



Your ref:
Our ref: A1849/201401
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Ms Lucy Roberts
Principal Research Officer
Legislative Assembly Education and Health Standing Committee
Parliament House
PERTH WA 6000

Dear Ms Roberts

EDUCATION AND HEALTH STANDING COMMITTEE INQUIRY INTO MENTAL HEALTH IMPACTS OF FIFO WORK ARRANGEMENTS

I refer to the letter from Dr Jacobs dated 23 April 2015 regarding follow-up questions from the 22 April 2015 briefing with the Committee.

As agreed, the department provided responses in our 4 May 2015 submission, with the exception of the first part of Question 3, which asked:

3. Under section 15(d)(2) of the Mines Safety and Inspection Act, it appears that FIFO employees residing in employer-provided accommodation located away from a mining tenement receive greater protection than those accommodated on a mining tenement. Section 15(d)(2) requires an employer to:

...so far as is practicable, maintain the premises so that the employee occupying the premises is not exposed to hazards at the premises.

Is this understanding correct according to your interpretation of the Act?

Could section 15(d) be altered to extend this protection to employees residing in employer-provided accommodation on a mining tenement?

Under Section 15D, there is a duty on the employer to *maintain the premises* [emphasis added] so that employees occupying the premises are not exposed to hazards at the premises.

The department's view is that Section 15D was specifically intended to provide additional OSH coverage at very remote, non-standard accommodation facilities. This provision was added in 2004 to both the OSH Act (as section 23G) and the MSI Act.

The department acknowledges that the current legislation regarding OSH coverage at mining accommodation is difficult to interpret.


However, as stated in our 4 May 2015 submission, the proposed Work Health and Safety (Resources) Bill will rectify this situation. This new legislation should be implemented at the end of 2016, so it may not be worth amending the MSI Act in the interim.

I trust that this information will assist the Committee in its Inquiry.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'R' followed by a long, sweeping horizontal line that tapers to the right.

Richard Sellers
DIRECTOR GENERAL

 May 2015