



Occupational Health Society of Australia (WA)

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9 December 2014

Safety Consultation
Marsden Jacob Associates
Level 1, 220 St George's Terrace
PERTH WA 6000
whs@marsdenjacob.com.au

Dear Sir/Madam

Please find attached the Society's submission to the Consultation Paper on the future structure of mining, petroleum and major hazard facilities safety legislation.

We are available if required to discuss the content.

Yours faithfully

PATRICK GILROY AM
SECRETARY



PO Box 171, Belmont WA 6984
Telephone: 6272 6120
www.ohswa.marcsta.com
E-mail: safety@marcsta.com
ABN: 83 170 105830

Structural Reform of WA Mining, Petroleum and Major Hazard Facilities Safety Legislation

COVER SHEET FOR SUBMISSIONS

Please complete and submit this form with your submission by
5pm WST on FRIDAY 19 DECEMBER 2014

Email submissions to: whs@marsdenjacob.com.au

Contact name: **Patrick Gilroy AM**

Organisation: **Occupational Health Society of Australia (WA)**

Position: **Secretary**

Email: safety@marcsta.com

Phone: **08 6272 6120**

Mobile: **0413 897 172**

Postal address: **PO Box 171, Belmont WA 6984**

Length of submission (number of pages including this cover sheet) : **3**

Are you making this submission as: (please select one of the following categories)

- | | | |
|---|--|---------------------------------------|
| <input type="checkbox"/> Union | <input type="checkbox"/> Business | <input type="checkbox"/> Academic |
| <input checked="" type="checkbox"/> Community organisation | <input type="checkbox"/> Employer organisation | <input type="checkbox"/> Professional |
| <input type="checkbox"/> Individual | <input type="checkbox"/> Industry representative | <input type="checkbox"/> Government |
| <input type="checkbox"/> Other (please specify): | | |

Which of the following industry sectors is relevant to your work: (pick one or more)

- | |
|--|
| <input checked="" type="checkbox"/> Mining activities |
| <input checked="" type="checkbox"/> Petroleum Facilities |
| <input checked="" type="checkbox"/> Major Hazard Facilities |
| <input type="checkbox"/> Other (please specify): |

What specifically do you or your business do? **A non-profit representative body providing advice and support to OHS professionals.**

Approximately how many people work for the business or organisation in WA?

- | | | | | |
|---|---|--|---|------------------------------|
| <input checked="" type="checkbox"/> Fewer than 5 employees | <input type="checkbox"/> Five to 20 employees | <input type="checkbox"/> 21 to 100 employees | <input type="checkbox"/> 100+ employees | <input type="checkbox"/> N/A |
|---|---|--|---|------------------------------|

Do you operate across two or more states and/or territories? Yes **No**

Approximately how many people work for the business or organisation interstate?

- | | | | | |
|--|---|--|---|--|
| <input type="checkbox"/> Fewer than five employees | <input type="checkbox"/> Five to 20 employees | <input type="checkbox"/> 21 to 100 employees | <input type="checkbox"/> 100+ employees | <input checked="" type="checkbox"/> N/A |
|--|---|--|---|--|

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Occupational Health Society of Australia (WA)

Structure of Mining Petroleum and Major Hazard Facilities Safety Legislation

Question asked

Which of the options will establish a statutory framework which best facilitates **the achievement of safety objectives** consistently and efficiently in the long term?

The safety objectives

The Work Health and Safety Bill 2014, on which the WHS (Resources) legislation will be based, has the following main objective:

"to provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces..."

The question to be answered is therefore:

"Which of the options will establish a statutory framework which will provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces in the mining and petroleum industries?"

This primary objective has received very little attention in the consultation paper.

How well does the current statutory framework deliver the health and safety objectives of the legislation in the long term?

Historically, the mining industry has operated under its separate statutory framework and has justifiably defended this entitlement to address its specific operational and technical requirements.

This was acknowledged by Government when the initial Robens-type legislation was introduced in 1983. The Mines Safety and Inspection Act was assented to in 1994.

In 1996 a comprehensive survey of operational mining personnel endorsed a model which would ensure continuous improvement in health and safety performance. A key component of this model was a dedicated and adequately resourced inspectorate with a clearly defined statutory role.

Since that time the mining industry has steadily reduced the incidence of injury and disease and is now acknowledged as a world leader in health and safety.

Workers' compensation premium levels in Western Australia indicate that, by that measure, the mining industry is clearly the safest major industry sector in the local economy.

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Inspectorate resourcing by industry

On a number of occasions in the past 25 years the mining industry has agreed to increases in costs to ensure the inspectorate is resourced adequately to carry out its regulatory functions. This is particularly so in the occupational health area.

Emerging concerns about specific health hazards may well necessitate additional resourcing and industry can be relied on to respond when necessary.

There needs to be a clear recognition that the mining and petroleum sectors are fundamentally different and each has specific health and safety concerns. Maintaining inspectorates with the expertise to respond to those concerns and provide managerial and employee support is critical to workplace health and safety.

Comment on Major Hazard Facilities Health and Safety Management

Where major hazard facilities are located on mine sites the respective inspectorates which function within the Department of Mines and Petroleum are able to co-ordinate inspectorial responsibilities or, alternatively, transfer those responsibilities to other legislative jurisdictions under a statutory instrument such as that used to transfer mining construction to WorkSafe WA.

Costs

Since the introduction of occupational health and safety legislation the mining industry, on a number of occasions, readily accepted increased charges to meet the costs associated with augmenting the resources necessary for the inspectorate to carry out its responsibilities.

The primary consideration has always been the health and safety of its workforce.

Conclusion

The achievements in occupational health and safety in the mining industry over the past 25 years, operating under its existing statutory framework, provide clear justification for retention of the status quo, that is, separate legislation and a dedicated inspectorate.

The Occupational Health Society, taking account of the objects of the Work Health and Safety Bill 2014 on which the Work Health and Safety (Resources) Bill will be modelled, considers that **Option 2 will continue to secure the ongoing health, safety and welfare of workers and workplaces in the mining sector.**

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