



COMMUNIQUE

The Mining and Petroleum Advisory Committee met on 11 October 2023. Members discussed key issues around construction work and codes of practice.

The Department of Mines Industry Regulation and Safety also provided a series of presentations on key issues for information and consideration by members.

Definition of Construction Work

AMEC and CMEWA sought agreement by MAPAC to recommend amendment to the definition of construction work under *Work Health and Safety (Mines) Regulations 2022* to clarify when work is considered construction and is fit-for-purpose for the mining and exploration sector.

Members discussed the unintended consequences of the recommended definition change and the significant difference of understanding between Principal Miners and sub-contractors.

It was noted the need to ensure the rigorous safety management system is not eroded by carving out specific activities.

MAPAC requested detail on the history and data of the existing clauses from DMIRS.

Psychosocial hazards at work for fly-in fly-out (FIFO) workers in the resources sector: Code of Practice

The draft Code of Practice: Psychosocial hazards at work for fly-in-fly-out (FIFO) workers in the resources sector was discussed. Members noted the draft code is to replace the previous code (2019) as it reflects the new Work Health and Safety framework and greater societal understanding and awareness of psychosocial hazards.

Members considered a proposal from WorkSafe to expand the scope of the code to cover all FIFO workers regardless of the industry or sector. The proposal would include workers who do not reside at their usual place of residence while at work, including bus-in bus-out and drive-in drive-out where.

Members noted and accepted the broadening of scope and would require further redrafting of the draft code, extending timeframes for its release for public consultation by a few months.

Unions WA noted the proposed change of scope would need to consider any unintended consequences. For example, DFES and volunteers or politicians flying to Perth, delays due to additional consultation requirements.

MAPAC provided in principle support for the change of scope, noting that an expanded consultation would be required to include ensure general industries stakeholders.

MAPAC agreed to raise the change of scope with the Work Health and Safety Commission.



DMIRS WorkSafe presentation - Gendered Violence

The DMIRS Regional Inspector of Mines presented an update on the work being undertaken by Dr Dean Laplonge. Dr Laplonge has been working with Mines Safety to deliver a series of workshops around the State to assess how far the industry has come in the past decade. A report was published on 1 August 2023.

Dr Laplonge is supporting Mines Safety to refine existing Mine Safety documentation and language around existing work conducted over the past 20 years on psychosocial hazards and future work.

The Mine Safety Mental Health and Wellbeing Team has grown significantly and is looking to change team name to reflect the current language (for example psychosocial team). The Regional Inspector confirmed that they continue to conduct monthly share sessions with other regulators including NOPSEMA.

Compliance and Regulation System Transformation Project

The Compliance and Regulation System (CARS) Transformation Program is to simplify and standardise the administration of regulatory compliance and improve efficiency and effectiveness by creating a modern fit-for-purpose cloud-based solution.

CARS is to replace the existing SRS (Safety Regulation System) and WISE (WorkSafe Information Systems Environment) and support all the required functionalities of the WHS legislation. The new system aims for greater transparency for individuals and regulated parties, improve business intelligence and reporting, and reduce timeframes for investigations, prosecution, and enforcement. It is expected that the project will be completed in 2026.

Tax Ruling on sitting fee PAYG

The Deputy Director General, DMIRS gave an overview of the correct Pay as You Go (PAYG) treatment of sitting fees paid to members. The Australian Taxation Office provided a ruling in September 2023.

In Summary:

- If their sitting fees are required to be paid to their employer, they must supply evidence, and PAYG withholding will not be applicable; or
- If their sitting fees are not required to be paid to their employer, PAYG withholding is applicable.
- A detailed flow diagram was provided to guide members through their specific situation.

Ten Pathways to Death and Disaster

DMIRS Regional Inspector of Mines presented on the recent roadshow with Professor Michael Quinlan. A series of workshops held around the theme of assessing the State's mining sector performance against the major contributing factors to fatal accidents, as identified in Professor Quinlan's 2014 publication *Ten Pathways to Death and Disaster: Learning from Fatal Accidents in Mines and Other High Hazard Workplaces*.



Data were analysed by Edith Cowan University. MAPAC members were invited to review the published articles. Conclusions from the papers include:

- The mining industry is over-represented in WA workplace fatality statistics.
- Superintendents/Managers appear to have a higher perception of organisational performance when compared to HSRs.

Mines Safety have received very positive feedback from the series of workshops, with several major mining operators approaching Professor Quinlan for follow-up sessions.

Professor Quinlan featured in the Future of Mining Conference in September and will be returning to WA early in 2024 to present his research findings into contractor management, which aligns with one of Mines Safety's key strategies.

Functionality of Safety Regulation System (SRS)

MAPAC members were stepped through data that are available to mine operators that have submitted a health sampling plan to the Safety Regulation System (SRS). Mines Safety explained:

- How a risk level was established for individual mining operations;
- the generation of automated instantaneous feedback on the suitability of a proposed health monitoring plan; and
- the establishment of Similar Exposure Groups; and the recording and analysis of reported exceedances.

SRS also includes a capability to record and analyse biological monitoring data, and outlined the process by which that data is reported, and exceedances are required to be accompanied by an investigation and contributory factor analysis.

Every mining operation can interrogate its own data via a bespoke statistics package that is built into the Health Management Plan component of SRS, the functionality of which is outlined in the approved Mine Air Quality Officer's course. Mines Safety has the capacity to interrogate the submitted data across all, or selected sectors of the industry, and for specific agents, such as noise, welding fume etc.

MAPAC discussed noise abnormality and how it is captured by the system.

Specific discussion was had on respirable crystalline silica (RCS), which has been subject of much discussion over the recent past. Members were shown RCS results submitted to SRS in the period from 2000 to year-to-date 2023. Of 98,372 results, there were 3,209 that exceeded the relevant Workplace Exposure Limit, an exceedance rate of 3.3 per cent.

The exceedance rate is sufficiently low to give confidence that the risk of silicosis in mine workers is also low. However, Mine Safety emphasised that health monitoring of potentially exposed workers via low dose computed tomography (LDCT) screening, introduced in January 2021, is an essential component of the regulatory requirements to ensure early detection of the disease.

Western Australia is leading the world in applying LDCT as a silicosis early screening tool. As LDCT is much more sensitive than other screening techniques, such as X-rays, more cases of early onset silicosis are likely to be identified. However, early detection means that individual interventions can



be developed that would reduce the likelihood of workers being significantly affected by the disease.

Mine Safety noted a concerning trend that has been identified where certain medical practises are over-prescribing LDCT screening to workers at very low risk. Where errant practices could be identified, action was being pursued. Members were asked to reinforce the pre-requisites or screening of workers, as established in [Health surveillance - Silica \(respirable crystalline\)](#) A guide for medical practitioners.

Legislation Update

MAPAC Endorsed The update to the Work Health and Safety (Mines) Regulations 2022, regulation 306A (1) to AS3850.1:2015, AS3850.2:2015 and AS3850.3:2015 Prefabricated concrete elements.

Mental Awareness Respect and Safety Professorial Chair

The chairperson gave an update on the appointment of the professorial chair awarded to Edith Cowen University (ECU). ECU will form a Mental Awareness Respect and Safety Centre for research and teaching programs focused on workplace health and safety in the mining industry.

Events and publications

September

Future of Mining conference

WorkSafe Mines Safety sponsored the Future of Mining conference on 18-19 September in Perth, which allowed us to put forward a main stage speaker. Professor Michael Quinlan presented the 10 pathways to death and disaster in WA's mining industry at the event which had around 1,000 delegates.

Mining Industry Summit: Driving Respect

The WA Government hosted the *Mining Industry Summit: Driving Respect* on 1 August 2023. The summit was in response to recommendation of the 'Enough is Enough' report into sexual harassment against women in the FIFO mining industry.

The aim of the summit was to educate, inspire and empower leaders to drive respect and take meaningful action towards preventing and responding to workplace sexual harassment.

Held at Optus Stadium, the summit brought together 1,200 attendees from across the WA mining sector including CEOs, board members, site senior executives, industry bodies, operational, HSE and HR leaders, as well as union representatives and elected health and safety representatives.

The Mental Awareness, Respect and Safety (MARS) Program, an interagency initiative with DMIRS in partnership with the Department of Communities, Mental Health Commission, and the Equal Opportunity Commission, displayed nine program initiatives.



Safe Work Month 2023

WorkSafe conducted four events through October in a return to in person sessions. There is a different focus each week under the umbrella of this year's theme 'Our way forward: Prioritising healthy and safe workplaces'. Events Included:

- Breathe easy: Occupational health and hygiene forum 3 October at Optus Stadium
- Psychosocial hazards industry forum 12 October at Optus Stadium
- Sowing the safety seeds: Agricultural safety forum - 18 October in Bunbury
- Work Health and Safety Excellence Awards incorporating the health and safety representatives - 27 October at Optus Stadium.

Upcoming Events

CME Underground Mine Emergency Response Competition (MERC) on 3-5 November in Kalgoorlie

WorkSafe Mines Safety is sponsoring the "team safety" award at the 2023. The MERC competitions play an integral part in mine site emergency training, offering competing teams the opportunity to test and hone their emergency response skills through simulated emergency situations while sharing their experience and knowledge with fellow participants.

WorkSafe Mines Safety is also sponsoring "best team overall" award for MERC from 24 to 26 November in Perth.

Human Factors Forum - Friday 10 November

WorkSafe Petroleum Safety will be presenting.

Mine Safety statistical information

The Activity indicators for Mines Safety and MAPAC Fatality Update Report were noted.

MEMBERS REPORTS AND UPDATES

Mine Safety

The Chief inspector of Mines presented on the Mine Safety annual plan and focus areas.

Major projects for the year included:

- Factices by Dean Laplonge – *How Tough are we now?* Workshops and report published with findings and recommendations (including table for industry and table for the regulator) plus Speaking events. Dr Laplonge has been a keynote speaker at multiple events to the sector this year. Work is moving into regulator review of 'where we are now'.
- Fatality Prevention. The plan is to work with Professor Quinlan again next year, with a specific focus on contractors.



- Level two investigations – moved from a three-year to two-year statute.

Achievements

- Mine Safety has completed several frequently asked questions related to the WHS changes and effect on the mining and exploration sectors.
- Mines Safety Inspectors as the subject matter experts have reviewed all mining codes of practice and web pages ready for the Safety Education Branch to progress.
- Statutory Position Exams are now up and running online including the creation of the Mining Competency Advisory Committee and the Surveyors Competency Advisory Committee.
- Mental health and wellbeing team has grown to 12 staff. There is a blended skill set from Customer Service Officer through to Psychologists.
- Mental health and Wellbeing inspectors have customised a new audit. To date they have had 1400 responses. Being invited by stakeholders to undertake these surveys.
- Increased inspector training in Psychosocial hazards has been targeted and large scale.
- 23 of the 47 PWC recommendations have been completed. The remaining are pending into the new year. The WorkSafe Response report is yet to be published.
- Seven of ten Enough is Enough recommendations relevant to Mine Safety have been completed, with three pending into the new year.
- Incident reporting guideline available for industry; and
- WorkSafe Mine Safety Inspectorate met all Inspection targets.

2024- 2025

- Creation of a centre of excellence for Mine Safety;
- Continued focus on professional inspectors with SMART goals;
- RADAR review of the five pillars to ensure Mine Safety remains the inspectorate of the future;
- Regulatory Performance review two years post introduction of *Work Health and Safety Act 2020*.

Focus Points for next year are:

- Contractor Management
- Traffic Management
- Safety Management Systems in place
- Process plants – structural integrity.

NEXT MEETING

The next meeting of MAPAC is 13 December 2023.