



# Management and Supervision Workshop Report

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**This report documents the observations of the Management and Supervision workshop.**

## Background

The Western Australian Government has committed to overhauling the way safety and health in the resources industry is regulated.

In January 2014, the Minister for Mines and Petroleum established the Ministerial Advisory Panel (MAP) on Safety Legislation Reform, comprised of industry, union and government representatives, to provide advice on the development of safety reforms.

During 2013, the Mines Safety inspectorate at Resources Safety Division, Department of Mines and Petroleum identified issues with onsite management coverage at some mining operations in Western Australia.

In January 2014, following legal advice, the State Mining Engineer wrote to all statutory appointed managers to clarify the interpretation of the *Mines Safety and Inspection Act 1994 (MSIA)* regarding onsite management coverage.

There is some disagreement and concern from industry on this interpretation of the management and supervision requirements in the proposed work health and safety legislation.

This issue was referred to MAP for advice, to assist DMP in developing the new Work Health and Safety (Resources) legislation for Western Australia.

## Role

Workshop participants discussed specific concerns with the current legislative requirements for management and supervision as outlined in Sections 33-38 of the *Mines Safety and Inspection Act 1994 (MSIA)*. The issues raised at the workshop will be used to help guide the new legislative requirements in the WHS Resources legislation.

The following questions were asked of the group and the responses recorded:

- *Any specific concerns with current legislative requirements for management and supervision?*
- *What are the practical difficulties complying with current legislation?*
- *What are the essential principles of management and supervision of a mine site?*
- *Who are the frontline supervisors?*

See Appendix 1 for comments collected at the workshop.

## Attendance

Member groups on the Ministerial Advisory Panel were asked to invite representatives from industry, unions and the regulator to attend the workshop, and 26 people attended.

## Observations and Findings

### Current regulatory framework

Occupational safety and health in the mining industry is regulated by Resources Safety Division of the Department of Mines and Petroleum, under the *Mines Safety and Inspection Act 1994* (MSIA).

Sections 33 to 38 of the Act cover the management and supervision requirements on a mining operation. The Act prescribes:

- Registered Manager – is responsible on a daily basis for the control and supervision for a mine and mining operations, and must reside at a location in relation to the mine which will allow the RM to control and supervise the mine effectively
- Underground Manager – has the responsibility to control and supervise the underground mining operations on a daily basis
- Quarry Manager – has the responsibility to control and supervise the quarry operations on a daily basis
- For commute schedules, the MSIA requires appointment of alternate registered/underground/quarry managers
- If the duty holder or alternate is incapacitated or unavailable to perform the duties, a deputy must be appointed

DMP's experience has shown that competency and availability of frontline supervisors at mining operations should be improved.

Industry's view is that MSIA provisions do not allow adequate flexibility for contemporary operational practices, in particular residential sites.

### Proposed legislation

The proposed Work Health and Safety (Resources) Act will require every mine operator to prepare and implement a Safety Management System (SMS). The SMS is a living document. As a mine site evolves, the SMS must cater for variations in scale, complexity and risks. It must be kept up to date, to reflect current safety systems in place on any given day.

The risk-based approach will put the onus on the mine operator to ensure that effective management and supervision can be provided at all times whilst workers are on site, and detail this in the SMS. This includes management and supervision structure, their competencies and other requirements for the mine.

The new Act will provide details of appointment and duties for Mine Operator, Site Senior Executive and Exploration Manager, with a requirement to have other statutory persons as required by regulations. It provides a degree of flexibility for site-specific situations.

Proposed legislation is likely to have less prescriptive requirements for onsite management, but more stringent frontline supervision requirements.

Statutory positions and their competency requirements are still to be discussed by the three major mining states (WA, QLD, NSW) to achieve consistency.

## Summary of Issues

The complexity and size of the mine play a part in determining the management and supervision processes and structures required. If a site operates 24/7, there should be adequate management and supervision throughout, not reduced supervision on nights and weekends.

Industry questioned the need for statutory position holders to be physically on site 24 hours a day, given that other high-risk industries do not require this. Some managers live within 10-20 minutes of the mine site, with mobile phone and email access. The statutory position manager could instead be on call when away from the site (provided they do not consume alcohol). There could be other supervisors who are competent to supervise and make decisions when the statutory positions are not physically on site. If the Registered Manager can demonstrate adequate management and supervision through an SMS, they can be responsible for it regardless of them being on site.

The new legislation needs to be a mixture of statutory control and a risk-based approach, with mines working out their management and supervision structure and processes through a risk assessment, documented in the site's Safety Management System. The legislation should define the responsibilities and be outcomes-focused, not prescriptive. The SMS should be prepared in consultation with front line workers and include the supervisor's role, competency requirements and level of authority to make decisions.

When the manager/supervisor isn't on site, there should be someone appointed in their place, who has the control, authority and competency.

Current mines safety legislation has not kept up with technology (e.g. communication methods) or new mining techniques (e.g. satellite mines up to 50km from the mine office). There are perhaps too many statutory positions. There are also different standards for open pit and underground mines, with underground being more heavily regulated.

Registered Managers are focused on strategic-level operations, such as implementing the management and supervision requirements. They may have little involvement in day-to-day frontline operations, especially at medium to large mines, as there are other managers and supervisors below them to provide oversight. However, they should still be familiar with operations.

Improved frontline supervision should be a priority. The supervisor understands the nature and hazards of the job, and whether the people can do that job safely and competently. It was also suggested that some of the onus of responsibility and accountability should be placed on supervisors, rather than managers. There should also be increased focus on direct supervision for workshop/maintenance areas, as a number of serious accidents have occurred. There needs to be an adequate handover process from one manager/supervisor to the next, and workers on the site need to know who is supervising each shift. The ratio of supervisors to workers should be appropriate.

Supervisor competency is an issue – there are no specific competency requirements/tickets nor are there regular checks to ensure competency is maintained. There are training courses on the key aspects of supervision. Some core competencies should also be transferable in any supervisory role. Supervisors need relevant experience and knowledge in the area that they are supervising, including:

- Knowledge of the legislation and Codes of Practice.
- Understanding of the work being done and how it should be done.
- Understanding of the site SMS.
- Knowledge and skills in hazard identification and control
- Communication skills (including literacy and language)
- Crisis management skills.

## Recommendation:

**That the Ministerial Advisory Panel note the feedback from the workshop and recommend that this information be considered when drafting the new Work Health and Safety (Resources) legislation for Western Australia.**

## Appendix 1:

# Management and Supervision

## Workshop participants' comments

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### Any specific concerns with current legislative requirements for management and supervision?

- Some Registered Managers have no involvement in day-to-day operations.
- There are no minimum competency requirements for supervisors and Supervisors don't have specific competency tests or tickets.
- Petroleum pipelines on a mining operation – need clarity on whether they have to comply with mines safety legislation requirements for statutory positions on a mining operation
- Do the mining statutory positions/supervisors have the right competency for supervising petroleum pipelines?
- Current legislation hasn't kept up with new technology (e.g. communication methods) or new mining techniques.
- There are two standards – one for open pit, and one for underground. Underground is more heavily regulated.
- Core competencies should be transferable in any supervisory role.
- Mine managers are focussing on high-level operations, not on direct front line supervision.
- Direct supervision needed for workshop/maintenance areas.
- Stakeholders would like to know how supervision for construction will be managed in the new legislation.

### What are the practical difficulties complying with current legislation?

- Mining manager's job is more strategic - they don't become involved in the day-to-day operations on the frontline.
- The complexity, size and structure of the mine play a part in determining the role of supervision and management.
- Resident (non-FIFO/DIDO) mine managers live within 10-20 minutes of site. Do we need statutory position holders to be physically on site? There needs to be other supervisors who are competent to supervise when the statutory positions are not physically on site.
- Industry operates 24/7, and they need to ensure that there is adequate management and supervision during the entire time. There needs to be a system that is as good during the week as it is on weekends.
- There needs to be a mixture of statutory control and risk-based approach, with mines working out their management and supervision needs through a risk assessment.
- The law should define the responsibilities and the outcomes.
- There needs to be someone on site implementing the management and supervision requirements and managing the people. Is the mine manager the person on site who is implementing and directly managing staff?
- The implemented management/supervision structure below the mine manager should be outlined in the Safety Management System (SMS).
- Underground mining – why do the supervisors on site not have the power to make the decision on site in the absence of a statutory position?
- What is the intent of the appointments process? Residential managers believe that they can manage sites without actually being on site or appointing a deputy.

- What is the difference between a statutory manager being in a mining camp which could be 20 mins drive from site, or a residential where it's 5 or 10 mins drive off site? Both have access to email, telephone, etc
- Do mines need to have someone there on FIFO, but not residential?
- The mining industry is the only industry that has this kind of management framework.
- Do we have too many stat positions?
- The Registered Manager and Underground Manager are not on the front line. So does this person need to be there 24 hours a day, when there are others supervising directly?
- There needs to be a greater focus on frontline supervisors.
- The competency requirements of supervisors are low. It needs to be experienced and skilled 'supervisors' who are appointed, not just the best or oldest tradesperson on the shift.
- Instead of putting the responsibility and accountability on the manager, why not put some of the onus on direct supervisors?
- When legislation was developed the mine manager's office was usually close to the pit. Now there are satellite mines that could be up to 50 km from the mine manager's office. The current legislation hasn't kept up with this change.

### **What are the essential principles of management and supervision of a mine site?**

- Skills/competencies to be able to do their jobs.
- Appropriate processes to manage the risk on the site, or manage foreseeable events.
- Person able to manage a crisis.
- If you have an SMS does the manager have to be on site?
- Managers need to be familiar with operations on site.
- Can the manager present an SMS and details on the management of the site to DMP?
- The people on site need to know who the responsible person is for supervising each shift.
- If the RM can demonstrate management and supervision through an SMS, they can be responsible for it regardless of them being on site.
- The supervisor understands the competence of the people, the job at hand, nature of the job, what hazards, and whether the people can do that job safely.
- If the RM leaves the site, can an RM appoint someone who isn't a deputy, and leave them in charge? No, needs someone that has the training, experience in the activity to be able to make decisions.
- There needs to be an adequate handover process from one manager/supervisor to the next.
- When things change, there needs to be a competent person on site to make a decision on how to proceed.
- Do we need to specify in the regulations a minimum amount of time a statutory position holder should be on site? Then on other days an alternate person is appointed as manager?
- Employers want clarity on what is required.
- The legislation should be outcomes-focussed and not prescriptive.
- Mines shouldn't rely on one person for supervision.
- Supervisors need to have relevant work experience in the area that they are supervising:
  - Knowledge of the Act and Regs / law.
  - Understanding of the work being done.
  - Understanding the site SMS.
  - Knowledge and skills in hazard identification.
- Supervisors need to know their delegation authority i.e. they aren't taking risks above their role.
- Management of change.
- The frontline manager/supervisor should be in the field not in an office checking emails – they should be engaged in the workplace.
- Should competency be regularly tested / audited and refresher courses offered?
- Communication skills, literacy, language.

- People identify risk but don't put the controls in place.
- Need to understand the systems, and addressing the adequacy of those.
- Safety is a priority.
- SMS should articulate the role of the supervisor and their authority.
- Consultation with workers is key in the SMSs.
- 10 keys aspects of supervision – training courses run by providers such as IFAP and Aveling.
- How many people will the supervisor be supervising? Can't be too many.
- Core competencies should be transferable in any supervisory role.
- There needs to be a formal process of how the supervisors' competencies are accredited.
- Supervisors on site need to have the resources and authority.

### **Who are the frontline supervisors?**

- Need careful definition of what a supervisor is.
- Someone who makes the decisions and directs work activity.
- Allocates tasks.
- Gives direction.
- Controls how tasks are undertaken.
- Leading hand, supervisor and foreman – who will have the role designated by the law, who will have to have the qualifications? This will be covered in the SMS.
- Not based on title but based on function.
- The supervisor is one level up from work execution.
- Person in control of the activity.
- Should the supervisor also be the person who is working in the role as well, not just stand alone supervising?
- Level of authority.
- There are different principles for supervising small, med, large operations in terms of the number of people.
- Supervisor's role includes communicating to subordinate staff, and up to management.