



## Mining and Petroleum Advisory Committee (MAPAC)

### COMMUNIQUE

Summary of MAPAC MEETING NO: 3 of 2023 14 June 2023

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#### Business arising from 12 April meeting

##### a) Plant design and registration

Members noted the update provided by WorkSafe showing the number of plant registered each month since December 2022. PCBU members advised that they were in the process of receiving information from the mining industry affiliates on the numbers of vessels still to be registered.

##### b) Mines Safety Levies

The agreement to reinstate the Mines Safety Levies meeting was noted by members. The members nominated by AMEC and CMEWA would be invited to attend the meeting by WorkSafe Regulatory Support in the third quarter of 2023. The meetings would be based on the approach established when the Mine Safety Levies meeting ran regularly prior to 2020.

##### c) Code of practice: Accommodation in mining and construction camps

Members noted that WorkSafe had appointed an officer to develop the *Code of practice: Accommodation in mining and construction camps* (note: working title).

The complexities of the code of practice's scope and the changing accommodation environment across the mining industry were raised as issues to be considered. The Chief Inspector of Mines (CIMs) noted those complexities and commented that the scope was being carefully reconsidered by government to take them into account. The Chair and members held the view that the high level of consultation and feedback through MAPAC should be maintained while developing the Code of practice:

##### d) Code of practice: Mentally Healthy workplaces for FIFO

Members noted the progress being made to rewrite the *Code of practice: Mentally Healthy Workplaces for fly-in-fly-out (FIFO) workers in the resources and construction sectors*.

#### Mental Awareness, Respect and Safety (MARS) update

Members noted the MARS update and specifically discussed:

- The Landmark Study by Curtin University is aiming for 3000 responses and the survey period was extended to 16 June 2023. The number of survey respondents currently is around 2700 with the current response rate indicating managerial workers (55%) over operational workers (25%);



- The significant promotion activities have been undertaken by the Curtin University Centre for Transformative Work Design reference group, industry bodies and the MARS team to promote the Landmark Study; and
- Noted the decision regarding the selection of the successful university for the Mining WHS Professorial Chair is expected to be announced in June 2023.

### **Smoking and e-cigarettes at mining accommodation**

The Cancer Council WA (CCWA) wrote to the Chair seeking that smoking and e-cigarettes be considered for inclusion in the development of the Code of practice: Accommodation in mining and construction camps. The CCWA enclosed with the letter, a survey that found that some mining workers reported being exposed to tobacco smoke and/or e-cigarette aerosol at work.

Members noted that industry participants had, for some years, used various means to assist, encourage and support workers who aim to stop smoking.

The outright banning of legal smoking on mining sites was deemed to be difficult due to the mining accommodation being a worker's 'home' for the period they are located there.

Members acknowledged that mining and petroleum accommodation facilities had complied with the laws and provided designated areas where smoking and e-cigarettes could be used. However, members noted inherent problems related to smoking like the formation of smoking subcultures that sometimes resulted in antisocial behaviours, like noise or littering. It was acknowledged that if smoking areas were provided they should be well lit, accessible, comfortable and monitored.

The mining and petroleum industry takes further risk based view, and has strict non-smoking areas to control hazards like incidental ignition, or food contamination. The commodity being mined can introduce extra risks and smoking protocols strictly control these risks, for example in offshore drilling accommodation.

### **Mining: Codes of practice and guidance priority list**

A list of mining specific codes of practice and guides marked for review or development was provided to members for their consideration and to assist in terms of the prioritisation of work.

It was noted the government has prioritised the development of the *Code of practice: Accommodation in mining and construction camps* (note: working title) and the review of the *Code of practice: Mentally Healthy Workplaces for fly-in-fly-out (FIFO) workers in the resources and construction sectors*.

WorkSafe Mines Safety identified the highest priority to be to the codes of practice relating to the highest risk areas like exploration and traffic management. These are followed by the mines safety management systems, working hours (via the WHSC), emergency management, tailings, and ground support.

Legal advice provides that codes of practice will be developed over technical guides. Members supported the priority list and agreed lower risk codes requiring minor work could be expedited wherever possible.



## **Silica and dust: The mining industry**

The Deputy WorkSafe Commissioner was invited to present to the MAPAC an overview of legislative reforms of silica materials and provide an update of the WorkSafe Dust strategy.

A number of silica reform options are being considered in national WHS forums. Current calls from some stakeholders to further broaden regulatory frameworks could include changes to the regulation of silica in mining.

WorkSafe is aware of 45 cases of silicosis in Western Australia related to the engineered stone sector since 2018. As there is not currently a registry for silicosis, it is unknown if there is additional cases, including cases from other industry sectors.

At the February 2023 meeting of Australian State Ministers responsible for work health and safety, the following were considered: options for banning of imported or engineered silica stone; reducing and defining silica content in specified products; changes to the workplace exposure limits; and licensing arrangements. 'High risk silica' processes were discussed whereby a more tightly assessed system of work might be required. 'High risk silica' has not been defined.

It is noted that Western Australia has not seen a rise in mining silicosis cases when compared with the historical data available. This provides some comfort for the mining industry, and at this stage, cases appear to be mostly in engineered stone processing industries. However, it is important to acknowledge that variables exist that influence worker exposure.

Reducing the workplace exposure standards will require all technical aspects to be considered. For example, monitoring systems and processes used, the known variability in samples and how compliance can be reasonably achieved. Feasibility studies relating to compliance, exposure standards and the role of respiratory protective equipment are required to ensure any changes are workable.

A specialist health analyst has been engaged to interrogate the existing departmental data held in relation to silica and the data relating to historical health monitoring. A report is being prepared for the Commissioner.

Members noted the WorkSafe Dust strategy.

## **Medicinal Cannabis and Hemp: Parliamentary inquiry report**

The *Medicinal Cannabis and Hemp: Parliamentary inquiry report* requires the WHSC and the MAPAC to consider Recommendation 9 and Recommendation 10. It was noted the government's response to the Parliamentary inquiry report was imminent but not yet released.

There is recognition that prescription medicinal cannabis and hemp use is on the rise and the work health and safety matters must be considered by the mining and petroleum industries.

Members noted that the *Road Traffic Act 1974* (RTA) does not permit tetrahydrocannabinol (THC) when driving and that amendment of the RTA should be considered by government.



A member representing workers noted cases underway through the courts involving workers being stood down for returning positive THC drug test results, even after proper declaration and the drug being taken in accordance with the prescription. Tests only indicate positive THC levels, yet the associated impairment levels cannot be measured. Small amounts of THC in prescription medication over time may eventually result in a positive drug test without impairment.

Some mining companies were undertaking saliva testing pilot trials, researching USA and Canadian methodologies and reviewing drug and alcohol policies and procedures.

Members noted the similarities of other psychoactive prescription drugs within the safety context and called upon industry participants, industry bodies and unions to keep the discussion open.

The *Guidance note: Alcohol and drugs in the workplace* had already been marked for review by the Work Health and Safety Commission (WHSC) and subsequently, WHSC have referred the guide to the Legislative Advisory Committee (LAC).

#### **Enough is Enough Recommendation 14: Anonymous reporting platforms**

Recommendation 14 was directed at government to work with industry bodies to explore options for an industry funded rollout of anonymous reporting platforms. Barriers to delivering an industry funded solution were recognised with acknowledgement that the anonymous reporting platform service being developed by WorkSafe would surmount many of these barriers.

The significant preparation to deliver the SHare service includes: consultation with stakeholders and partners; the recent engagement of experienced and specialised staff to answer, monitor and direct callers; the development of suitable scripts so that callers are responded to in a methodical, yet trauma informed way; strategic adjustments to the WorkSafe triage process that support confidentiality; and alignment with the MARS program e.g. Circle Green, HealthyWA's Sexual Assault Resource Centre (SARC) or WAPOL for referral of assault cases or those seeking justice outcomes.

It was noted that the Safety Regulation System (SRS) has been enhanced to improve security and confidentiality, and had minor changes to enable sexual harassment and assault contacts to be coded in the system.

Noting that calls may be received from the affected person, bystanders or third parties, at every step due process and anonymity will be respected. WorkSafe will provide support and clearly communicate its role to the caller. WorkSafe will provide information to the caller rather than connecting services on their behalf. Importantly this approach recognises the compliance role of WorkSafe and the significance of the Regulator's role to take further action if required.



## **Enough is Enough Recommendation 5: Female workforce participation in mining for industry**

Despite the long history of company initiatives to improve female participation rates, previous data indicated levelled rates and therefore it is encouraging that recent data reflects a slight upswing of female workers participation in the mining industry in a broader span of roles.

It was noted that while the industry fully encourages female workers, the hiring process is not the singular solution. The industry contends with a multitude of complex social issues including the lack of availability of: specialised training; early childhood education; child care; housing; and support and health services especially in the regional communities.

New initiatives and retention strategies since the release of the Enough is Enough Report were discussed. These include: recognising and targeting worker lifecycle changes; offering partner rosters with shared accommodation; running graduate programs that target science technology engineering and maths students; and retirement return to work programs.

## **Enough is Enough Recommendations: Recommendations for industry – any other updates**

It was highlighted that the 'Recommendations for industry - register' had not been updated sufficiently over the past two MAPAC meetings, noting that progress against the government EiE Recommendations would be in the DMIRS Annual Report.

A member provided that updates could be tabled at the next MAPAC meeting however there were limitations relating to legal matters and that in any case, industry and industry bodies are reporting independently to the Minister. The view taken by the member was that the industry bodies had contributed to the intent of the recommendations by participation in discussions, providing viewpoints and sharing information. Reporting was done in a variety of ways, including directly to the Minister and generally high level formal reporting is via peak body Chief Executive Officers (CEOs). It was noted that updates provided at the next meeting would not be reported this financial year.

Members noted that the recommendations should be responded to in a very serious way recognising the role of MAPAC to improve health and safety in the resources sector and therefore to address the long standing issues of workplace sexual harassment and assault.

## **Statistical information**

Members noted that, when the contractor data provided was compared, it indicates that there is potential underreporting for contractor injury. The CIMs noted that under reporting is a known issue although recently reports from drilling and exploration companies had increased. The department is working on improving the reporting processes.

## **Events and publications**

The Chair confirmed the name of the upcoming MARS industry summit is *The Mining Industry Summit – Driving Respect*. The CIMs reported that the Dean Laplonge psychosocial road shows were very well received and Mr Laplonge will be a speaker at Safe Work Month.