

## 6. The Commission

- (1) There shall be a Commission for Occupational Safety and Health.
- (2) The Commission shall consist of —
  - (a) a person nominated by the Minister and appointed by the Governor as chairperson;
  - (b) the Commissioner;
  - (c) 2 persons employed in the Public Service under Part 3 of the *Public Sector Management Act 1994*, of whom —
    - (i) one shall be nominated by the Minister; and
    - (ii) the other shall be an officer of the department, as defined in section 4(1) of the *Mines Safety and Inspection Act 1994*, nominated by the Minister to whom the administration of that Act is committed;and
  - (d) 9 persons appointed by the Governor of whom —
    - (i) 2 shall be persons nominated for appointment by the body known as the Chamber of Commerce and Industry of Western Australia (Inc);
    - (ii) 3 shall be persons, of whom one shall be a person who has knowledge of and experience in the mining industry in the State, nominated for appointment by the body known as The Trades and Labor Council of Western Australia;
    - (iii) 3 shall be persons having knowledge of or experience in occupational safety and health who shall be nominated for appointment by the Minister after consultation between the Minister and the bodies referred to in subparagraphs (i) and (ii); and
    - (iv) one shall be a person nominated by the Chamber of Minerals and Energy of Western Australia Inc.
- (3) Where any of the bodies referred to in subsection (2)(d)(i), (ii) or (iv) fails to make a nomination within 60 days after being requested in writing by the Minister to do so the Governor may appoint any person who is suitably qualified, and any person so appointed shall be deemed to have been nominated pursuant to subsection (2)(d)(i), (ii) or (iv), as the case may be.
- (4) A nomination for the purposes of subsection (2)(c) may be made from time to time, may be made by reference to the holder of a specified office and may be expressed to operate for a period or in such circumstances as are specified in the instrument of nomination.
- (5) In addition to the name mentioned in subsection (1), the Commission may use, and operate under, the name “WorkSafe W A”.
- (6) A person other than the Commission that uses or operates under the name mentioned in subsection (1) or (5), or any name that is so similar that it is likely to be misunderstood as referring to the Commission, commits an offence.

- (7) Nothing in subsection (6) prevents the department of the Public Service principally assisting the Minister in the administration of this Act from using or operating under the name of “WorkSafe Western Australia” or a similar name if that designation is given to it under section 35 of the *Public Sector Management Act 1994*.

*[Section 6 amended by No. 30 of 1995 s. 8; No. 74 of 2003 s. 87(5); No. 51 of 2004 s. 103 and 105.]*