



Ministerial Advisory Panel on Safety Legislation Reform

AGENDA

Date:	Wednesday 29 July 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.	RIS consultation on WHS (Resources) Bill	Marsden Jacob Associates
3.	Actions from the previous meeting – Attachment 1	Chair
4.	Safety Legislation Reform – progress update – Attachment 2	Simon Ridge
5.	Workshops and other consultation opportunities – Attachment 3	Simon Ridge
6.	Update on Parliamentary Inquiry into mental health impacts of FIFO/DIDO – Attachment 4	Simon Ridge
7.	Other business	Chair
8.	<i>Next Meeting: 30 September 2015, 8:30am – 10:30am</i>	

Information Papers:

1. Actions list
2. Safety Legislation Reform progress update
3. Workshops and other consultation opportunities
4. Parliamentary Inquiry into mental health impacts of FIFO/DIDO



File No: A1375/201301

Ministerial Advisory Panel – Actions List Post meeting 27 May 2015

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.
2.	Meeting 27 May 2015		
	MAP to consult their members and provide feedback on proposed workshops by 30 June 2015.	30 June 2015	Carried forward – new deadline to be agreed by MAP.

Completed Actions

ACTION ITEM		DUE DATE	STATUS
1.	Meeting 27 May 2015		
	Consultation RIS on WHS (Resources) Bill to be circulated to MAP as soon as possible	June 2015	Completed
	MAP to provide comment to David Eyre on the proposed two advisory committees	10 June 2015	Completed
	DMP to provide list of potential workshops to MAP by 12 June 2015.	12 June 2015	Completed
2.	Meeting 25 March 2015		
	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
	Members to provide comments on the proposed RIAC by 30 April 2015.	30 April 2015	Completed



Ministerial Advisory Panel on Safety Legislation Reform

Progress update: 29 July 2015

Regulatory Impact Statement (RIS) – Work Health and Safety (Resources) Bill

Government approval for the RIS consultation paper on the proposed Work Health and Safety (Resources) Bill was granted on 6 July 2015, and the RIS was published on the Marsden Jacob Association website, together with a mock-up of the Bill.

The Department emailed thousands of stakeholders on 6 - 7 July 2015 with a link to the Marsden Jacob website, and added a news article to the DMP website.

This RIS process focuses on the key changes and structure of the proposed Bill, and is the second stage of a three-stage RIS consultation program. The first RIS focused on the consolidation of resources safety legislation. The third RIS is scheduled for early 2016 and will cover the regulations, which include the detailed sector-specific provisions for mining, petroleum and MHFs.

The mock-up of the Bill provides the indicative structure and content of the legislation, which is based upon the national model WHS Act. The actual Bill may change during the drafting process, or as a result of consultation.

The public consultation includes a stakeholder forum on 23 July 2015, with submissions closing on 14 August 2015. The Decision RIS should be finalised in October 2015 and sent to the Minister.

Copies of the consultation RIS, mock Bill and details on how to make a submission are available from the [Marsden Jacobs' website](#). Alternatively, any queries should be directed to Alex Marsden on (08) 9324 1785 or amarsden@marsdenjacob.com.au.

Work Health and Safety (Resources) Bill

Drafting instructions for the WHS (Resources) Bill are finalised, subject to consultation outcomes.

DMP is ensuring that the petroleum-specific provisions in the Bill align with the outcomes of offshore petroleum legislation administered by NOPSEMA.

The WHS (Resources) Bill is still on track to go into Parliament in early 2016.

Work Health and Safety (Resources) Regulations

Preliminary work has commenced on developing the framework for the Work Health and Safety (Resources) Regulations.

The Work Health and Safety (Resources) Regulations will be based on the model WHS Regulations and the Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations. Where possible, duplicated and prescriptive requirements will be removed or moved to guidance material.

The intent is to maximise consistency between industry sectors and between jurisdictions where possible, and this puts some constraints on WA-specific changes.

Subject to MAP approval, stakeholder workshops will be held on topics that require additional consultation. This will direct the Department on which provisions to adopt in WA, as well as proposed implementation strategies and transitional arrangements.



Work Health and Safety (Resources) legislation: Workshops and other consultation opportunities

Work Health and Safety (Resources) Bill

Stakeholder involvement

The Work Health and Safety (Resources) Bill is based on the model Work Health and Safety Act, which has already undergone extensive public consultation. The Bill is mainly high-level, as the detailed requirements are being moved to regulations and guidance material, where appropriate.

The Department has ensured that stakeholders had the earliest possible opportunities to provide input to the process, through the Ministerial Advisory Panel on Safety Legislation Reform (MAP), Regulatory Impact Statement (RIS) consultation processes and meetings with peak bodies. Documents were made available on the DMP website.

Timing

The public comment period for the RIS on the Bill is underway. A stakeholder forum was held on 23 July 2015, and submissions close on 14 August 2015.



Work Health and Safety (Resources) Regulations

Stakeholder involvement

The Work Health and Safety (Resources) Regulations will be based on the model WHS Regulations and the Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations. Where possible, duplicated and prescriptive requirements will be removed or moved to guidance material. The intent is to maximise consistency between industry sectors and between jurisdictions where possible, and this puts some constraints on WA-specific changes.

Preliminary work has commenced on developing the framework for the regulations and the mock-up regulations for consultation.

Subject to MAP approval, stakeholder workshops will be held on topics that require additional consultation (see list on next page). The workshops will provide feedback to MAP and DMP will consider the advice during development of the RIS and mock-up regulations. This will direct the Department on which provisions to adopt in WA, as well as proposed implementation strategies and transitional arrangements.

MAP will be provided with copies of the mock-up regulations and Consultation RIS as early as possible.

Timing

The Department requires approximately three months to establish the basic framework of the regulations and liaise with other regulators (e.g. WorkSafe and NOPSEMA). From November 2015, the Department should be ready to seek stakeholder input on the regulations.

A RIS public consultation process on the regulations is scheduled for early 2016.



Potential workshop topics requiring stakeholder input

NOTE: The below list is indicative only, as the framework for the regulations had not been developed at the time of writing.

PETROLEUM AND MAJOR HAZARD FACILITIES

- **Safety Case** (one day workshop):
 - Safety Case content and application
 - Safety Assessment
 - Major Accident/Incident Event.
 - Emergency Response Plans
 - Event Analysis and Modelling
 - Safety Management System
 - Occupational Safety and Health
 - Performance Standards
 - Facility Description
 - Identify prescriptive requirements from model WHS Regulations, for potential removal
 - Classified plant
 - Authorised persons
- **Facilities** (half day workshop)
 - Classification
 - Notification, incident reporting thresholds
 - Licensing
 - Operator requirements
 - Identify prescriptive requirements from model WHS Regulations, for potential removal
 - Classified plant
 - Authorised persons

NOTES:

- *Some of the generic provisions may be dis-applied, where covered by the Safety Case.*
- *Geothermal energy, greenhouse gas storage and diving are included.*

MINING

- **Safety Management System (SMS) and risk management** (half day workshop)
- **Statutory positions and competencies** (half day workshop)
- **Electrical safety** (half day workshop)
- **Plant, structures and classified plant** (half day workshop)
- **Occupational health** (half day workshop)



Ministerial Advisory Panel on Safety Legislation Reform

Update on Parliamentary Inquiry into mental health impacts of FIFO/DIDO

On 18 June 2015, the Education and Health Standing Committee's final report, *The impact of FIFO work practices on mental health*, was tabled in Parliament.

The Government is now considering the 42 findings and 30 recommendations in the report. 18 of the recommendations refer to DMP and these can be summarised into four main areas:

- recording data relating to the number of FIFO/DIDO workers, showing the split between construction and production;
- ensuring that resources accommodation facilities are placed under the duty of care of the employer in the Work Health and Safety (Resources) Bill;
- reporting and investigating all suicides, attempted suicides and other deaths, at any location at a mine, including accommodation facilities, whether on or off tenement, and on or off shift;
- developing a Code of Practice on FIFO work arrangements.

The Committee's final report is available at:

[www.parliament.wa.gov.au/Parliament/commit.nsf/\(Report+Lookup+by+Com+ID\)/2E970A7A4934026448257E67002BF9D1/\\$file/20150617%20-%20Final%20Report%20w%20signature%20for%20website.pdf](http://www.parliament.wa.gov.au/Parliament/commit.nsf/(Report+Lookup+by+Com+ID)/2E970A7A4934026448257E67002BF9D1/$file/20150617%20-%20Final%20Report%20w%20signature%20for%20website.pdf)

Written submissions and hearings transcripts used to compose the final report are available on the Education and Health Standing Committee webpage:

[http://www.parliament.wa.gov.au/Parliament/commit.nsf/\(EvidenceOnly\)/D421339FD0A9DCB848257D3B0021E569?opendocument](http://www.parliament.wa.gov.au/Parliament/commit.nsf/(EvidenceOnly)/D421339FD0A9DCB848257D3B0021E569?opendocument)

The recommendations from the report that apply to DMP are set out below.

Recommendation 1

Page 8

That the Department of Mines and Petroleum should establish and keep an annual count of the number of FIFO and DIDO (non-resident) workers within the resources industry in Western Australia.

Recommendation 2

Page 9

The Department of Mines and Petroleum should establish and keep an annual count of the number of resource workers employed on construction versus production in the resources industry, and the proportion working on FIFO work arrangements

Recommendation 7

Page 50

The Committee recommends that the Minister for Mines and Petroleum ensure that clause 19(4) of the national WHS Model Act, dealing with duty of care at accommodation facilities, be included in the Western Australia Work Health and Safety (Resources) Bill, to ensure that a FIFO worker occupying or residing in FIFO accommodation is not exposed to risks to health and safety, including mental health and wellbeing.

Recommendation 8

Page 54

That the Minister for Mines and Petroleum ensure that a clause be included in the new Work Health and Safety (Resources) Bill that requires the mine manager to report to the Department of Mines and Petroleum all attempted suicides and suicides at any location at a mine, including within the accommodation facilities whether on or off tenement, regardless of the imputed motivation

Recommendation 9

Page 54

That the Minister for Mines and Petroleum ensure that the Department of Mines and Petroleum policy requires that every death notification received by the department is fully investigated, regardless of initial indications suggesting a suicide may not be related to work.

Recommendation 10

Page 55

That the Minister for Mines and Petroleum ensure that a clause be included in the new Work Health and Safety (Resources) Bill that requires the mine manager to report to the Department of Mines and Petroleum any death, by any cause, which happens in any part of the mine site (including the accommodation camp), whether the worker is on- or off-shift.

Recommendation 11

Page 57

That the Minister for Mines and Petroleum and the Department of Mines and Petroleum, in partnership with the Mental Health Commission, negotiate a Code of Practice with industry and other stakeholders that addresses FIFO work arrangements and their impact on employees' mental health

Recommendation 12

Page 69

That the Minister for Mines and Petroleum ensure the Code of Practice on FIFO work arrangements addresses the issue of rosters, with the aim of encouraging even-time rosters, and rosters that support mental health and wellbeing such as two weeks on, one week off, or the 8 days on, 6 days off roster. Rosters of greater compression than this can result in fatigue and pose significant risks to workers' mental health and wellbeing, and should be reduced

Recommendation 13

Page 71

That the Minister for Mines and Petroleum ensures the Code of Practice on FIFO work arrangements includes an explicit acknowledgement of the impact of fatigue on mental health, and controls for managing its consequences and impact.

Recommendation 14

Page 74

That the Minister for Mines and Petroleum ensures the Code of Practice on FIFO work arrangements includes a provision for the development of workplace cultures that are supportive of good mental health and wellbeing.

Recommendation 15

Page 77

That the Minister for Mines and Petroleum ensures improved anti-bullying procedures be included in the Code of Practice on FIFO work arrangements, and that greater capacity be given to DMP to pursue and prosecute bullying claims.

Recommendation 16

Page 80

That the Minister for Mines and Petroleum ensures the Code of Practice on FIFO work arrangements emphasises the importance of providing high quality, reliable and accessible communications technology in FIFO accommodation villages

Recommendation 17

Page 84

That the Minister for Mines and Petroleum ensures the Code of Practice on FIFO work arrangements includes a provision requiring that Active Lifestyle Coordinators (or their equivalents) at FIFO sites receive training in mental health.

Recommendation 18

Page 89

That the Minister for Mines and Petroleum ensure the Code of Practice on FIFO work arrangements requires the minimisation of motelling accommodation practices, and where possible, its abolition. The Code of Practice should also include measures to reduce the negative impacts of the practice of motelling.

Recommendation 20

Page 94

Industry should assess whether all of the controls applied to workers in the FIFO accommodation facilities are necessary in terms of health and safety. The level of appropriate control in the accommodation facilities should be addressed in the Code of Practice on FIFO work arrangements.

Recommendation 22

Page 110

That the Minister for Mines and Petroleum ensure that the Code of Practice on FIFO work arrangements include a requirement for training in mental health literacy for FIFO workers, their families and other resource workers.

Recommendation 24

Page 120

That the Minister for Mines and Petroleum ensures that the Code of Practice on FIFO work arrangements include a requirement for consistent procedures for mental health evacuations across industry, to be developed in partnership with the Mental Health Commission and the Mental Health Law Centre.

Recommendation 25

Page 123

That the Minister for Mines and Petroleum ensure that the Code of Practice on FIFO work arrangements includes a provision requiring companies to have well developed policies in place to manage a suicide or suicide attempt within their workforce. The Mental Health Commission should be consulted in the development of such policies.



File No: A1375/201301

MEETING MINUTES:

Ministerial Advisory Panel on Safety Legislation Reform

Date:	Wednesday, 29 July 2015	Time:	8:30am to 10:30am
Venue:	Fraser Suites, Fraser Room 3 – Level 1 – 10 Adelaide Terrace, East Perth		

Present

Mr Ian Fletcher	Independent Chairperson
Mr Tim Westcott	General Manager Water Services, JSW Australia (representing Australian Drilling Industry Association - ADIA) (<i>proxy for Rick Armstrong</i>)
Mr Simon Bennison	Chief Executive Officer, Association of Mining and Exploration Companies (AMEC)
Mr Barrie Sturgeon	Senior Program Manager, APA Group (representing Australian Pipelines and Gas Association - APGA) (<i>proxy for Kevin Wolfe</i>)
Mr Stephen Price	Secretary, Australian Workers Union (AWU)
Ms Karin Lee	Manager Safety and Risk Services, Chamber of Commerce and Industry WA (CCI WA)
Mr Gary Wood	Secretary, Construction Forestry Mining and Energy Union (CFMEU) Mining and Energy Division WA District
Ms Adrienne LaBombard	Manager Workplace Health and Safety, Chamber of Minerals and Energy WA (CMEWA) (<i>proxy for Richard Kern</i>)
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 Ross Stidolph	Director Dangerous Goods and Petroleum Safety, DMP
Mr Lew Pritchard	General Manager Business Development, DMP
Mr David Eyre	A/Principal Policy Officer, DMP
Mr Peter Payne	A/Senior Policy Officer, DMP
Mr Nick Zovko	Regulatory Policy Manager, Plastics and Chemicals Industries Association (PACIA) (<i>teleconference</i>)

Apologies

Mr Rick Armstrong	Principal Drilling Coordinator, Rio Tinto Iron Ore (representing Australian Drilling Industry Association - ADIA)
Mr Glenn McLaren	State Organiser, OHS Advisor, Australian Manufacturing Workers' Union (AMWU)
Mr Kevin Wolfe	Business Development Manager, Monadelphous (representing Australian Pipelines and Gas Association - APGA)
Ms Miranda Jane Taylor	Director – Environment, Safety & Productivity, Australian Petroleum Production and Exploration Association (APPEA)
Mr Richard Kern	Regional Manager Asia Pacific Newmont (representing Chamber of Minerals and Energy WA - CMEWA)
Mr Chris Oughton	Director, Kwinana Industries Council (KIC)
Mr Michael Tooma	Partner, Norton Rose Fulbright - Independent Expert

Agenda items

Item	Topic	Action
1.	Welcome and apologies	
	<ul style="list-style-type: none">The Chair welcomed and introduced the proxies. He also welcomed Alex Marsden and Lizzie O'Brien from Marsden Jacob Associates (MJA), attending to deliver a presentation on the RIS for the Work Health and Safety (Resources) Bill.	

Item	Topic	Action
	<ul style="list-style-type: none"> Minutes from the previous meeting were confirmed out-of-session and uploaded to the DMP website. 	
2.	Regulatory Impact Statement (RIS) – Work Health and Safety (Resources) Bill	
	<p>DMP has had meetings with representatives from industry groups to clarify specific issues regarding the Bill. DMP and unions also need to meet.</p> <p>Marsden Jacob Associates (MJA) is managing the RIS consultation for the Work Health and Safety (Resources) Bill, and Mr Alex Marsden outlined progress to date.</p> <p>The RIS and mock-up Bill have been available on the MJA website since 6 July 2015. DMP emailed over 6,000 contacts across Western Australia. Website statistics from 6 to 26 July 2015 show 981 unique viewers; 69% from Perth, the rest from regional WA and the Eastern States.</p> <p>55 industry representatives attended the stakeholder forum on 23 July 2015. The main topics raised included:</p> <ul style="list-style-type: none"> Timing of consultation on the Bill and regulations Alignment between outcomes and mock-up Bill Site Senior Executive and how this applies at petroleum facilities Incident reporting versus investigation reporting Non-disturb notices (mines) and clarity on stop work provisions Sharing of information – clarification on what will be shared Less prescriptive legislation causing operators to implement their own prescriptive safety processes. <p>Submissions close at 5pm on Friday 14 August 2015. Unless marked confidential, submissions will be published on the MJA website. It is important that respondents outline the rationale for their comments.</p> <p>Feedback from submissions will be incorporated into a Decision RIS by October 2015, for the Minister to consider.</p>	<p>DMP and unions to schedule meeting on the WHS (Resources) Bill</p> <p>DMP to send copy of Marsden Jacob presentation to MAP members</p>
	Other discussions on Work Health and Safety (Resources) legislation	
	<p>The consultation process, the Bill and the regulations are all subject to scrutiny by the Regulatory Gatekeeping Unit, the Minister, other members of Parliament, and Parliamentary committees.</p> <p>Regulations are required to be tabled in the Parliament and MPs can move to have any regulation disallowed.</p> <p>Work Health and Safety (Resources) Bill</p> <p>Most of the wording of the mock-up Bill is unlikely to change during the formal drafting process. The Act cannot commence until the regulations are in place.</p> <p>PACIA is concerned about delays in WA's implementation of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS). Safe Work Australia has scheduled implementing the next phase of GHS for 2019. DMP confirmed that it is working on this issue.</p> <p>Work Health and Safety (Resources) Regulations</p> <p>The regulations will be based on the best elements of the model WHS regulations, current legislation, and the National Mine Safety Framework. They will also align with the outcomes of the Commonwealth offshore petroleum legislation administered by NOPSEMA. The regulations will be adapted to best suit the needs of WA's resources industry, with unnecessary prescription or duplication removed, or moved to guidance material.</p>	

Item	Topic	Action
	<p>There will be opportunities to provide input during the development of the regulations:</p> <ul style="list-style-type: none"> • DMP will provide MAP with chapters of draft mock-up regulations for comment; • <i>Nov 2015 – Mar 2016</i>: stakeholder workshops will be held, to provide advice to DMP on specific issues (refer to agenda item 5); • <i>May – June 2016</i>: RIS public consultation process on the mock-up regulations. <p>In order to maximise consistency, DMP foresees some constraints on WA-specific changes. This mainly refers to the need to maintain alignment of outcomes between WA and the Commonwealth for offshore petroleum legislation, and between safety cases for MHFs and petroleum.</p> <p>Guidance material</p> <p>DMP clarified that new codes of practice and guidance material do not have to be developed at the same time as the regulations. Current guidance can be used.</p> <p>Inspections</p> <p>DMP inspectors will use site visits to verify that industry are managing safety and health risks proactively. There is no intention to rely solely on safety case or SMS documents as proof of compliance.</p> <p>Work Health and Safety Bill for general industry - WorkSafe ('Green Bill')</p> <p>The Panel again raised concerns that six months had elapsed with no progress update from the Minister for Commerce regarding WorkSafe's WHS 'Green Bill' for general industry. The Panel discussed the implications of delays to WorkSafe's WHS Bill.</p> <p>DMP noted that under current legislation, the safety and health regulations for mining and petroleum are different to those for general industry, even though the outcomes are aligned, so whilst consistency is preferred, it is not essential. The Minister for Mines and Petroleum has committed to proceed with Work Health and Safety (Resources) Bill.</p> <p>Industry groups prefer consistency between DMP and WorkSafe legislation. MAP should continue to consider alignment issues between legislation for resources and general industry given the potential for inconsistency and duplication if the reforms take different approaches.</p> <p>While CME's preference continues to be for both the Green Bill and WHS (Resources) Bill to progress together, if this does not occur CME members have endorsed a position that the WHS (Resources) Bill should continue to be progressed as a priority to ensure benefits of the reform can be realised in the shorter term. This support continues to be contingent on a review of the detail.</p> <p>CCIWA expressed the view that its members would be unlikely to be supportive of any changes that create inconsistency, duplication or uncertainty and moving forward with the resources safety reforms and not the general OSH legislation reforms would likely cause concern for employers operating across both areas. CCIWA is currently undertaking further consultation with its members as this situation was not foreshadowed by the government or regulators in previous consultation.</p> <p>AWU and CFMEU are supportive of proceeding with the Bill, subject to clarification of some issues, such as remote operations centres and WHS coverage at MHFs.</p> <p>The Panel requested that DMP obtain NOPSEMA's view on DMP proceeding regardless of WorkSafe's Green Bill.</p>	<p>DMP to obtain NOPSEMA's view on DMP proceeding independently of WorkSafe's 'Green' Bill</p>

Item	Topic	Action
3.	Actions from the previous meeting (<i>Attachment 1</i>)	
	<p>DMP to invite an officer from WorkSafe to join MAP when the discussions on the regulations commence.</p> <p><i>WorkSafe to be invited when discussions on regulations commence. A senior DMP officer will join WorkSafe part-time in 2016, to work together on the legislation.</i></p> <p>MAP to consult their members regarding proposed workshops and provide feedback</p> <p><i>Carried forward – see agenda item 5.</i></p>	
4.	Safety Legislation Reform Update (<i>Attachment 2</i>)	
	<p>Regulatory Impact Statement: Work Health and Safety (Resources) Bill</p> <p>(Covered by Marsden Jacob presentation under agenda item 2).</p> <p>Work Health and Safety (Resources) Bill:</p> <p>Drafting instructions for the WHS (Resources) Bill are finalised, subject to consultation outcomes. The Bill is on track to go into Parliament in early 2016.</p> <p>Work Health and Safety (Resources) Regulations:</p> <p>Work has started on the framework for the regulations.</p>	
5.	Workshops and other opportunities for stakeholder involvement (<i>Attachment 3</i>)	
	<p>DMP requested feedback from MAP on the proposed list of topics for discussion in workshops on the regulations (attachment 3).</p> <p>The workshops should commence from November 2015, and will consider removing prescription or moving it to guidance material, implementation tools and strategies, transitional arrangements, training requirements, as well as some of the detailed requirements for safety cases and safety management systems, classified plant, etc. Papers will be distributed prior to each workshop, to ensure attendees are appropriately briefed and have time to prepare.</p> <p>Some topics listed under mining (e.g. electrical safety) also affect other industry sectors, so all sectors will have the opportunity to participate. The Panel noted that the time allowed for some workshops may be insufficient.</p> <p>The Panel discussed the need for a strategy to be developed, to ensure that all workers, not just supervisors, understand the safety management system and have opportunity to contribute.</p> <p>DMP noted that some companies go too far with their risk management approach, implementing policies and processes that are unnecessarily complex, whilst others do not understand how it works. DMP intends to provide additional guidance and on-site support to implement the new legislative requirements.</p> <p>The Chair said that the focus for industry needs to shift away from the negatives, such as the costs of implementing the reforms or the penalties, to a more positive and proactive approach focusing on preventative measures which will result in benefits for all from reduced incidents, injuries and lost time, and worker transferability.</p>	<p>MAP to provide feedback by 31 Aug 2015 on the proposed WHS regulations workshops, indicating priorities.</p>

Item	Topic	Action
6.	Update on Parliamentary Inquiry into mental health impacts of FIFO/DIDO (Attachment 4)	
	<p>On 18 June 2015, the Education and Health Standing Committee's final report was tabled in Parliament. 18 of the 30 recommendations in the report refer to DMP.</p> <p>Research, stakeholder consultation and legislative changes are required before implementing the recommendations. DMP has provided comments to the Minister. Following this, the Government will respond to the report.</p> <p>The Panel considers that implementation of the recommendations is beyond the scope of MAP. It belongs under MIAC and COSH. However, no further action can be taken until the Government's response is known.</p>	DMP to advise MAP and MIAC of Government response to Parliamentary Inquiry into mental health impacts of FIFO/DIDO
7.	Other business	
	N/A	
8.	Next meeting	
	The next meeting is Wednesday 30 September 2015, 8:30am – 10:30am.	

Work Health and Safety (Resources) Bill Consultation

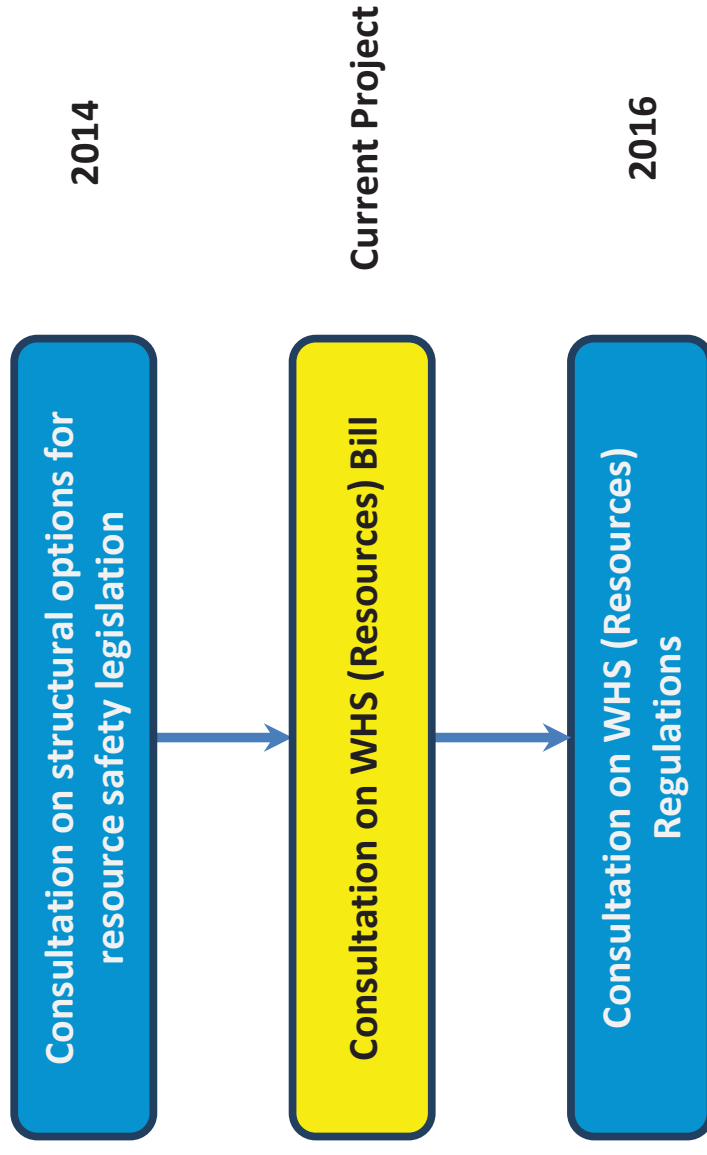
Ministerial Advisory Panel

29 July 2015

Marsden Jacob Associates for the
Department of Mines and Petroleum

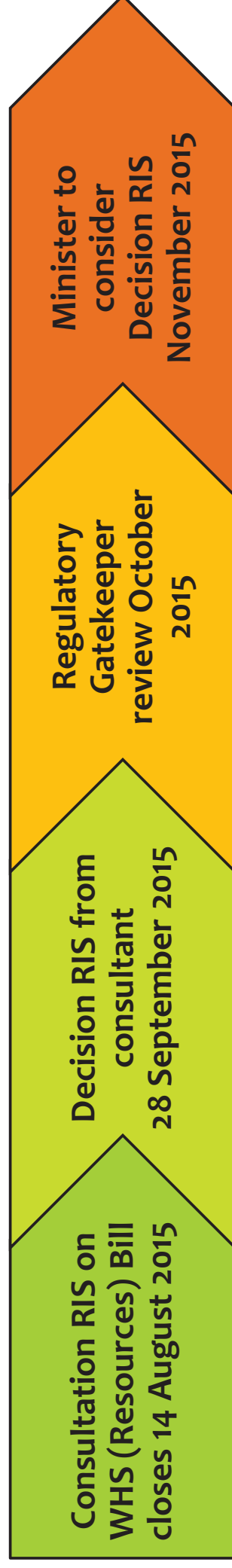
Purpose of today

1. Provide an overview of the reform process and the consultation
2. Update the MAP on industry feedback to date
3. Answer questions and clear up any confusion



Regulatory Impact Statement process

- Step 1: Develop & publish Consultation RIS
- **Step 2: Seek feedback on impacts → by 14 August 2015**
- Step 3: Consolidate stakeholder comments into Decision RIS
- Step 4: Approval from Regulatory Gatekeeping Unit and present to the Minister



WHS (Resources) Bill Consultation

- This consultation focuses on the detailed legislation changes required to:
 - facilitate consolidation of safety provisions (where appropriate)
 - modernise and update legislation - consistent with the Model WHS Act and offshore petroleum outcomes regulated by NOPSEMA
 - move to a risk based approach for safety management
- Marsden Jacob's Consultation Paper (released 6 July 2015) identifies 21 key changes.
- An 'mock-up' of the WHS (Resources) Bill has been provided.

***Detailed content of regulations is not covered in this consultation.
These will be consulted on separately in 2016.***

Consultation questions

Stakeholders invited to provide comments on:

- Objectives
- Overall impacts
- Specific changes (and impacts) → the focus of forum on 23 July
- Transitional matters

A copy of the cover sheet for submissions and the consultation questions is available in Word format on Marsden Jacob's website:
<http://www.marsdenjacob.com.au/work-health-safety-resources-bill/>

21 key areas of interest

Consultation focusses on 21 key changes identified by DMP in the proposed WHS (Resources) Bill.

These can be classified as:

- changes from the current legislation:
 - different terminology
 - **new/changed requirements**
- other areas of interest
 - differences between the proposed bill and model WHS Act.

*Lasting advantages and disadvantages from the proposed reforms will be driven by **new/changed requirements**.*

Advantages and disadvantages

The primary purpose of consultation is for all stakeholders to inform Marsden Jacob of the likely impacts (the costs and benefits)

- Advantages and disadvantages may include:
 - changes in regulatory costs (transition costs and ongoing);
 - changes in safety outcomes
- Impacts can be measured in financial terms or be described qualitatively.
- At the forum we suggested the 21 Key areas of interest can be split into:
 - Areas unlikely to have lasting costs and benefits
 - Areas more likely to have lasting costs and benefits

21 key areas of interest

KEY:

Areas which are **less likely** to have a lasting impact

No.	Topic/Key Principle
1. – 3.	Applicable legislation
4. – 6.	Duty of Care (primary and other duty holders)
7.	Management of risk
8.	Safety case and Safety management system
9.	Management and supervision / Statutory Positions
10.	Penalties
11. – 12.	Incident notification & investigation
13. – 14.	Administration of the Act by the regulator
15. – 17.	Enforcement measures
18.	Advisory Committees
19.	Evidentiary provisions
20.	Sharing and publication of information by regulator
21.	Board of Inquiry

Stakeholder forum

- Forum held on Thursday, 23 July 2015 (8:45am to 12 noon)
- Good industry representation (70 RSVPs and around 55 attendees)
- No attendees from other stakeholder groups (eg. Unions / employee reps)

Sector	Number of people
Pipeline operators	4
Petroleum	8
Major hazard facilities	3
Mining	22
Associated services	9
Industry groups & Professional associations	9
Safety consultants, lawyers, individuals	15
Project team	7
TOTAL	77

Topics raised at forum

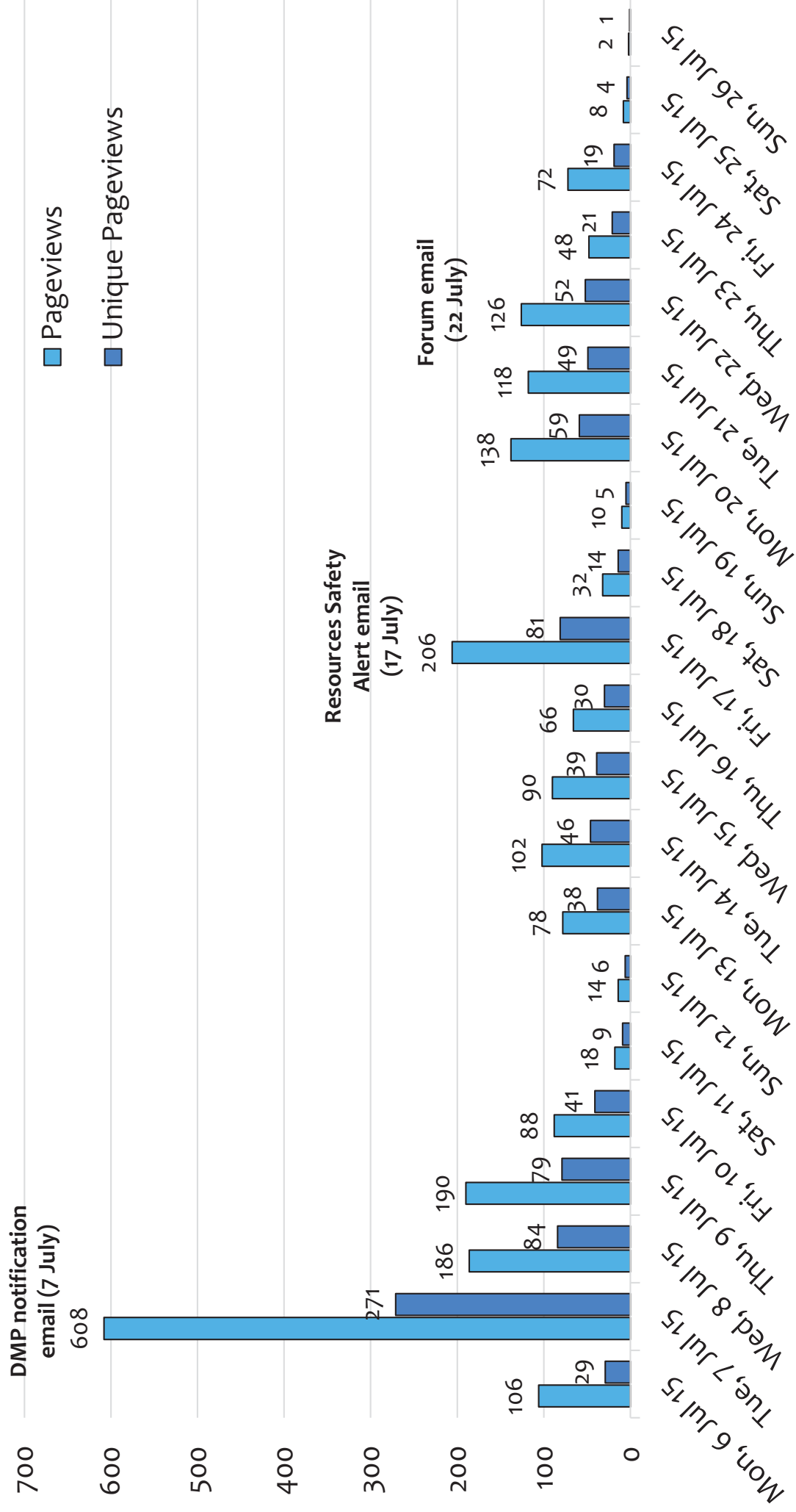
- Timing of the Bill and the consultation on the regulations
- Alignment of intention and drafting
- Site Safety Executive for petroleum facilities & statutory roles more generally
- Incident reporting and differences from investigation reporting
- Non-disturb notices (mines) and clarity on stop work provisions
- Sharing of information – clarity on requirements
- Risks of less prescription could create perverse outcomes of higher costs for individual sites and businesses.

Webpage

Webpage went live on 6 July 2015. Statistics to Sunday indicate:

- 981 unique page views:
 - the majority from Perth (683 views or 69.6%), but also
 - Sydney (95 views or 9.5%),
 - Melbourne (52 views or 5.3%),
 - Brisbane (39 views or 3.8%), and
 - Canberra (10 views or 1.0%)
 - Regional WA towns are also viewing the page: Kalgoorlie (18), Mandurah (17), and Bunbury (10).
 - Around half return to the page based on page views versus unique page views (see chart on next slide)

Webpage views



Consideration of submissions

Submissions due 14 August

All comments received will be considered

- Feedback on specific changes are encouraged.
- Responses underpinned by evidence and demonstrated examples of impacts align well with RIS criteria.
- Opinions on matters outside the scope or unsupported comments are harder to include in the RIS process.