

Work Health and Safety Advisory Council

*Work Health and Safety (National
Uniform Legislation) Act*

Annual Report 2013-2014

Contents

Function and Purpose of the Advisory Council	3
Membership of the Advisory Council	3
Members of the Council for 2013-2014	4
Mr Mark Crossin, CrossInnovate Consulting – Chair	4
Mr Paul Baxter, Paul Baxter and Associates – Deputy Chair	4
Mr Doug Phillips, NT WorkSafe – Work Health Authority	4
Ms Louise Bilato, NT Road Transport Association.....	4
Mr Ian McMurtrie, Top End Safety Solutions	4
Mr Justin Gill, Housing Industry Association	4
Mr Arthur Hamilton, Shorelands Group.....	5
Mr John Schofield, Territory Systems Management Pty Ltd	5
Ms Belinda Howie, Consulting Direct	5
Mr Brian Fowler, Arafura Resources	5
Mr Adam Gollow, Chandler Macleod	5
Activities of the Advisory Council for 2013-2014	6
Committees	6
Agriculture and Primary Industries Committee	7
Construction Committee	8
Health and Community Services Committee.....	9
Resources Committee	10
Transport and Storage Committee	11
Planned Activities of the Advisory Council for 2014-2015	12

Function and Purpose of the Advisory Council

The Work Health and Safety Advisory Council (WHSAC) is a tripartite body, established to provide advice on the administration of the *Work Health and Safety (National Uniform Legislation) Act* and standards of work health and safety in the Northern Territory.

In accordance with schedule 2(3) of the *Work Health and Safety (National Uniform Legislation) Act*, the functions of the Council are:

- (a) to keep under review the operation of this *Act*;
- (b) to make recommendations to the Minister on possible changes to:
 - (i) the administration of this *Act*; or
 - (ii) standards of work health and safety in the Northern Territory;
- (c) at the request of the Minister, to investigate and report to the Minister on matters relating to work health and safety; and
- (d) to perform any other advisory functions relating to work health and safety as the Minister directs.

Membership of the Advisory Council

Schedule 2(4) of the *Work Health and Safety (National Uniform Legislation) Act* outlines membership of the Council as follows:

- (1) The Council consists of:
 - (a) the person constituting the Authority under section 4(3) of the *Work Health Administration Act*; and
 - (b) not more than 10 other persons appointed by the Minister.
- (2) The members appointed under subclause (1)(b) must:
 - (a) include persons with a wide range of experience extending as far as possible across all major industry sectors in the Territory; and
 - (b) as far as practicable, consist of equal numbers of representatives of organisations representing employees.

Members of the Council for 2013-2014

Mr Mark Crossin, CrossInnovate Consulting – Chair

Mr Crossin is the managing partner of CrossInnovate Consulting, which specialises in government relations, workers' compensation, work health and safety, policy, research, business and financial planning as well as human resource management. Mr Crossin is Deputy Chair of the Workers' Rehabilitation and Compensation Advisory Council, a current member of the Scheme Monitoring Committee and was one of the consultants engaged to undertake a review of the *Workers' Rehabilitation and Compensation Act*.

Mr Paul Baxter, Paul Baxter and Associates – Deputy Chair

Mr Baxter has over 35 years' experience in the construction industry at management level, with experience in all facets of the industry. Mr Baxter has been the Managing Director of P.W. Baxter and Associates for the past 30 years.

Mr Doug Phillips, NT WorkSafe – Work Health Authority

Throughout 2013-2014 Mr Phillips was the Work Health Authority, Deputy Chief Executive of the Department of Business and the Northern Territory representative for Safe Work Australia.

Ms Louise Bilato, NT Road Transport Association

Ms Bilato is the Executive Officer of the NT Road Transport Association, which represents all major road transport employers in the NT. Ms Bilato has extensive experience in the road transport industry in both a training and advisory capacity. For over 20 years she has also been the Managing Director of a small business delivering psychological and counselling services as well as injury and fatigue risk management services throughout the NT. From 1999 to 2008, Ms Bilato was also a member of the Workers' Rehabilitation and Compensation Advisory Council.

Mr Ian McMurtrie, Top End Safety Solutions

Mr McMurtrie is the Managing Director of Top End Safety Solutions. He has over 20 years' experience in operating and managing businesses throughout Australia. Mr McMurtrie's experience covers a wide range of sectors including agriculture, retail, wholesale, manufacturing and construction industries.

Mr Justin Gill, Housing Industry Association

Mr Gill is a well-respected, award-winning Northern Territory residential builder, who has received multiple Housing Industry Association (HIA), Master Builders Association and Telstra Business awards. Mr Gill has represented HIA on the Construction Committee for a number of years and has been active in establishing and maintaining a useful channel of communication between the Northern Territory Government and HIA.

Mr Arthur Hamilton, Shorelands Group

Mr Hamilton has worked and managed businesses in the Northern Territory since 1979 and played a pivotal role in changing the culture of safety in the transport, logistics, and oil and gas industries.

Mr John Schofield, Territory Systems Management Pty Ltd

Mr Schofield has a range of experience across a variety of industry sectors including health, education, construction, manufacturing services as well as government and administration.

Ms Belinda Howie, Consulting Direct

Ms Howie manages a small and medium enterprise advisory practice that offers businesses effective business management and improvement strategies. Ms Howie has a wide range of best practice regulatory experience across many industry sectors.

Mr Brian Fowler, Arafura Resources

Mr Fowler is the General Manager Northern Territory and Sustainability, Arafura Resources Ltd and the nominated representative of the Minerals Council of Australia (NT Division). Mr Fowler is chair of the Minerals Council of Australia (NT Division) Occupational Health and Safety Committee, a member of the NT Division Management Committee and a current member of the NT Mining Board.

Mr Adam Gollow, Chandler Macleod

Mr Gollow is the Regional Director for the Chandler Macleod Group in the Northern Territory, with responsibility for over 200 employees across 57 companies in various industry sectors. Chandler Macleod is one of the two largest Australian owned workforce management companies in the nation.

Activities of the Advisory Council for 2013-2014

The Council met on four occasions during 2013-2014:

- 6 September 2013
- 8 November 2013
- 27 February 2014
- 12 June 2014

In 2013-14, the Council has addressed or considered:

- regular updates and feedback on the national model work health and safety laws;
- regular updates and feedback on the activities of Heads of Workplace Safety Authorities (HWSA) and Safe Work Australia (SWA), including NT participation in national educational campaigns;
- NT WorkSafe communications activity including proposed safety handbooks, information bulletins, safety alerts, web site material, Safe Work Week activities and community safety awareness sessions;
- statistical data relating to work health and safety compliance and enforcement activity;
- activities of industry committees; and
- possible impact of reform to the *Workers' Rehabilitation and Compensation Act*

Committees

Schedule 2 (10) of the *Work Health and Safety (National Uniform Legislation) Act* provides for the Council to establish committees as required:

- (1) The Council may establish committees to assist it to carry out its functions.
- (2) A committee has the functions conferred on it by the Council.
- (3) A committee may be constituted:
 - (a) entirely of members of the Council establishing it; or
 - (b) partly of members of the Council and partly of other persons; or
 - (c) entirely of other persons.
- (4) A committee member holds office on the conditions (including remuneration, expenses and allowances) determined by the Minister.
- (5) A committee must keep records of its proceedings.
- (6) Subject to this Act and any directions of the Council establishing it, a committee may determine its own procedures.

The Work Health and Safety Advisory Council decided that its committees would be industry based and identified the following as relevant industry based committees:

- Agriculture and Primary Industries;
- Construction;
- Health and Community Services;
- Resources; and
- Transport and Storage

Agriculture and Primary Industries Committee

Membership of the Agriculture and Primary Industries Committee for 2013-14 comprised:

- **Ian McMurtrie (Chair)**
Managing Director
Top End Safety Solutions
- **Grant Fenton**
Chief Executive Officer
NT Farmers Association
- **Katherine Sarnekis**
Chief Executive Officer
NT Seafood Council
- **Bruce McKinley**
Principal Inspector
NT WorkSafe
- **Luke Bowan**
Executive Director
NT Cattlemen's Association
- **Vicki Aurisch**
Executive Officer
Primary Industries Training
Advisory Council (NT)

With the following representatives from the Department of Primary Industry and Fisheries attending as required:

- **Andrew Tomkins**
Director Biosecurity & Product
Integrity
- **Bruce Sawyer**
Director, Research and
Demonstration Farms

The Agriculture and Primary Industries Committee met on four occasions during 2013-14:

- 14 August 2013
- 29 October 2013
- 14 February 2014
- 2 June 2014

In 2013-14, the Agriculture and Primary Industries Committee has addressed or considered:

- monitoring of sector incident and injury data both in the Northern Territory, as well as at a national level;
- review of Safe Work Australia codes and guides including:
 - Guide on Managing the Risk of Fatigue at Work;
 - Model Work Health and Safety Code of Practice for Preventing and Responding to Workplace Bullying;
- ongoing updates around the adoption progress of the model laws throughout all jurisdictions;
- industry project reports from the Primary Industries Training Advisory Council;
- identification of emerging trends in incident occurrence in the sector identified using NT WorkSafe notifiable incident data;
- Heads of Workplace Safety Authorities (HWSA) National Agriculture Activity Plan 2013-2016;
- Northern Territory participation in the HWSA National Agriculture campaign, with a focus on the cattle industry;
- development of a practical guide specific to the fishing industry providing information on how to meet work health and safety requirements and strategies for dealing with common hazards and risks; and
- the potential effect of reform of the *Workers' Rehabilitation and Compensation Act*, particularly in relation to the definition of a worker and how that could impact the fishing industry

Construction Committee

Membership of the Construction Committee for 2013-14 comprised:

- **Justin Gill (Chair)**
Director
Abode New Homes
Electrical Trades Union
- **Dean Chambeyron**
Regional Manager
Housing Industry Association
- **Scott Woodrow**
Manager
Quality Training & Assessment
Services
- **Barry Adams**
Sole Trader
Advanced Training
International
- **Paul Kirby**
Union Official
- **Greg Bicknall**
Chief Executive Officer
Chamber of Commerce and
Industry
- **Mick Huddy**
QLD/NT Branch Organiser
CFMEU
- **Robin Smith**
Principal Inspector - Electrical
NT WorkSafe
- **Jim Eadie**
Construction Manager
SUNBUILD

The Construction Committee met on three occasions during 2013-14:

- 13 August 2013
- 24 October 2014
- 6 February 2014

In 2013-14, the Construction Committee has addressed or considered:

- monitoring of sector incident and injury data both in the Northern Territory, as well as at a national level;
- ongoing updates around the adoption progress of the model laws throughout all jurisdictions;
- the necessity of current requirements for a nominal 6 hours of face to face training for Construction White Cards;
- availability of asbestos removal training courses in the NT;
- high risk licencing for turbine operators;
- the impact the *Work Health and Safety (National Uniform Legislation) Act* has had on business since it was introduced;
- feedback to NT WorkSafe about provision of advice and education to industry about the model laws;
- Union right of entry;
- feedback on relevant bulletins and safety alerts;
- specific workplace incidents and whether information about them can be provided to a third party;
- rights and responsibilities of a worker in relation to work health and safety; and
- the availability of industry specific data for Committees to use to identify and target emerging trends

Health and Community Services Committee

Membership of the Health and Community Services Committee for 2013-14 comprised:

- **John Schofield (Chair)**
Director
Territory Systems
Management Pty Ltd
- **Matthew Gardiner**
Secretary
United Voice
- **Louise Fitzmaurice**
Territory Director
Good Start Early Learning
- **Jan Marlborough**
NT Regional Manager
ECH
- **Raelene Burke**
Senior Director Human
Resources
Department of Health
- **Belinda Howie**
Managing Director
Consulting Direct
- **Karen Clarke**
Manager WHS Unit
Department of Health
- **Yvonne Falckh**
NT Branch Secretary
Australian Nursing Midwifery
Federation
- **Garry Lambert**
Executive Manager Support
Services
NT General Practice Education
- **Robyn Simpson**
Regional Manager
Australian Regional and
Remote Community Services
- **Mella Martin-Hewitt**
Workforce and Learning
Development
Department of Children and
Families
- **Rebecca Trimble**
Principal Inspector
NT WorkSafe

The Health and Community Services Committee met on four occasions during 2013-14:

- 22 August 2013
- 23 October 2013
- 4 February 2014
- 29 May 2014

In 2013-14, the Health and Community Services Committee has addressed or considered:

- monitoring of sector incident and injury data both in the Northern Territory, as well as at a national level;
- ongoing updates around the adoption progress of the model laws throughout all jurisdictions;
- results of the NT WorkSafe Prevention and Management of Aggression in Health Services Survey;
- feedback to NT WorkSafe about provision of advice and education to industry about the model laws;
- amendments to the *Fair Work Act* giving workers the ability to take bullying and harassment claims to the Fair Work Commission;
- the review of the *Workers' Rehabilitation and Compensation Act*;
- Safe Work Australia compensation statistics;

- identification of emerging trends in incident occurrence in the sector identified using NT WorkSafe notifiable incident data; and
- the Healthy @ Work – Workplace Health and Wellbeing Presentation

Resources Committee

Membership of the Resources Committee for 2013-14 comprised:

- **Brian Fowler (Chair)**
General Manager NT and Sustainability
Arafura Resources Ltd
- **Tom Harris**
Chief Executive Officer
Extractive Industry Association of the NT
- **John Christie**
Managing Director
SRT Group Pty Ltd
- **Bruce McKinley**
Principal Inspector
NT WorkSafe

The Resources Committee met on four occasions during 2013-14:

- 20 August 2013
- 22 October 2013
- 13 February 2014
- 3 June 2014

In 2013-14, the Resources Committee has addressed or considered:

- monitoring of sector incident and injury data both in the Northern Territory, as well as at a national level;
- ongoing updates around the adoption progress of the model laws throughout all jurisdictions;
- identification of emerging trends in incident occurrence in the sector identified using NT WorkSafe notifiable incident data;
- ongoing updates about transitional arrangements;
- progress of development of national model regulations specific to the mining sector;
- amendments to Schedule 3 of the Management Mining Act on incident reporting and statistical reporting removing some of the previously mandated reporting requirements;
- difficulties experienced when using the National Safety Mine Database system;
- possible ways of collecting and collating safety data from individual mines to give a representative sample of safety throughout the sector;
- updates on relevant NT WorkSafe investigations; and
- possible opportunities to increase levels of engagement with the Minerals Council of Australia and the Extractive Industries Association in order to share relevant data

Transport and Storage Committee

Membership of the Transport and Storage Committee for 2013-14 comprised:

- **Louise Bilato (Chair)**
Executive Officer
NT Road Transport
Association
- **Tomas Mayor**
NT Branch Organiser
Maritime Union of Australia
- **Barbara Littler**
Assistant Director
Department of Transport
- **Doug Sandeman**
Managing Director
Broadsword Marine
Contractors
- **Simon Saunders**
Director Transport Compliance
Department of Transport
- **Allan Fischer**
Senior Inspector
NT WorkSafe

The Transport and Storage Committee met on two occasions during 2013-14:

- 28 August 2013
- 11 February 2014

In 2013-14, the Transport and Storage Committee has addressed or considered:

- monitoring of sector incident and injury data both in the Northern Territory, as well as at a national level;
- ongoing updates around the adoption progress of the model laws throughout all jurisdictions;
- identification of emerging trends in incident occurrence in the sector identified using NT WorkSafe notifiable incident data;
- the Memorandum of Understanding between NT WorkSafe and the Australian Maritime Safety Authority (AMSA);
- INPEX community notices and bulletins in relation to transport safety;
- lack of clear definition between Commonwealth and Northern Territory legislation with regards to work health and safety issues at Darwin harbour;
- progress of implementation of the National Heavy Vehicle Law across jurisdictions apart from WA and NT;
- existing NT Fatigue Management Code of Practice;
- NT Government support of the Remote Area Livestock Trials (RALTS) as a method of gathering data on work hours, trip schedules and strategies for managing fatigue in conjunction with managing animal welfare; and
- safety issues surrounding the use of public facilities for work purposes

Planned Activities of the Advisory Council for 2014-2015

Proposed work to be undertaken by the Work Health and Safety Advisory Council in 2014-2015 includes:

- further participation in Safe Work Australia and Heads of Workplace Safety Authorities education campaigns;
- ongoing revision of various NT WorkSafe information and guidance material;
- participation in the review of the model laws undertaken nationally and locally to ensure that Northern Territory specific issues are considered in any reform process;
- increased use of NT WorkSafe notifiable incident data to identify and target emerging trends in work health and safety across industry sectors; and
- consideration of issues raised by industry committees.