

# Mining Industry Advisory Committee

## COMMUNIQUE

A summary of the 13 April 2022 meeting

### 1. MARS (Mental Awareness, Respect and Safety) Program presentation

The Executive Director Regulatory Support delivered a presentation on the MARS program which was announced in December 2021. DMIRS is the lead agency working in collaboration with the Mental Health Commission (MHC), Equal Opportunity Commission and the Department of Communities.

The Program has come about as a result of significant interest from the Western Australian press about sexual harassment and assault in the mining industry, and the Legislative Assembly Community Development and Justice Standing Committee's *Inquiry into sexual harassment against women in the FIFO mining industry* (Inquiry). More recently [in March 2022], the Nine Network's *Sixty Minutes* program featured a damning report highlighting the serious issues the industry is facing. Some national newspapers also featured these industry issues.

The MARS program has three main focus areas – (1) creating mentally healthy workplaces; (2) building a culture of safety and respect; and (3) preparing for workplace safety in the future mine. The MARS project team has been established with three fulltime staff from DMIRS and two to be appointed by the MHC.

The program is expected to be funded for a four years, with a review at the end of the fourth year. Activities include undertaking a Landmark Study (research and evaluation project to obtain baseline data and collate information) and the DMIRS regulatory capability review (to make improvements to Mines Safety's regulatory capability and make recommendations). Other initiatives will be led by MHC and the Department of Communities, in addition to the grants for mentally healthy workplace initiatives in the mining sector.

### 2. Work Health and Safety (WHS) legislation update

The Executive Director Safety Regulation, Ivor Roberts, provided an update to members on the implementation of the WHS legislation. Mr Roberts managed the reforms project from the development and passage of the *Work Health and Safety Act 2020* (WA) and accompanying regulations through to the implementation of the laws on 31 March 2022. Mr Roberts noted that while it has been a complex task, with most of the industry under one Act and three separate sets of regulations, there have been no major hiccups throughout the process. The Government is taking a collaborative approach to implementing the changes and will work with industry and unions to rectify any issues as they are brought to DMIRS' attention. A regulatory comparison document for specific mining provisions will be provided to MIAC members.

### **3. Mines Safety Management System and contractor safety management systems (MSMS code)**

The Chair informed members that competing priorities have resulted in the MSMS code not being publicly available by the implementation date of 31 March 2022. A workshop on the MSMS code, particularly for small mine operators, is being arranged by DMIRS. Initial feedback from MIAC members has been incorporated into the MSMS code.

The following commentary was provided on the progress of the MSMS code:

- The NSW code focuses on the content of a MSMS. Western Australia's MSMS code is based on the NSW code, with modifications to suit Western Australia, with the main focus on the processes followed to establish controls.
- DMIRS is mindful of the need to maintain a balance between the content of the code and supplementary guidance, especially for the smaller operators. It is not ideal for a code of practice to be too prescriptive.
- It is suggested that some members of the MIAC meet to discuss the issues and assist in finalising the MSMS code.

The industry members representing CME and AMEC, expert member Ms Meagan Smart and union representative Mr Greg Busson agreed to meet separately to discuss the MSMS code.

The Commission chairperson agreed to take on notice a question raised by an industry member to clarify the inter-relationship between the three psychosocial codes of practice and the FIFO code of practice and provide advice to MIAC on their applicability to general industry and mining operations.

### **4. Vehicle rollovers**

The Chair highlighted to members the increasing trend of vehicle and mobile equipment rollovers, with 10 injuries reported to DMIRS' Mines Safety Directorate in the 2021-22 financial year. This is in addition to rollovers in the general industry.

Members discussed the issues including the possible contributing factors such as the inexperience of drivers, distraction, speeding issues, increasing drive-in drive-out work replacing FIFO for exploration work, and the key messages to be communicated. Members agreed on the ongoing need for collaboration between the regulators, including the Western Australian Police Force, and the need for sharing data.

The unions member noted that the general public and operators were experiencing delays in obtaining vehicles. As a result, some operators were keeping their vehicles onsite and in circulation beyond the serviceable distance travelled and there was an increased reliance on rental vehicles.

A comprehensive paper on injury data involving vehicle and mobile equipment rollovers in the general and mining industry will be compiled for MIAC members.

## **5. COVID-19**

The UnionsWA member noted concerns about workplace restrictions on COVID-19 positive workers on mine-sites although there have been some improvements with people being allowed greater mobility. The member suggested that for those confined to a room on site, employers conduct welfare checks and provide facilities such as a kettle, food being delivered hot, access to fresh air, opportunity to go on walks, and consider DMIRS suggestions relating to psychosocial health and wellbeing of workers. The industry members for AMEC and CME acknowledged these points. The Chair stated that there is information on DMIRS' website for employers in relation to COVID-19 positive workers.

## **6. Mental Health**

Members were advised that:

- two additional Mines Safety mental health and wellbeing officers have been recruited and are undergoing training now which brings the full complement of mental health and wellbeing officers to a total of four officers;
- Mines Safety officers have developed information sheets on the management of gendered violence as a psychosocial hazard;
- a mental health survey is being administered by Mines Safety officers, based on the survey for general industry, and the results of the survey will inform the regulatory approach to the mining sector; and
- Mentally Healthy Workplaces Grant Program was launched on 17 January 2022.

## **7. Significant incident reports**

No Significant Incident Reports have been issued since the February 2022 MIAC meeting.

## **8. Mines Safety Statistics**

An expert member queried if safety statistics could be broken down by gender to gauge the participation of females in the workforce. The Chair advised that Mines Safety collects data on worker hours, not by gender.

An industry member informed that the CME is doing some work in this regard and will report back to the MIAC on the number of women in the industry.

A DMIRS member advised that injury data from workers compensation data includes information on gender. The query could be further investigated outside the MIAC, when the Mines Safety levy legislation and the Jacobs Report recommendations are being considered.

## **9. Commission Report**

No formal Commission report was received. However, the main discussion was around the codes of practice.

## **10. *Beyond 2020 Commitments***

The Mines Safety Directorate is progressing with the Beyond 2020 commitments. This includes reviewing references to the legislation, and working with the inspectorate to bring systems up to speed. Increasing use of online workshops and seminars is being considered to engage with health and safety representatives along with roadshows for other groups.

An expert member advised that it is important to exercise caution in using electronic media to reach the target audience to ensure key audience is not missed. Although travel to regional and rural areas may pose issues, roadshows would target people at different levels within the same organisation. Moving to only online would be missed opportunity. The format of communication should be aimed at maximising participation and interactivity of various groups.

An industry member supported the view expressed by the expert member, recommending against an over-reliance on online mechanisms. Regional sessions are really valuable, especially for some groups of people.

## **11. Next meeting: 15 June 2022**

For information, please refer to the DMIRS website:

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