![MIAC - Mining Industry Advisory Committee logo]

Mining Industry Advisory Committee

COMMUNIQUE

A summary of the 10 February 2021 meeting

1. WA TSF Management and Global Industry Standard

DMIRS presented an update on Western Australia's Tailing Storage Facility (TSF) management and associated Global Industry Standard on Tailings Management (GISTM).

Details were provided on the types (above and below ground) and number of TSFs in Western Australia, with 277 active facilities, 153 in care and maintenance, and 60 in rehabilitation or closed.

The presentation examined how the mines safety legislation is used to regulate TSFs, and summarised the current three-step regulatory process used in Western Australia, as well as the process followed in categorising a TSF in relation to its hazard rating.

A brief history of TSF incidents was included, involving fatalities and environmental damage from around the world.

The GISTM was developed through a world-wide consultative approach and published in August 2020. It aims to achieve zero harm to people and environment, including 15 Principles developed for global application on policies and procedures covering: organisational structure; roles and responsibilities; TSF planning; operation; and closure.

WA follows Australian National Committee on Large Dams (ANCOLD) recommendations – first published in 1999 and updated in 2012 – which generally complies with the GISTM. GISTM uses different terminology for key roles, such as Accountable Executive, Engineer of Record (EOR), Responsible Tailings Facility Engineer (RTFE).

DMIRS is working with ANCOLD to:

- adopt GISTM terminology for key roles (Australia-wide); and
- consider whether GISTM flood design and seismic design criteria are relevant in the Australian context.

The existing *Tailing storage facilities in Western Australia – code of practice* and Guidance notes will be updated to align with the new *Work Health and Safety Act 2020* and any gaps between WA and GISTM will be closed at the same time.

2. COVID-19 response

DMIRS has ensured up-to-date COVID-19 information is available to industry. In recent weeks, the majority of questions received by DMIRS related to the ability to leave the lockdown areas in Perth, Peel and the South West.

MIAC members discussed COVID-19 responses and approaches in the industry.

Members noted the impact on the general population of the sudden risk-based approach to wear a mask and the need to assist people in understanding this approach. Some mine site roles require a mask to be worn all day for work safety reasons and industry has done an amazing job in following good practices, maintaining community and site requirements. Most opposition to masks was in administration and office sites. However, different requirements at different sites has caused some confusion for workers.

The Chair acknowledged there had been some opposition to the mask requirement but if, in future, the community is required to protect themselves further, in light of the new COVID-19 strains, it was a good learning experience.

3. COVID-19 vaccine

At the 8 February 2021 meeting of the Commission for Occupational Safety and Health, members were notified of the COVID-19 vaccine roll-out strategy and the Commissioner requested Commission and MIAC members provide feedback on three draft guidance documents developed by Safe Work Australia in relation to the vaccine roll-out, for employers, workers and small business. The Chair urged MIAC members to take the opportunity to comment on the documents.

Concern was raised about the different approaches currently taken at different mine sites in relation to COVID-19 precautions and it was suggested these different approaches could cause issues in the vaccine roll-out, if a coordinated approach was not developed. The Chair supported a coordinated approach and suggested the specific mining industry issues should be highlighted in feedback provided to the Commissioner's request.

Members agreed to arrange a COVID-19 vaccine briefing from the Department of Health at a future MIAC meeting, to allow for development of a coordinated vaccine roll-out approach in the mining industry.

4. Family Violence Restraining Orders

The Chair provided an update on amendments to Western Australia's Family Violence Restraining Orders (FVRO) which, on instruction by the magistrate issuing the FVRO, may result in the cancellation or suspension of an individual's Dangerous Goods Security Card and explosives licences.

There is no mechanism under the Dangerous Goods legislation for DMIRS or the courts to notify employers of the suspension or cancellation and the suspended or cancelled individual may or may not notify their employer.

The Commissioner for Family Violence would like to write to the majority of security card and explosives employers but understands that this is a difficult task. Therefore, she will write to the main overseeing bodies, such as MIAC and AMEC, notifying them of the potential impact and asking them to communicate the changes to their members.

Members raised concern about the implications for an employer in relation to insurances and the possible impact on an employee's livelihood if employment was terminated. The health and safety risks were noted and members agreed on the need for a process to be

implemented to ensure employers are made aware. It was suggested this could be a condition of employment that an employee notify of any changes to license conditions.

The Chair noted the concerns raised and agreed to seek advice from the DMIRS Dangerous Goods Branch and report back to MIAC.

5. TAC – summary of 11 January meeting

The Chair provide an update on his recent meeting with Managers from the Training Accreditation Council (TAC), noting clarification of the roles of TAC and Australian Skills Quality Authority (ASQA) and the assurance provided that the two agencies work cooperatively and have made co-presentations. Discussions at the meeting indicated TAC took the issues raised by MIAC as a serious concern and TAC was interested in making a co-presentation with ASQA to MIAC.

MIAC members agreed a presentation from TAC and ASQA would provide valuable insight into issues raised relating to the quality of training to the mining industry. The Chair agreed to discuss MIAC expectations for the proposed presentation with TAC and ASQA.

6. Use of aluminium oxide powder

The Chair provided an update and history of when, why and how aluminium powder was used to combat silicosis, in response to an article titled "Poison Powder" that was published in the Kalgoorlie Miner on 26 November 2020.

7. Mines Safety Directorate: events of 2020

The Chair reported on events to be held in 2021, including:

- an invitation-only event for medical practitioners dealing with health surveillance in the mining industry;
- the *2021* Work Health and Safety Excellence Awards in October for which submissions are open; and
- Safe Work Month in October to be held using a similar online approach as that which proved successful in 2020.

8. Work Health and Safety (WHS) legislation

The Chair advised that DMIRS is preparing drafting instructions for the development of general, mining and petroleum regulations in line with the new WHS legislation. It is expected that no new direction will be provided during the Caretaker period, which began on 3 February 2021, until after the 13 March 2021 WA State Election. The submissions to DMIRS's public consultation process on the Regulations are available online.

9. Mental Health

In an update on issues affecting the mental health of mine workers, the Chair advised the Mines Safety Directorate (MSD) Mental health and wellbeing inspectors (psychologists) continue to conduct the new Mentally Healthy Workplaces audit from which a report will be prepared. Information on the DMIRS mentally healthy workplaces hub continues to grow.

A member reported on some concerns raised by industry in relation to audit findings, which were not in the scope of the *Mentally healthy workplaces for fly-in fly-out (FIFO) workers in the resources and construction sectors – code of practice* (the Code). DMIRS noted that discussions are ongoing about the concerns raised at some sites. The Code is available online, with additional guidance material to be made available in the near future.

The Chair highlighted the need for ongoing promotion of the reporting requirement of psychological injuries that apply under the MSIA Sections 76(2) and 79A, with a short video produced for Safe Work Week 2020 and a video on the *Mental health during COVID-19* webinar available online.

The Chair expressed concern at reports of alleged sexual assaults in mine camps, and suggested MIAC may be interested in the Australian Human Rights Commission report, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces 2020.*

10. Significant incident reports

No new Mines Safety Bulletins had been released since the December 2020 meeting. Work on achieving a consistent agency-wide approach across all safety bulletins is almost complete.

11. Commission Report

The Commission meeting of 3 February 2021 was cancelled due to the COVID-19 lockdown, with matters considered out of session..

12. Towards 2020 Commitments

The Chair provided an update on the *Towards 2020* summary document in addition to the development of an external communications strategy for the new strategy, *Beyond 2020*.

The summary document has been delayed due to Caretaker period, which began on 3 February 2021, and is expected to be released after the WA State Election.

The strategy for *Beyond 2020* includes four focus areas:

- hazardous manual tasks;
- repeat hazard exposure;
- contractor management; and
- mentally healthy workplaces.

13. Next meeting: 14 April 2021

For further information on the Mining Industry Advisory Committee, refer to the MIAC page on the DMIRS website:

http://www.dmp.wa.gov.au/Safety/What-is-the-Mining-Industry-8578.aspx.

Andrew Chaplyn – Chair