# 2019 Registered Managers Forum



### Introduction

The fifth annual Registered Managers Forum was held 23 August 2019. This is a key event for the Department of Mines, Industry Regulation and Safety (DMIRS) to network with resources industry management, channel information, and hear the point of view of decision-makers in industry.

More than 150 managers, including registered managers, quarry managers, underground managers and alternatives attended the forum.

The main theme of the forum was Where are we going - regulating the mining industry in the future.

### Forum format

The forum opened with a welcome from facilitator, Andrew Chaplyn, State mining engineer.

Mines and Petroleum Minister, William (Bill) Johnston and Director General, David Smith provided an overview of safety, including the government and Department's commitments. Following their speeches, there was a question and answer (Q&A) session facilitated by Regional Inspector Martin Ralph with panel members Minister Johnston, Mr Smith, Deputy Director General Ian Munns and Mr Chaplyn.

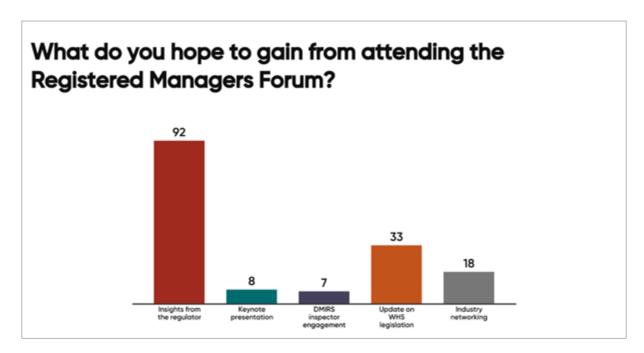
After the Q&A, Mr Chaplyn spoke about the Department's *Towards 2020* commitments and the Department's achievements to date. Mr Chaplyn also spoke about fatalities and serious injuries in the mining industry, participants were then asked to contribute their thoughts to the question "how are we going to turn this around?

Prior to lunch Inspector of Mines Nicole Tucker presented "tailings storage facilities, pit wall failures and sink holes".

After lunch external guest speaker Dr Garry Claxton, Senior Lecturer from Curtin University, addressed the theme of the forum.

The forum concluded with an update on the Safety Regulation System (SRS) Business Intelligence from Graham James, Regional Inspector, an update on the Mines Safety Roadshow from Roy Zylstra, Inspector of Mines and closing remarks from Mr Chaplyn.









#### **Event survey responses**

The majority of attendees at the forum believed it was a good opportunity to network with DMIRS staff and industry. Overall, 30% attended a previous Registered Managers Forum and 98% would probably participate in 2020.

#### **Conclusions**

The forum continues to be an effective way to engage with industry. The event continues to provide a rare opportunity for managers to come together to network and discuss safety issues of common concern.

# Appendix 1 Presentation slides

























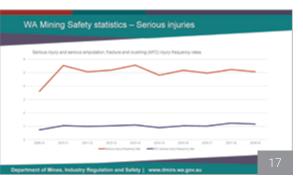




















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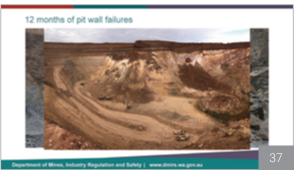


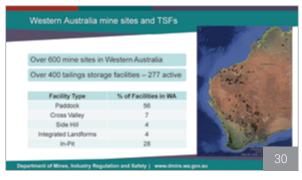




























































#### Meeting the Due Diligence Requirements through Processes.

In demonstrating due diligence, section 27 of the WHS Act requires officers to show that they have <u>Taken reasonable steps</u> to <u>acquire</u> and <u>update</u> their knowledge of health and safety matters.

My research suggests that there are 'six essential elements' to achieving this end..

#### **Proactivity and Due Diligence**

The six components of the due diligence duty.

- 1. Knowledge of work health safety matters.
- Understanding of the nature of the operations of the business and the hazards and risks associated with those operations.
- Resources and processes.
- Information regarding incident, hazards and risks and responding in a timely way to that information.
- 5. Legal compliance.
- 6. Verification...

#### Knowledge of and commitment to work health safety matters

To be a safety leader you need to be a volunteer...it is not a job; it's a calling.

In a positive safety culture nothing takes precedence over safe work.

You will need to know what questions to ask and when to ask them.

Never forget...Ignorance of the law is not a defence.

A leader must systematically inform themselves of relevant developments and trends.

I would recommend that you appraise yourself of the fundamentals of risk management, incident investigation, auditing and horizon gazing, to name a few.

#### Understanding the nature of operations

A leader is not only required to acquire and maintain a base knowledge but also contextualise that knowledge in relation to the business or undertaking.

· Put a required safety action in a context that enables all workers to completely understand what is required of them to stay safe.

Identify the hazards, assess the risks and put the necessary controls in place.

#### **Resources and Processes**

Due diligence requires the safety impact of every resource decision to be

Resources includes human resources and not just financial resources.

Safety expenditure may be better characterised as a capital investment.

Safety in design is implied in the duty to ensure adequate resources and processes are provided.

#### **Monitoring Performance**

Analyse and learn from incidents, hazards and risks.

Rely on a 'Just' safety culture.

· A blame culture does not support the desired outcome that is the continual improvement of OHS.

Analyse and learn from incidents and near miss data to avoid further incidents.

There is a role for a properly constructed incentive scheme as part of the mix of tools to drive better safety performance..

#### **Legal Compliance**

Leaders must ensure that they implement a process for legal compliance audits.

This is where the standard against which the system is measured is the law itself.

#### Verify

The final element requires 'verification' of the implementation of the due diligence framework.

Verification can be typically achieved through system performance audits and should be treated as opportunities for learning, refocusing the organisation back to its roots in a cycle of continuous improvement.

A more holistic journey towards verification is using the combination of ...safety observations, peer reviews and safety surveys which become all the more effective when incorporated with safety audits.

Audits must be conducted by competent persons...without fear or favour

Audits are required at reasonable intervals...

#### Are these Liabilities Insurable?

As a result of Hillman v Ferro Con (SA) Pty Ltd [2013] SAIRC 22...Judges seeking to mete out meaningful penalties are more likely to consider custodial sentences where O&O policies are in place.

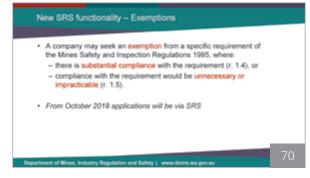
The recent Senate inquiry into industrial deaths called for urgent reform of the WHS laws to make it unlawful to insure against a fine or defence costs when related to personal liability for WHS breaches.

# Thirteen Black







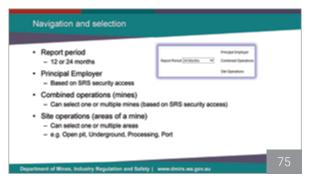


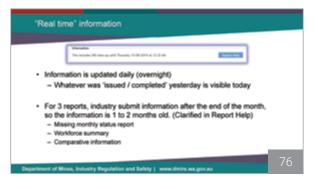




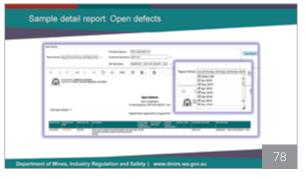




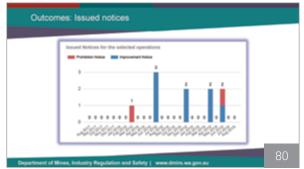


















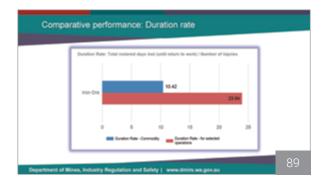


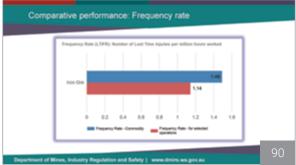






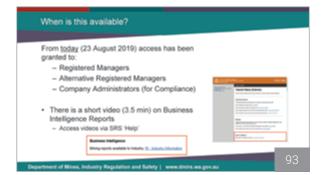




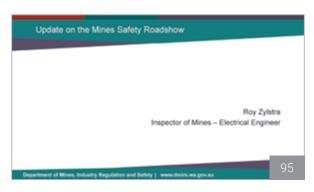










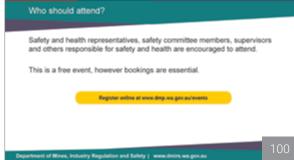








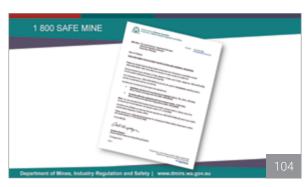














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