



A SAFER FUTURE IS ON THE RADARS

RADARS: REFORM AND DEVELOPMENT AT RESOURCES SAFETY

In response to needs identified in recent independent reviews and inquiries (e.g. 2009 Kenner Review of the *Mines Safety and Inspection Act 1994*), and a spate of mining fatalities, the Western Australian Government has committed to overhauling the way safety and health in the resources industry are regulated.

The RADARS strategy will be coordinated by the Department of Mines and Petroleum's Resources Safety Division — the State's specialist regulator for occupational safety and health in the mining, onshore petroleum and geothermal sectors, and the safe use of dangerous goods.

The design of RADARS not only considered the recent independent reports and safety regulatory activities in similar jurisdictions (e.g. Queensland), but also the unique aspects of the large and diverse resources industry in Western Australia.

There are three main drivers for RADARS — legislation, capacity and competency.

Legislation

Resources Safety Executive Director Malcolm Russell said that the current regulatory trend of more emphasis on risk management and less on detailed prescription would continue, with a focus on reducing the likelihood and consequences of serious incidents.

“The risk-based approach puts the onus on operators to demonstrate that they understand the hazards and risks of their particular workplaces, and have implemented control measures to eliminate or manage these risks,” he said.

“The aim is to create a modern, uniform legislative base to reflect community expectations and adopt agreed national resource safety strategies and Council of Australian Governments reforms for occupational safety and health.”

Changes to the mines safety and inspection legislation may be considered but will entail extensive consultation and detailed regulatory impact assessment, as required by the Department of Treasury and Finance.

There is also a need for dedicated petroleum and geothermal safety legislation — separate from administrative arrangements relating to licensing and royalties.

Capacity

Independent reports on safety regulation released over the years have identified the need for additional technical and support staff in specific areas at Resources Safety. In particular, Commissioner Kenner reported that the current number of mines inspectors per capita of workers is significantly lower than for comparable mining jurisdictions elsewhere in Australia.

“An increase in staff is needed not only to maintain a minimum program of enforcement work, such as inspections and audits, but also to support more proactive and transparent compliance measures aimed at reducing serious incidents,” Mr Russell said.

“Case managers will be established across industry sectors and regulatory teams will need to have diverse skills and expertise.”

“A dedicated team of experts will be formed to investigate serious incidents, even if no-one has been injured — this will lead to targeted safety initiatives aimed at eliminating the root causes of many accidents.”

Under RADARS, enhanced data management and analysis systems will allow decisions about compliance and education work programs to be based on evidence and risk profiles. In addition, staff of the three inspectorates will be able to access compliance and other databases remotely, allowing better use of their time and resources.

Substantial resources will also be directed towards staffing at regional mines inspectorate offices.



Competency

The State's resources industry has seen unprecedented growth, not only in the number of workers but also the size and complexity of operations and the diversity of commodities. The regulator requires a broad mix of staff with the technical, audit and communications skills needed to oversee industry sectors adopting systems-based risk management models for safety.

Resources Safety has developed a recruitment and professional development strategy to ensure that inspectors will have the competencies, intellect, passion and experience necessary for the regulator to:

- systematically recognise and eliminate hazards in the industries for which it is responsible;
- use appropriate persuasion and, where necessary, enforcement to achieve legal compliance as a minimum standard;
- be consistent and proportionate in the application of legislation;
- develop and maintain strategic networks among stakeholders so that constructive relationships can be used to drive safety and health outcomes; and
- facilitate and encourage continuous improvement of safety systems for industry sectors within its responsibility.

Delivery of this regulatory style requires mechanisms for:

- defining the key competencies required for inspectorial positions at different career stages;

- where necessary, providing the training and environment to attain and maintain those key competencies and any specialist skills; and
- recognising the attainment of those key competencies and specialist skills.

The strategy incorporates a competency assessment program for the three inspectorates, with the independently assessed Diploma in Government (Workplace Inspection), based on recognised prior learning (RPL), being the standard qualification.

Inspectorate staff can also have occupational safety and health expertise and experience formally recognised through nationally recognised certification.

Looking to the future

Responsibility for safety performance rests principally with those in industry creating and controlling the risks, and must be managed in consultation with those who are exposed to the risks.

“The Government’s vision for RADARS is a proactive safety regulator working with industry to create an environment in which ‘resilient’ safety cultures are the norm, and companies, workers and the wider community are confident that industry is operating as safely as possible,” Mr Russell said.

“For industry, the ultimate outcome will be a reduction in the number and severity of incidents, and another step towards the goal of ‘zero harm’.”

SAFETY CULTURE SPECTRUM - ALL OPERATIONS SHOULD ASPIRE TO BE RESILIENT

SAFETY CULTURE "TYPE"	VULNERABLE	RULE FOLLOWERS	ROBUST	ENLIGHTENED	RESILIENT
Characteristics	In denial Messengers 'shot' Whistleblowers dismissed or discredited Protection of the powerful Information hoarded Responsibility shirked Failure punished or covered up New ideas crushed	Deal 'by the book' Conform to rules Target = 'zero' Reactive Repair not reform Information neglected Responsibility compartmentalised New ideas = 'problems'	Develop risk management capacity Enhance systems Improve suite of performance measures Develop action plans Monitor/review progress Clarify/refine objectives	Active leadership Safety management plan widely known Competent people with experience Accountabilities understood Advanced performance measures Regular reviews Range of emergency responses catered for	Strive for resilience of systems Reform rather than repair Responsibility shared Actively seek new ideas Messengers rewarded Proactive as well as reactive Failures prompt far-reaching inquiries Flexibility of operation Consistent mindset = 'wariness'
Descriptions	In disarray Pathological	Organised Reactive	Credible Calculative	Trusting Proactive	Disciplined Generative
Strategy	Sanction	Direct	Encourage	Partner	Champion

Table compiled by Martin Knee from a variety of sources

NEW LEAD AGENCY ROLE FOR DMP

The Department of Mines and Petroleum (DMP) has been designated the lead agency for the regulation of mining, petroleum, geothermal and carbon capture and storage proposals under the State Government's implementation of a "lead agency framework", announced by Premier Colin Barnett on 16 October 2009.

As defined by the State Government, the goal of the lead agency framework is:

To establish a seamless approvals system that can deliver necessary approvals within an acceptable timeframe and cost to proponents and government, while taking into account the public interest.

Under the new lead agency framework, a specific government department will be designated as the first point of call for a project. The lead agency takes a more proactive role in assisting proponents through the entire approval process, with a custom level of service depending on the size, scale and significance of the project. It is responsible for overseeing the whole application approval process and liaises with other agencies where required.

Lead agency key contacts have been established at DMP to provide the first point of contact for proponents for information and advice on their proposals.

Petroleum, geothermal and carbon capture and storage

Petroleum tenure and land access — *Beverley Bower, 9222 3133*

Petroleum environmental approvals — *Kim Anderson, 9222 3142*

Petroleum resource management — *Reza Malekzadeh, 9222 3759*

Petroleum well approvals — *Steve Walsh, 9222 3267*

Minerals

Mining tenure — *Tony Bullen, 9222 3112*

Mining Native Title and Aboriginal heritage — *Adrian Murphy, 9222 3031*

Minerals environment — *Xuan Nguyen, 9222 3237*

Resources Safety

Dangerous goods licensing — *Andrew Kempton, 9358 8028*

Other lead agencies include the Department of State Development for major resource projects like Gorgon and Oakajee, and the Department of Planning for infrastructure projects such as the sinking of the Northbridge rail line and the Perth waterfront development. The Department of Regional Development and Lands will become the lead agency for developments like Ord River Stage Two.