

Commission for Occupational Safety and Health

Annual Report 2006/07

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Statement of compliance

HON MICHELLE ROBERTS MLA MINISTER FOR EMPLOYMENT PROTECTION

Dear Minister

In accordance with section 16 of the *Occupational Safety and Health Act 1984*, I submit for your information and presentation to Parliament the Annual Report of the Commission for Occupational Safety and Health for the 12 months ending 30 June 2007.

Tony Cooke

Chair

Commission for Occupational Safety and Health

REPORT FROM THE CHAIR

As Chair of the Commission for Occupational Safety and Health I am pleased to present its Annual Report for the year ended 30 June 2007.

The Commission is established under the Occupational Safety and Health Act 1984 and is responsible to the Minister for Employment Protection. The Commission's functions include developing and reviewing occupational safety and health legislation and making recommendations to the Minister, accrediting and promoting training and educational courses and publishing occupational safety and health information, standards and guidance material.



During the year, Mr Richard Hooker, an independent barrister, completed a review of the *Occupational Safety and Health Act 1984*. A review of the Act is required every five years. The final report on the review was released in December 2006 and highlighted a number of issues, including enhancing the jurisdiction of the Occupational Safety and Health Tribunal to deal with conciliation and a broader range of issues and amending the objects of the Act to more explicitly promote the importance of workplace consultation. The Commission is now working towards drafting a response to the report for the Minister's consideration.

The construction industry continues to be a major focus for the Commission. Regulations came into effect on 1 January 2007 and provide for mandatory safety awareness (induction) training for everyone who carries out construction work at a workplace in Western Australia.

Once again, education and the provision of information has been a key role of the Commission, with a number of publications being developed or revised in 2006-2007. The Commission has also sought to engage and build partnerships with industry by conducting industry forums and inviting comment on specific occupational safety and health issues.

In addition, the Commission partnered WorkSafe and WorkCover in hosting Work Safe Forums held in Perth in October 2006 and in Bunbury in May 2007. These forums provide an excellent opportunity for safety and health representatives to learn and share information and to meet others performing this key role.

In closing, I would like to thank members of the Commission and members of all advisory committees and working parties for their efforts and dedication during the year. This enthusiasm and commitment has resulted in a number of key achievements for 2006-2007, and contributed to an increased awareness of occupational safety and health issues across the State's industries.

Finally, on behalf of the Commission I would like to acknowledge and thank all WorkSafe staff for their professionalism and support.

Tony Cooke

Chair, Commission for Occupational Safety and Health

SECTION ONE: ABOUT THE COMMISSION

Responsible Minister

The Minister for Employment Protection, the Hon Michelle Roberts MLA, is responsible for the administration of the *Occupational Safety and Health Act 1984* (the Act). Section 16 of the Act requires the Commission for Occupational Safety and Health to submit to the Minister a report of its operations and the operation of the Act and any prescribed law during the year ending 30 June.

Enabling Legislation

The Commission for Occupational Safety and Health (the Commission) was established in April 1985 (as the Occupational Health, Safety and Welfare Commission) under section 6 of the Act.

Our Vision - 2010

The Commission's vision is to be the pre-eminent occupational safety and health body in Australia.

As a tripartite group, the Commission will show strong leadership and promote occupational safety and health as a key element of business planning. The Commission will make decisions based on the best available evidence and wherever possible seek the elimination of hazards and control of risks at source.

Functions of the Commission

The Commission for Occupational Safety and Health is funded through the WorkSafe division of the Department of Consumer and Employment Protection.

The Commission's functions include:

- inquiring into and reporting to the Minister upon any matters referred to it by the Minister;
- advising and cooperating with Government departments, public authorities, unions, employer organisations and other interested parties;
- developing and reviewing occupational safety and health legislation and associated standards and making recommendations to the Minister;
- devising, accrediting and promoting training and educational courses;
- publishing occupational safety and health information, standards, specifications and guidance material; and
- reviewing registration and licensing schemes.

Composition of the Commission

In accordance with section 6 of the Act, the Commission is comprised of:

- An independent Chair (nominated by the Minister);
- The WorkSafe Western Australia Commissioner;
- Two officers of the Public Service nominated by the Minister, one of whom must be an officer from the department responsible for the administration of the Mines Safety and Inspection Act 1994;
- Two members nominated by the Chamber of Commerce and Industry of Western Australia (CCI);
- One member nominated by the Chamber of Minerals and Energy of Western Australia:
- Three members nominated by The Trades and Labor Council of Western Australia, one of whom must have knowledge and experience of the mining industry in Western Australia; and
- Three members having knowledge of or experience in occupational safety and health (nominated by the Minister).

The following members held office during 2006-07:

- Independent Chair: Tony Cooke
- WorkSafe Western Australia Commissioner: Nina Lyhne
- Officers of the Public Service: Brian Bradley, Director-General, Department of Consumer and Employment Protection; Malcolm Russell, Executive Director, Resources Safety Division, Department of Consumer and Employment Protection
- Members nominated by the Chamber of Commerce and Industry: Anne Bellamy; Andrea Roelofs
- Member nominated by the Chamber of Minerals and Energy: Reg Howard-Smith
- Members nominated by UnionsWA: Gary Wood; Janine Freeman (until December 2006); Darren Kavanagh (temporary appointment from April 2006); Joy Barrett (temporary appointment from February 2007)
- Three members with knowledge of or experience in occupational safety and health, nominated by the Minister: Dr John Suthers; Dr Steve Allsop; Dr Matthew Davies

SECTION TWO: REPORT ON 2006-2007

Review of Occupational Safety and Health Act 1984

Section 61 of the *Occupational Safety and Health Act 1984* requires that the Minister carry out a review of the operation of the Act every five years.

Mr Richard Hooker, an independent barrister at Wickham Chambers, was appointed to conduct the fourth review of the Act which formally commenced in February 2006.

The Commission made a positive contribution to the review process and provided a comprehensive submission to Mr Hooker.

The Final Report on the Review of the Occupational Safety and Health Act 1984 (the Hooker Report) was released in December 2006.

The Hooker Report indicated that:

"The Inquiry is cautiously satisfied with the overall state of occupational safety and health legislation and administration in Western Australia."

Key issues considered in the review included:

- enhancing the jurisdiction of the Occupational Safety and Health Tribunal to deal with conciliation and a broader range of issues;
- amending the objects of the Act to more explicitly promote the importance of workplace consultation; and
- the clarification and refinement of existing legislative provisions.

The Hooker Report provided a list of 25 recommendations for consideration by the Minister for Employment Protection. The Report was referred by the Minister to the Commission for comment in December 2006.

The Commission established a Statutory Review Working Party in February 2007 to consider the recommendations and provide a formal response to the Minister.

Safety awareness induction training for the construction industry

New regulations introducing mandatory safety awareness (induction) training for the building and construction industry came into effect on 1 January 2007. The regulations apply to everyone who carries out construction work at a workplace in Western Australia. The training required by the new regulations is intended to provide workers with a basic knowledge and understanding of the requirements of the occupational safety and health legislation and of the management of hazards associated with construction work. Those who satisfactorily complete the training are issued with a safety awareness training card which is valid for a period of three years from the date of issue. Those who already hold an existing card (such as the "Green Card") will have until January 2008 to complete the necessary training.

Safety and health representatives' forum

In October 2006, the Commission presented the 2006 Work Safe Safety and Health Representatives' Forum in association with WorkSafe and WorkCover Western Australia.

This forum was held at the Perth Convention Centre on 25 October 2006 and was attended by over 600 delegates from both the general and mining sectors.

The forum featured a range of speakers with a wealth of knowledge and expertise in occupational safety and health. The 2006 program included a mixture of plenary sessions and concurrent workshop sessions. A regional forum was also conducted in Bunbury in May 2007.

Commission accredited introductory training courses for safety and health representatives

Under section 14(1)(h) of the Act, the Commission may accredit training courses in occupational safety and health. Details of the accreditation process for introductory courses for safety and health representatives is provided in the publication *Guidelines and criteria for accreditation of introductory training courses for safety and health representatives*, which is available from WorkSafe's website, www.worksafe.com.au.

The organisations providing Commission-accredited training courses for safety and health representatives are listed on WorkSafe's website. An annual report of participation in training courses for safety and health representatives will be published later in the year on WorkSafe's website.

Publications

During 2006-2007, the Commission approved a number of publications including:

- Code of Practice: Violence, aggression and bullying at work
- Code of Practice: Working hours
- Guidance Note: Dealing with bullying at work
- Health and safety in Welding (TN 7-04)

The following Codes of Practice were revoked during 2006-2007:

- Health and Safety in Welding Technical Note 7 (TN 7-98)
- The Safety and Health of Children and Young People in Workplaces

Code of Practice: Safe design of buildings and structures

In 2005, the Commission undertook the development of a code of practice for the safe design of buildings and structures. The code was drafted by an external consultant and has since been further refined based on stakeholder comment and input from the Construction Safety Advisory Committee.

The code was released for public comment in March 2007 and a public forum was conducted in June 2007.

Changes to legislation

The following amendments were made during 2006-2007 to the Occupational Safety and Health Regulations 1996.

Written Law	Gazettal Date
Occupational Safety and Health Amendment Regulations (No 2) 2007 Updates references to the National Code of Practice for the preparation of Material Safety Data Sheets.	27 April 2007
Occupational Safety and Health Amendment Regulations (No 5) 2007 Provides for amendments to Schedule 6 relating to rates payable for assessment and tests, and fees under parts 3,4,5 and 6.	15 June 2007

The national arena

Throughout the year, the Commission has remained committed to the goals and objectives of the National OHS Strategy 2002-12. This strategy sets clear and ambitious goals for occupational safety and health and is a key initiative to improve Australia's occupational safety and health performance.

In addition to aligning with the National OHS Strategy, the Commission has also closely monitored various other national initiatives that have the potential to impact on occupational safety and health in Western Australia. These initiatives have included the Federal Government's Work Choices legislation, the National Heavy Vehicle Driver Fatigue Reform Package developed by the National Transport Commission and the Federal reform agenda.

Advertising and sponsorship

In accordance with section 175ZE of the *Electoral Act 1907*, the Commission is required to report annually on any expenditure for advertising, market research, polling, direct mail or media advertising that was incurred by or on behalf of the Commission. Any such information is included in the report of the Department of Consumer and Employment protection for 2006-2007.

Future direction - Strategic Plan 2006-2010

Objectives	Through strong leadership, maintain the focus, visibility and relevance of the Commission	2. Align with the National Strategies	3. Engage with the community	Ensure a relevant legislative framework	5. Be forward looking
	The Commission will ensure its outputs demonstrate strategic focus, visibility and relevance.	The Commission will recognise the goals and objectives of the national OSH strategy/ies and positively contribute to identifying priorities and establishing targets agreed at the national level.	The Commission will ensure that employers, employees and the broader WA community have access to knowledge and information so that they can exercise their rights and meet their obligations with respect to OSH.	The Commission will ensure the legislative framework remains relevant to the changing world of work.	The Commission will identify and respond to emerging issues that impact on OSH.
Measures	What is being done differently? Extent of innovation in workplaces. Extent to which OSH is built into planning, and hazards are being designed out.	Extent to which actions against each of the elements of the National Strategy are in place.	Extent to which stakeholders seek out information. Results of surveys.	How often the Commission advises the Minister of its actions/priorities. Extent to which the Minister accepts the Commission's advice.	Extent to which the Commission influences the agenda. Relationship between number of incidents and targets. Extent to which responses (eg Codes of practice) are in place before an issue is identified in workplaces.
Strategies	Strategy 1.1 Influence state and federal governments on occupational safety and health issues. Strategy 1.2 Work with government in its role as an	Strategy 2.1 Focus on high incidence /high severity risks. Strategy 2.2 Eliminate hazards and control risks at source	Strategy 3.1 Make OSH relevant to a broader range of people and promote a preventative culture . Strategy 3.2	Strategy 4.1 Develop an approach for considering the effectiveness of regulations. Strategy 4.2	Strategy 5.1 Increase the relevance of and priority given to OSH in a world of competing priorities and changing work arrangements. Strategy 5.2
	employer and purchaser. Strategy 1.3 Engage with the private sector to promote	Strategy 2.3 Improve/enhance the capacity of business operators and workers to manage OSH	Reassess the form, nature, purpose and impact of Commission information and guidance materials. Strategy 3.3	Review the regulations in light of substantial changes to the Occupational Safety and Health Act 1984. Strategy 4.3	Use information / data that allows us to base strategy on evidence and improve the capacity to predict future trends.
	and deliver effective OSH programs. Strategy 1.4 Maintain and promote effective tripartite relationships and decision making on safety and health in the workplace. Strategy 1.5	effectively. Strategy 2.4 Prevent occupational disease more effectively. Strategy 2.5 Influence government to improve/enhance	Promote, educate and develop community awareness of OSH. Strategy 3.4 Address issues of culture and change, and drive cultural change relevant to OSH through a variety of education and communication strategies.	Contribute to and influence the 2005/06 statutory review of the legislation and any future review processes. Strategy 4.4 Investigate alternative approaches to achieving compliance including the role of enforceable undertakings and incentives.	Strategy 5.3 Analyse the future work environment taking into account trends such as: Changing work demographics The nature of the workplace New forms of plant and changing technologies; Changes in Federal laws.
	Engage and consult broadly on safety and health in the workplace. Strategy 1.6 Provide information and guidance on safety and health that is relevant, credible and accessible. Strategy 1.7 Promote the strategic direction of the	OSH outcomes.	Strategy 3.5 Use our networks such as OSH professionals and safety and health representatives more effectively. Strategy 3.6 Influence and promote OSH skills development and training.	Strategy 4.5 Monitor and recommend changes to existing regulations where appropriate. Strategy 4.6 Monitor national and international frameworks to inform decision making.	Strategy 5.4 Improve our capacity to identify occupational diseases, their causes and how to address them. Strategy 5.5 Build our capacity through engaging industry to fund and support relevant research.
	Commission to enhance and improve workplace safety and health.				

Report against strategic plan 2006-2010

Objective 1: Through strong leadership, maintain the focus, visibility and relevance of the Commission.

The Commission ensures its outputs demonstrate strategic focus, visibility and relevance.

Key achievements 2006-07

- Maintained and promoted effective tripartite relationships and decisionmaking through the various advisory committees and working groups.
- Provided advice to the Minister on issues such as the national heavy vehicle driver fatigue reform package.

Plans for 2007-08

- Continue to influence state and federal governments on occupational safety and health issues by contributing to the development of national standards and codes of practice.
- Continue to promote and deliver effective occupational safety and health programs.
- Continue to promote the strategic direction of the Commission to enhance and improve occupational safety and health in Western Australia.

Objective 2: Align with the National Strategies

The Commission recognises the goals and objectives of the national OSH strategies and positively contributes to identifying priorities and establishing targets agreed at the national level.

Key achievements 2006-07

- Implemented a mandatory national safety awareness training program for the construction industry (Construction Industry Safety Advisory Committee).
- Developed new regulations to implement in Western Australia the National Standard for Construction Work.
- Developed new regulations to implement in Western Australia the National Standard for Licensing Persons Performing High Risk Work (Legislation Advisory Committee).

Plans for 2007-08

- Review the National Standard for Manual Tasks and the National Code of Practice for the Prevention of Musculoskeletal Disorders from Performing Manual Tasks at Work, with a view to implementation in Western Australia.
- Continue to provide input into the development of national standards and codes of practice.
- Continue to progress the implementation in Western Australia of declared national standards.
- Provide input, where appropriate, to developments under the auspices of the National Mine Safety Framework (Mining Industry Advisory Committee).

Objective 3: Engage with the community

The Commission ensures that employers, employees and the broader WA community have access to knowledge and information so that they can exercise their rights and meet their obligations with respect to occupational health and safety.

Key achievements 2006-07

- Published the Code of Practice: working hours that outlines the duty of care obligations with regard to safety and health issues that may arise from some working hours arrangements.
- Published the Code of Practice: Violence, aggression and bullying at work
- Completed the development of an additional chapter on demolition for the tilt-up and precast concrete construction code of practice (Construction Industry Safety Advisory Committee).
- Developed a draft Code of Practice: Safe design of buildings and structures which was released for public comment (Construction Industry Safety Advisory Committee).
- Commenced the development of a Code of Practice:Consultation at the workplace (Mining Industry Advisory Committee).
- Reviewed the guidance material: *Children at the workplace* (Legislation Advisory Committee).

Plans for 2007-08

- Continue to monitor the progress of the safety awareness training program (Construction Industry Safety Advisory Committee).
- Investigate issues in relation to fall prevention in the building and construction industry (Construction Industry Safety Advisory Committee).
- Oversee the evaluation of the Code of Practice: Working hours
- Collaborate with WorkSafe to develop and implement an integrated enforcement/information strategy in relation to slips and trips (Emerging Issues and Risk Management Committee).
- Continue to develop codes of practice and guidance material to ensure the community is provided with information and guidance that is relevant, credible and accessible.

Objective 4: Ensure a relevant legislative framework

The Commission ensures the legislative framework remains relevant to the changing world of work.

Key achievements 2006-07

- Developed amendments to the Occupational Safety and Health Regulations 1996 to update the references to the Australian Code for the Transport of Dangerous Goods by Road and Rail and the National Code of Practice for the Preparation of Material Safety Data Sheets.
- Contributed to the development of clarifying amendments to the Occupational Safety and Health Act 1984 (Legislation Advisory Committee).
- Completed a review of Schedule 1 to the Occupational Safety and Health Regulations 1996 (Legislation Advisory Committee).
- Contributed to the development of amendments to the *Occupational Safety and Health Act 1984* to facilitate information sharing between government agencies for occupational safety and health purposes.

Plans for 2007-08

- Contribute to the implementation of amendments to the Occupational Safety and Health Act 1984 arising from the 2005 Statutory Review (Legislation Advisory Committee).
- Progress a fundamental review of Part 3 of the Occupational Safety and Health Regulations 1996.
- Develop new regulations to introduce a new licensing regime for bonded asbestos removal work.
- Continue to enhance the legislative framework by considering and developing reforms to the Occupational Safety and Health Regulations 1996 (Legislation Advisory Committee).

Objective 5: Be forward looking

The Commission identifies and responds to emerging issues that impact on occupational safety and health.

Key achievements 2006-07

- Assessed occupational safety and health issues faced by vulnerable workers, particularly migrant workers including those on section 457 visas (Emerging Issues and Risk Management Advisory Committee).
- Developed a structured approach to the review of emerging issues (Emerging Issues and Risk Management Advisory Committee).
- Continued to monitor the occupational safety and health implications of nanotechnology.
- Continued to monitor the incidence and impact of occupational stress.
- Commenced a review of past and current emerging issues and developed an Emerging Issues Register.

Plans for 2007-08

- Continue to collect and review information on emerging occupational safety and health issues such as nanotechnology, avian and pandemic influenza, the ageing workforce and occupational stress (Emerging Issues and Risk Management Advisory Committee).
- Continue to monitor occupational safety and health issues for migrant workers, including those on section 457 visas (Emerging Issues and Risk Management Advisory Committee).
- Continue to monitor developments to address slips and trips risks (Emerging Issues and Risk Management Advisory Committee).
- Finalise review of emerging issues and progress identified emerging issues projects (Emerging Issues and Risk Management Advisory Committee).
- Develop a model for the risk rating of emerging issues.

SECTION THREE: ADVISORY COMMITTEES

Under section 15 of the Act, the Commission may appoint advisory committees made up of employer and employee representatives and people with specialist knowledge or experience in occupational safety and health to assist in the performance of its functions and duties.

Advisory committees and working parties consider matters referred to them by the Commission and make recommendations on aspects of occupational safety and health specific to their area of expertise. Each committee and working party is chaired by a member of the Commission.

Legislation Advisory Committee

The key objectives of the Legislation Advisory Committee are to assist the Commission in:

- ensuring a relevant and effective legislative framework by contributing to a review of monitoring and recommending changes to existing regulations;
- influencing state and federal governments on occupational safety and health issues by contributing to the development of national standards and codes of practice;
- promoting and delivering effective occupational safety and health programs, and in maintaining and promoting effective tripartite relationships and decision making on safety and health in the workplace;
- providing information and guidance on safety and health that is relevant, credible and accessible; and
- engaging and consulting broadly on occupational safety and health issues.

Members 2006-2007

Brian Bradley (Chair)

Anne Bellamy

Nina Lyhne

Bjorn Gillgren

Darren Kavanagh

Nicole Roocke

Melina Newnan

Gary Wood

The Legislation Advisory Committee met on 15 occasions during 2006-2007.

Construction Industry Safety Advisory Committee

The key objectives of the Construction Industry Safety Advisory Committee are to:

- identify the major health and safety issues in the construction industry and develop an occupational safety and health profile of the construction industry;
- identify determinants of good safety and health performance in the construction industry; and
- identify appropriate short and long term goals for the construction industry.

Members 2006-2007

Nina Lyhne (Chair)

George Allingame

Anne Bellamy

Chris Kirwin

Darrylen Allen

John Suthers

Darren Kavanagh

Steven MacCartney

The Construction Industry Safety Advisory Committee met on 10 occasions during 2006-2007.

Emerging Issues and Risk Management Advisory Committee

The key objectives of the Emerging Issues and Risk Management Advisory Committee are to assist the Commission in:

- providing relevant, credible and accessible information and guidance on safety and health, with a specific focus on new and emerging issues;
- monitoring and recommending changes to existing regulations, with a specific focus on new and emerging issues;
- improving its capacity to predict future trends in occupational safety and health;
- identifying occupational diseases, their causes and how to address them, with specific reference to new and emerging issues; and
- analysing the work environment.

Members 2006-2007

Andrea Roelofs (Chair)

Reg Howard-Smith

John Suthers

Matthew Davies

Joy Barrett

Garry Gleeson

The Emerging Issues and Risk Management Advisory Committee met on six occasions during 2006-2007

Statutory Review Working Party

The Statutory Review Working Party was established to develop a response from the Commission to the Minister for Employment Protection in relation to the Final Report on the review of the *Occupational Safety and Health Act 1984* undertaken by Richard Hooker (The Hooker Report). The Hooker Report was released in December 2006.

Members 2006-2007

Tony Cooke (Chair)

Anne Bellamy

Nicole Roocke

Nina Lyhne

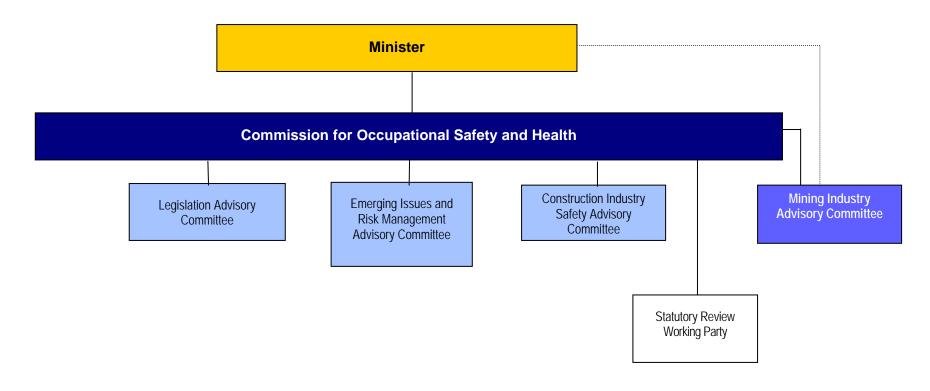
Darren Kavanagh

Gary Wood

The Statutory Review Working Party met on three occasions during 2006-2007.

COMMISSION FOR OCCUPATIONAL SAFETY AND HEALTH

Committees and Working Parties



Statutory committee established under the Occupational Safety and Health Act
Advisory Committees established for the duration of the *Strategic Plan*Working Parties are established to provide an expert or technical focus

SECTION FOUR: MINING INDUSTRY ADVISORY COMMITTEE

Changes to the Act effective from April 2005 led to the establishment in 2005/06 of a tripartite Mining Industry Advisory Committee (MIAC). The composition and functions of MIAC are set out in section 14A of the Act.

The key objectives of the Mining Industry Advisory Committee (MIAC) are to:

- advise and make recommendations to the Ministers and the Commission on occupational safety and health laws and matters concerning the mining industry;
- liaise with the Commission to coordinate activities and to maintain parallel standards;
- prepare or recommend the adoption of codes of practice, guidance material, standards and specifications; and
- provide advice on education and training matters in the mining industry.

Membership of the committee is determined by the Minister or Ministers responsible for the administration of the *Occupational Safety and Health Act 1984* and the *Mines Safety and Inspection Act 1994*.

Members 2006-2007

Brian Bradley (Chair)

Nicole Roocke

Rob Watson

Henry Rozmianiec

Gary Wood

Martin Knee

Kathryn Heiler

Peter Lilly

Achievements for 2006-07

- A code of practice and a guideline relating to the prevention and management of violence, aggression and bullying at work based on Commission publications were endorsed for the mining industry.
- The drafting of new codes of practice on consultation and mobile plant respectively was progressed.
- Liaison commenced with the Commission on aspects of the new National Standard for Licensing Persons Performing High Risk Work.
- Outcomes from the Government's Mines Safety Improvement Group were monitored, including preliminary advice on the draft recommendations of the Resources Safety Feasibility Study.

 Ongoing consideration of developments in relation to the National Mine Safety Framework.

Plans for 2007-08

- Advice to the Minister and the Commission on the recommendations arising from the Mines Safety Improvement Group and the Resources Safety Feasibility Study.
- Continued consideration of legislative matters that may arise from a planned statutory review of the *Mines Safety and Inspection Act 1994* in addition to legislative or other issues referred by the Commission.
- Ongoing development of guidance material and codes of practice.
- The implementation of a 'welcome pack' for newly elected and re-elected safety and health representatives and their mine (or exploration) managers.

The MIAC met on six occasions during 2006-2007.

CONTACT DETAILS

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