



# Terms of Reference

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

### **Members**

Mr Ian Fletcher (Independent Chair)	
Mr Simon Ridge Executive Director Resources Safety Division  Department of Mines and Petroleum	Mr Andrew Chaplyn State Mining Engineer & Director Mines Safety  Department of Mines and Petroleum
Mr Richard Kern Regional Manager Asia Pacific - Newmont  Chamber of Minerals and Energy of WA	Mr Simon Bennison Chief Executive Officer  Association of Mining and Exploration Companies
Mr Kevin Wolfe Business Development Manager Monadelphous  Australian Pipeline Industry Association Ltd	Ms Miranda Jane Taylor Director Environment, Safety & Productivity  Australian Petroleum Production & Exploration Association Ltd
Mr Greg Stagbouer Director  Australian Drilling Industry Association	Mr Nick Zovko Regulatory Policy Manager  Plastics and Chemical Industries Association
Mr Chris Oughton Director  Kwinana Industries Council	Mr Stephen Price Branch Secretary WA  Australian Workers' Union
Mr Glenn McLaren OHS Advisor  Australian Manufacturing Workers' Union	Mr Gary Wood Secretary  CFMEU Mining and Energy Division WA District
Ms Karin Lee Manager Safety and Risk Services  Chamber of Commerce and Industry Western Australia	Mr Michael Tooma Partner – Head of Occupational Health Safety and Security  Norton Rose Fulbright Australia

## Objective

The objective is to provide input into the development of the Work Health and Safety (Resources) legislation for the Western Australian resources sector, effectively combining mining, major hazard facilities and petroleum safety into one act and regulations, and input into the dangerous goods safety legislation in line with the nationally harmonised model.

## Background

In 2006, the Council of Australian Governments (COAG) nominated reform of occupational health and safety (OHS) laws across Australia as a priority area for business regulation reform.

A hybrid model was used to develop national harmonised OHS laws:

- a) a model Work Health and Safety Bill for general industry developed under the auspices of Safe Work Australia; and
- b) harmonised OHS laws for mining being developed under the National Mine Safety Framework (NMSF) endorsed by the Ministerial Council for Petroleum and Resources (now the Standing Council on Energy and Resources).

The model laws were designed so that all workplaces in WA will be covered by the general WHS Act apart from those involved with mining and petroleum. This Act will be administered by WorkSafe.

The mining industry in WA will be covered by its own Act and regulations which replicates the general WHS Act and its regulations but includes mining specific provisions - the Work Health and Safety (Resources) legislation. It is proposed to move MHFs from the Dangerous Goods Safety Act into this Act.

The legislation will contain the best elements of the Model Mines Work Health and Safety Act and regulations developed under the National Harmonisation and the National Mine Safety Framework process. The Department will ensure over-prescription is removed, and the provisions don't have a negative impact on the resources industry in WA.

## Role

The Ministerial Advisory Panel will provide advice to the Minister for Mines and Petroleum and the Safety Legislation Reform Team on:

- reform of the mining, petroleum and dangerous goods legislation;
- communication and implementation of safety legislation reforms, to ensure a common understanding;
- consider proposals, provide comment and endorse information being sent to the Minister in relation to the safety legislation reform;
- provide input and guidance to the Safety Legislation Reform project as required.

## Scope

The Ministerial Advisory Panel will provide advice on reforms and issues related to its role, as identified in this document.

The Panel will not become involved in the day-to-day functioning, processes and structure of the Department of Mines and Petroleum, but may contribute advice where appropriate.

## Resources and Budget

The Department will commit the following staff to attend each Panel meeting and provide executive support:

Mr Lew Pritchard	General Manager Business Development, Resources Safety Division, DMP
Ms Jennifer Shelton	Project Manager, Resources Safety Division, DMP

## Governance

The Advisory Panel will be independently chaired by Mr Ian Fletcher appointed by the Minister for Mines and Petroleum, and will report regularly to the Minister on the progress of implementing the safety legislation reforms.

## Reporting Structure and Process

The Ministerial Advisory Panel will be provided with a progress report from the Safety Legislation Reform Team as a standing agenda item.

## Term

The Panel will operate from November 2013 to December 2014, or until such time as the Minister determines that the Panel has completed its objectives.

## Frequency of Meetings

Meetings will be scheduled bi-monthly, or as deemed necessary by the Panel. It may be appropriate to review items out-of-session.

## Representatives & Proxies

Industry and union peak bodies will nominate appropriate representatives to the Panel, and select a suitable proxy in case the Panel member cannot attend.

Panel members must commit to attending all meetings. If unable to attend, they must ask their proxy to attend on their behalf. Panel members must share any information and correspondence from the Panel meetings with the peak body they represent.

Proxies must be approved by the peak body, and must pass on any correspondence to the Panel member.

Should a Panel member need to cease involvement in the Panel for any reason, they must notify the peak body that they represent, advising them to nominate a replacement.

A resignation of a Panel member must be done in writing by the representative body to the Executive Officer of the Panel.

Panel members may from time-to-time invite an observer, but this should be minimised and observers cannot participate in meeting discussions. The Department should be given two weeks' notice in writing, if a Panel member intends to bring an observer in order to prepare a suitable meeting venue.

## Information Management

### Recording of Proceedings

Meetings will be formally structured.

The Agenda and supporting information papers should be provided to Panel members no less than one week in advance of each Panel meeting.

Summarised Minutes and Actions will be produced. If no consensus is reached or there is dissent by the Ministerial Advisory Panel, this will be recorded in the minutes.

Minutes will be circulated, and members given seven days to respond with any changes or concerns, a non-response after seven days will be treated as confirmation. Any confidential matters may be removed at the Panel's discretion before the Minutes are published on the Department's website.

The meetings may be audio-recorded for the sole purpose of producing accurate written Minutes of the meeting. The recordings will be deleted once the Minutes are confirmed as the official record of the meeting. The recordings will not be distributed.

Draft papers and minutes are not to be distributed by members until final approval of the document.

## Obligations

### Minister

The Minister appoints the Chair to facilitate meetings, and report progress and feedback from the Panel.

### Chair

The Chair facilitates each meeting and ensures that the Department considers the advice and feedback from the Panel in developing the safety legislation reforms, and provides appropriate support to the work of the Panel.

### General Manager, Business Development Resources Safety Division

General Manager, Business Development will ensure that the Safety Legislation Reform team provides appropriate and timely executive support to the work of the Panel, and is responsible for project managing implementation and communication of the reforms.

### Industry and Union Organisations

Industry and union organisations are responsible for nominating suitable representatives and proxies to the panel, providing advice to the Minister and the Department via the Panel members, and communicating with their constituent members.

### Panel Members & Proxies

Panel members and their proxies are responsible for representing their respective industry or union groups in contributing advice to the Panel, and must relay information and correspondence back to those groups.