

Mining Industry Advisory Committee

COMMUNIQUE

A summary of the 13 October 2021 meeting

1. Department of Health – COVID-19 and vaccine roll-out

Details were provided on the Federal Government Vaccine Administration Partners Program Request for Tender that allows industry to apply for access to COVID-19 vaccines.

An update on the COVID-19 vaccine roll-out in regional areas was presented. Industry has supported the roll-out in areas where vaccination rates have been lower, particularly in the Pilbara and Goldfields areas, with pop-up clinics at Tom Price, Port Hedland, Newman and Karratha. A clinic has been opened at the Perth airport, financed by Rio Tinto, which can be accessed by anyone and, although bookings are preferred, walk-in clients are accepted. Due to a low take up rate at Tom Price 4000 vaccine vials needed to be used quickly and were taken to Port Hedland.

The Industry Liaison Group met with the Department of Health where key learnings from the Tom Price clinic were discussed. It was agreed there is a need for communication that clarifies the clinics are operated by Government. A list of the vaccination sites will be provided to MIAC members to share with their stakeholders.

The announcement of mandating COVID-19 vaccinations in the resources sector raised concerns, with a UnionsWA member noting the WA Government making the announcement without providing a Public Health Order, explaining the confusion occurring in the sector, which has provided opportunity for sowing of discord. The announcement is impacting the mental health of workers with information being requested daily from tier 2 and 3 workers, contracted staff, and people who attend sites infrequently.

Industry members highlighted difficulties in meeting the timeframe set out in the announcement and the concerns this has raised for workers regarding their ability to attend workplaces if they are not vaccinated in the timeframe mandated. Industry members agreed there is a need for further direction and noted the significant amount of confusion caused by the announcement and the lack of clear instructions. MIAC members suggested raising the issue with the Minister and agreed a key message to the Government is the need for prior consultation with industry so that potential issues can be raised.

2. One WorkSafe

The WorkSafe directorates, Mines Safety, Petroleum Safety and the teams that support them have been amalgamated under one shared identity, *WorkSafe Western Australia*. The amalgamation is not a structural change or change to the mines safety levy funding.

To assist with branding a new logo has been developed, with the 3 'people' of the old WorkSafe logo retained, but updated in the style of an umbrella.

3. Parliamentary Inquiry into sexual harassment against women in the fly-in fly-out (FIFO) mining industry

The Chair provided information about the Community Development and Justice Standing Committee Parliamentary Inquiry into sexual harassment against women in the FIFO mining industry, which officers from DMIRS attended on 8 September 2021.

MIAC member's comments were sought about the Mines Safety Bulletin on Sexual Harassment that was circulated out-of-session. Comments included that:

- impact of the intended message was reduced due to the length of the bulletin (six pages);
- terminology used regarding sections 76 and 79 should be consistent with the *Mines Safety and Inspection Act 1994* and the Mines Safety and Inspection Regulations 1995;
- use of the terms gendered violence and sexual harassment may cause confusion; and
- two documents be prepared, one for duty holders and another for the general workforce.

MIAC members also discussed issues involved in notifying occurrences, the need to maintain an incident log and, in particular, the need to maintain confidentiality for those reporting incidents.

The Chair explained that gendered violence is a more inclusive term, which highlights that incidents of sexual assault are not restricted to women. The bulletin has also been provided to the Sexual Assault Research Centre, which provided input on the types of assaults that occur. The bulletin itself relates to work being done by the Commission on the *Workplace Behaviours Code of Practice* and *Violence and Aggression at Work Codes of Practice*.

4. Competencies for mining statutory functions

DMIRS provided an update on required Units of Competency (UoC) for statutory functions in the mining industry under the new work health and safety (WHS) legislation.

Under the new WHS legislation candidates for appointment to mining statutory functions will be required to hold an appropriate nationally recognised UoC in Risk Management, and are required to successfully complete a law examination that is bespoke to the applicable statutory function.

DMIRS provided background to the current project, noting consultation to establish the National Mine Safety Framework began in 2010, with the Australasian Mining Competency Advisory Council (AMCAC) forming in late 2015. Workshops on statutory functions were held between 2016 and 2018 where risk management and law examinations were proposed with industry supported. This support was reinforced at consultation forums in mid-2019.

DMIRS has procured the "imc learning suite", which is a Shareable Content Object Reference Model (SCORM) content provider, and has begun development of the required examinations. The examinations include core questions, which a candidate being appointed

to a statutory position must answer and supplementary questions, which will be selected randomly from 100 questions to ensure no candidate sits the same examination.

The DMIRS preferred risk management competencies are:

- RIIRIS301E – Apply risk management processes;
- RIIRIS402E – Carry out the risk management process;
- RIIRIS501E – Implement and maintain management systems to control risk; and
- RIIRIS601E – Establish and maintain risk management systems.

The Australian Quality Framework (AQF) level of a UoC will relate to the level of a statutory function in an organisation, where RIIRIS601E is pitched at Senior Executive Level. The UoCs will be awarded by registered training organisation (RTOs), registered with the Australian Skills Quality Authority (ASQA). The DMIRS proposal lists 17 statutory functions with an AQF level, ranging from AQF level 3 to 6, allocated depending on job type. The allocation of AQF level to job type is a proposal and feedback is welcome.

In addition, consideration has been given to require that all people who have supervisory responsibilities complete *RIIWHS402E – Examine and maintain mine safety*. One performance criteria in *RIIWHS402E Assess, interpret and apply geological and survey data according to job requirements* is not applicable to several roles. An alternative proposed is to include *BSBWHS411 Implement and monitor WHS policies, procedures and programs*.

One Industry member highlighted the proposal would have a significant impact on industry which has an estimated 20,000 supervisors. However, other Industry members confirmed industry support for risk management upskilling, and raised the option that Recognition of Prior Learning (RPL) could be utilised by individuals. DMIRS confirmed it will not stipulate examination preparation courses other than requiring a risk management course.

A Union member noted smaller organisations, whose employees have less opportunity for training and ability to access RPL, would benefit from this proposal.

In response to an Industry member comment that industry was previously able to design its own courses, DMIRS noted UoCs will be defined by the Mining and Petroleum Advisory Committee (MAPAC) when it is created under the WHS legislation. Enterprise RTOs have responded favourably to the proposals.

An initiative proposed by TAC and ASQA is that RTOs will be approved by the Chief Inspector of Mines on behalf of the Regulator. Approval would also depend on an RTOs ability to contextualise training to the mining industry. At least 20 RTOs were expected to seek approval. A Union member noted the process is similar to that applied in the accreditation of safety and health representative training providers by the Commission and it is important to use established UoCs to ensure quality training.

An Industry member raised concern about companies ceasing training courses currently in place and being forced to send employees to generic training which is not specific to their site. DMIRS suggested current courses can be mapped against competencies.

The approval timeframe proposed is six to eight weeks, which a Union member agreed was a satisfactory timeframe. The onus is on DMIRS to meet the timeframes involved and MAPAC will set the guidelines involved.

RTOs are keen to access the approval template developed by DMIRS and TAC has agreed to publish information in their newsletter.

The Australian Government Unique Student Identifier (USI) will be required for all candidates. This will allow for checks to be made on legitimacy of competencies.

The proposal will be sent to RTOs as a draft, highlighting that industry consultation is currently occurring, and that the draft be brought back to MIAC at its 8 December 2021 meeting with feedback from industry and RTOs.

5. Strategy for Codes of Practice

The Chair provided the revised draft strategy to review codes of practice (codes) for the new work health and safety (WHS) laws, advising the work on codes is continuing. The draft Mine Safety Management System Code of Practice (MSMS Code) was provided out-of-session to MIAC members for comment, with the Chair seeking approval for the MSMS Code to be released for a two-month public consultation period Commencing 15 October 2021.

MIAC members were satisfied with the draft strategy as presented.

The Chair noted the compressed timeframe in which the MSMS was to be released for consultation and that industry are keen to have the MSMS Code finalised and available for use as soon as possible. If the MSMS Code was released for public consultation on 15 October 2021, work to finalise it was expected to be completed by early January 2022.

The structure of the document follows a logical progression with the first chapter introducing the MSMS Code, the second providing an overview of the content of the MSMS Code, the third outlining the action required to develop the MSMS, and the fourth providing information about implementing an MSMS. MIAC members pointed out the structure of the document caused some duplication of information and there was inconsistency in terminology. Work to remove inconsistencies in terminology was not yet complete.

There are plans to release guidelines supporting the MSMS.

6. Work Health and Safety (WHS) legislation

Drafting of the WHS regulations is progressing and it is anticipated they will be available for viewing in November 2021. Grants had been accepted and agreements signed with some industry and worker representative organisations, including: UnionsWA, CCIWA, CME, AMEC, MBAWA and HIA. The grants will enable these peak employer and worker bodies to provide information and training on the implications of the WHS Act and Regulations and assist parties to implement and transition to the new regime. WHS information relating to the WHS legislation is available on the DMIRS website. There has been good attendance at Safe Work Month events, including webinars that have added to the available WHS information.

The *Overview of the WHS Act* has been positively received and development of similar high-level overview for the WHS Regulations has commenced. It will be made available as soon as possible once work to clearly communicate the complexity of the regulations is complete. A detailed *Comparison table of Mine Safety and Inspection Act 1994 and Work Health and Safety Act 2020* document will be circulated to MIAC members once it has been approved.

7. Mines Safety Directorate: events of 2021

Safe Work Month activities have begun with the overall theme being "**Staying focused on workplace health and safety**". The Chair sought MIAC member assistance in sharing information about available live and on-demand webinars and other activities. MIAC members are invited to attend the 2021 Work Health and Safety Excellence Awards presentations at the Optus Stadium on 22 October 2021.

8. Mental Health

The Mines Safety Bulletin, discussed under agenda item 3.3, will provide further background and guidance in relation to obligations and specifically addressing reporting and management of occurrences of sexual harassment, including allegations of sexual assault reported at mining operations. Mentally Healthy Workplace Audits were continuing.

9. Significant incident reports

MIAC members were informed of two Significant Incident Reports, relating to crush injuries sustained during maintenance activities and an off-highway haul truck tyre blowout, and one Mine Safety Bulletin issued since the 11 August 2021 meeting.

10. Commission Report

The Commission report provided information from meetings of 1 September and 6 October 2021. The Commission minutes can be viewed on the DMIRS website.

11. Beyond 2020 Commitments

The Chair provided an update on Mines Safety's progress in achieving the Beyond 2020 commitments, advising of presentations made at Safe Work Month and at an AMEC event, and noting the continued focus on four key focus areas.

12. *Invisible Women* by Caroline Crado Perez – a book highlighting data bias

An Expert Member provided an overview of the book "Invisible Women", which details the unconscious data collection bias toward men rather than women in research, noting commentary in the book that highlights:

- the historic under representation of women in medical and work related research;
- the differences between male and female biochemistry and physical attributes in their ability to tolerate chemicals and toxins; and
- the bias of most car safety tests and tests for the efficacy of medicines based on male physiology.

The Expert Member sought confirmation that data collection by DMIRS assisted in ensuring women are safe in the workplace and sought views on whether a recommendation should be made to segregate women and men in future research regarding issues such as exposure levels. DMIRS advised the focus of data collection is often on the area where most incidents occur and currently age groups are the focus.

The Chair advised that injury data collected requests information about whether the injured person is male or female and that research about the effects of lead levels has also considered the effects on men and women and in particular the effects on reproduction.

An Industry Member noted the new WHS regulations include a specific lead exposure level for women and agreed to share case studies and proactive examples with MIAC members.

MIAC members discussed different needs of women in relation to PPE, as well as ergonomic considerations in automotive seating and work tool design.

13. Next meeting: 8 December 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>.

Sally North – Chair