a lot of the detailed requirements will be put into the regulations. There will be a RIS on the content of the Bill, followed later by a separate RIS on the regulations.</li> <li>A handout was provided to members of the <i>"Indicative Structure of Work Health</i></li> </ul>	<p>"Indicative Structure of Work Health and Safety (Resources) Act and Regulations", handout to be sent to members with the minutes. Members to provide comments on the structure by 30 April.</p>

Item	Topic	Action
	<p><i>and Safety (Resources) Act and Regulations</i>". Members were advised that the Department is happy to meet with members to talk through the proposal, and that they could provide feedback on the indicative structure.</p> <ul style="list-style-type: none"> <li>• The WHS (R) legislation will most likely be introduced into Parliament separately to WorkSafe's Work Health and Safety Bill for general industry. This is so it does not delay WorkSafe progressing its legislation. The WHS (R) Bill is expected to go into Parliament in 2016.</li> <li>• Simon Ridge advised that the Department will not rush to develop new Codes of Practice. There are existing Codes of Practice for operators to refer to. If the Department hasn't adopted the Codes, it doesn't mean that they don't apply. Further Codes will be developed over time. The obligation is on the operator to make sure its practices are safe.</li> <li>• Unions raised concerns about the capacity of the regulator to ensure that when we move to the new legislation, the operators are still maintaining a high standard of safety. Industry would like the Department to be mindful that the Safety Case is a regulatory document but there is also a requirement to inspect and verify the safety case in the field. The Department confirms that there will be no diminution of safety as a result of the new legislation.</li> <li>• Care will also be required when developing the interface between the well integrity and the OHS provisions for the new legislation.</li> <li>• Simon Ridge advised that removing the OHS provisions from the three petroleum acts will have an impact on the remaining petroleum legislation. The Petroleum Division is looking at how they will manage this.</li> </ul>	Send members a copy of the expected implementation timeline for the WHS R legislation.
<b>6.</b>	<b>Creation of a Resources Industry Advisory Committee (RIAC)</b>	
	<ul style="list-style-type: none"> <li>• See Attachment 3.</li> <li>• With the introduction of the new legislation, the Mining Industry Advisory Committee (MIAC) will cease to exist and is proposed for replacement with a Resources Industry Advisory Committee (RIAC), covering mining, petroleum and major hazard facilities. A paper will go to MIAC at its next meeting to inform them.</li> <li>• Members raised questions about the proposed membership of RIAC, and the possible need for 'community' representation, and the reduction in size of the Committee.</li> <li>• Simon Ridge explained that RIAC would be high level and there would need to be sub-committees under RIAC to look at specialised or sector-specific issues. The Department has tried to get a balanced, tripartite membership on the Committee but this results in a large Committee. DMP welcomes comments.</li> </ul>	Members to provide comments on RIAC by 30 April 2015.
<b>7.</b>	<b>Other business</b>	
	<ul style="list-style-type: none"> <li>• There was no other business.</li> </ul>	
<b>8.</b>	<b>Next meeting</b>	
	The next meeting is <b>Wednesday 27 May 2015, 8:30am – 10:30am.</b>	



## Indicative structure of Work Health and Safety (Resources) Act and regulations\*

Work Health and Safety (Resources) Act: <i>Generic provisions</i>	Work Health and Safety (Resources) Regulations: <i>Sector-specific and generic provisions</i>
<ul style="list-style-type: none"><li>• Introduction</li><li>• Objects of the Act</li><li>• Interpretation (definitions) – some common, some sector-specific</li><li>• Application of the Act: scope of the Act and activities to which the Act applies</li><li>• Health and safety duties (some common provisions, some sector-specific) – management of risks, risk control measures, duty of care, duties of persons conducting a business or undertaking (PCBU)/officers/workers, offences and penalties.</li><li>• Records</li><li>• Incident notification</li><li>• Authorisations: authorisation of workplaces/plant/substance/ work, prescribed qualifications or experience; commencement/suspension/closure/ recommencement of operations.</li><li>• Consultation, representation and participation: duty to consult, health and safety representatives, work groups, health and safety committees, issue resolution, right to cease unsafe work, provisional improvement notices.</li><li>• Discriminatory, coercive and misleading conduct</li><li>• Functions and powers of the regulator</li><li>• Securing compliance – appointments and powers of inspectors.</li><li>• Enforcement measures – improvement notices, prohibition notices, non-disturbance notices, injunctions.</li><li>• Review of decisions</li><li>• Legal proceedings – prosecutions, sentencing, infringement notices</li><li>• General (some common provisions, some sector-specific) – offence to give false or misleading information, immunity from liability, confidentiality of information, sharing of information with corresponding regulator, codes of practice, regulation-making powers, board of examiners (mining), boards of inquiry, statutory committees, review of the Act.</li><li>• Schedules (some common provisions, some sector-specific) – regulation making powers, work health and safety tribunal, health and safety magistrates, transitional provisions, repeals, consequential amendments to other Acts</li></ul>	<b>GENERIC PROVISIONS</b>  Industry specific regulations will be in industry specific chapters  <b>MINING CHAPTER</b>  <b>PETROLEUM CHAPTER</b>  <b>CHAPTER FOR SAFETY CASE FOR PETROLEUM AND MHF</b>  <b>MHF CHAPTER</b>

Provisions not adopted by Western Australia are workplace entry by WHS entry permit holders, and enforceable undertakings.

\* **Subject to the outcomes of detailed development and stakeholder consultation**



Safety Legislation Reform Project - WHS (Resources) Legislation (indicative only)

	2015												2016												2017			
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Government approval of proposed legislative approach																												
Drafting Instructions WHS (Resources) Bill																												
RIS on the Bill incl liaison with RGU																												
Cabinet Submission - DI's approval to draft																												
PCO draft WHS (Resources) Bill																												
Introduce the WHS (Resources) Bill to Parliament																												
WHS (Resources) Bill passed through both Houses of Parliament																												
Prepare drafting Instructions for Regulations																												
Prepare Regulatory Impact Assessment for Regulations																												
Regulations drafted by Parliamentary Counsel's Office																												
Regulations Gazetted																												

Assumptions:  
Government approval of drafting instructions is obtained quickly  
PCO can commit resources immediately to the drafting process  
No significant delays in passing the Bill through Parliament  
RIS doesn't raise any major issues



File No: A1375/201301

## ACTIONS LIST – Post meeting 25 March 2015

### Ministerial Advisory Panel

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#### Active Actions

ACTION ITEM		DUE DATE	STATUS
1.	<b>Meeting 26 March 2014</b>		
	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.
2.	<b>Meeting 25 March 2015</b>		
	Members to provide comments on the proposed RIAC by 30 April 2015.	30 April 2015	

#### Completed Actions

ACTION ITEM		DUE DATE	STATUS
1.	<b>Meeting 25 March 2015</b>		
	NOPSEMA PowerPoint Presentation to be sent to members with the minutes.	27 March 2015	Completed
	"Indicative Structure of Work Health and Safety (Resources) Act and Regulations", handout to be sent to members with the minutes. Members to provide comments on the structure by 30 April.	27 March 2015	Completed
	Send members a copy of the expected implementation timeline for the WHS R legislation.	27 March 2015	Completed