

Mining Industry Advisory Committee

MINUTES – 11 August 2016

Meeting No:	11/08/2016	Time:	8.00 am
Venue:	Level 2, Koorling Dandjoo Room, 1 Adelaide Terrace East Perth	Secretariat	Department of Mines and Petroleum

Attendees:

Mr Andrew Chaplyn (A/Chair)	Government Member (Department of Mines and Petroleum)
Mr Chris Davis	Expert Member
Ms Peta Libby	Expert Member
Mr Glenn McLaren	Union Member (Unions WA – Australian Manufacturing Workers Union)
Mr Martin Ralph	Expert Member
Ms Nicole Roocke	Alternate Industry Member (Chamber of Minerals and Energy)
Mr Graham Short	Alternate Industry Member (Association of Mining and Exploration Companies) (until 10.55 am)
Mr Gary Wood	Union Member ((Unions WA – Construction, Forestry, Mining and Energy Union)

Invited Guests

Ms Morena Stanley	Training Accreditation Council (Item 3.7)
Mr Colin Boothroyd	Department of Mines and Petroleum (Item 3.8)
Ms Michelle Andrews	Department of Mines and Petroleum (Item 3.8)

Observers:

Ms Kirillie Caldwell	Chamber of Minerals and Energy
Ms Cheryl Leyland	Department of Mines and Petroleum

Secretariat:

Mr David Eyre	Department of Mines and Petroleum
Mr Peter Payne	Department of Mines and Petroleum

1. INTRODUCTION

- 1.1. The Acting Chair of the Mining Industry Advisory Committee (MIAC) opened the meeting at 8.00 am and welcomed members.

Members noted the following:

- (i) Ms Adrienne La Bombard, industry member from the Chamber of Minerals and Energy (CME), had been granted a leave of absence by the Chair;
- (ii) Ms Nicole Roocke is the CME's alternate member acting temporarily in Ms La Bombard's absence;



- (iii) Mr Graham Short is the Association of Mining and Exploration Companies' (AMEC) alternate member acting temporarily in Mr Bennison's absence;
- (iv) Mr Stephen Price is to be replaced as the union member from the Australian Workers Union (AWU); and
- (v) Mr Mike Zoetbrood is the AWU's nominated member for appointment to the MIAC, noting the formal appointment process is currently being progressed.

1.2. Apologies

The following apologies were noted:

- (i) Mr Simon Bennison, Industry Member (AMEC);
- (ii) Mr Simon Ridge, Chair and Government Member (Department of Mines and Petroleum (DMP));
- (iii) Mr Greg Stagbouer, Expert Member; and
- (iv) Mr Adrian Vujic, Industry Member (CME).

1.3. Acceptance of Agenda

The agenda was adopted with an additional item proposed by the CME for discussion under Item 5 Other Business – Mines Safety Bulletin 131.

1.4. Declarations of Interest

Mr Martin Ralph declared a potential interest in the event that Dr Cattani's previous presentation on a risk-based training framework, or the issue of high risk work licences, be discussed.

2. PREVIOUS MEETING

2.1. Acceptance of Minutes

The minutes of the Mining Industry Advisory Committee meeting held on 16 June 2016 were accepted, subject to a correction to the recording of apologies and alternate members.

DECISION: 1-11/08/2016

The Mining Industry Advisory Committee accepted the minutes of the meeting held on 16 June 2016, subject to a correction to apologies and alternate members for that meeting.

2.2. Review of Action List

The action list updated from the 16 June 2016 meeting was noted, in particular whether 2.2(iv) – the Draft Working in Remote or Isolated Areas Guideline, which is scheduled to be ready for MIAC's November 2016 meeting, will be a further draft or the final guideline.

There was some discussion by members regarding the protocols for presentations to the Committee. It was agreed that where possible a copy of the presentation should be included in the agenda papers for that meeting and, in particular, where the MIAC is asked to make a decision.

The MIAC Secretariat undertook to ensure a copy of future presentations is included in the agenda papers as far as is practicable and appropriate.



3. AGENDA ITEMS

3.1. MIAC Revised Terms of Reference and administrative procedures

Members noted the Department of Mines and Petroleum (DMP) has been reviewing the governance arrangements for its various committees, both statutory and non-statutory, in an effort to improve the effectiveness of these committees.

MIAC also noted while no significant changes have been made to MIAC's role and purpose, some administrative changes have been clarified or improved to ensure the efficiency of its meetings.

The revised terms of reference and the administrative procedures for the MIAC were endorsed, subject to minor changes to the terms of reference as follows:

- (i) Section 7 Alternate Members – replace ‘... two consecutive meetings ...’ with ‘... a meeting ...’;
- (ii) Section 9.2 (b) – to now read ‘...one of the members specified in 4.1(a) and 4.1(b)’;
- (iii) Section 15 Minutes of Meeting – remove paragraph two completely.

DECISION: 2-11/08/2016

The Mining Industry Advisory Committee endorsed the revised Terms of Reference and the Administrative Procedures, subject to the agreed changes in 3.1(i) to 3.1(iii).

3.2. Terms of Reference for MIAC Mental Health Strategies Working Group

The terms of reference for the MIAC's Mental Health Strategies Working Group had been revised for consistency purposes.

While members generally agreed with the revised terms of reference, they requested an amendment to the role of the Working Group to more closely reflect the original intent, together with some other minor changes of an administrative nature.

It was agreed that endorsement of the revised terms of reference for the MIAC Mental Health Strategies Working Group is to be out-of-session.

DECISION: 3-11/08/2016

The Mining Industry Advisory Committee agreed that the terms of reference for its Mental Health Strategies Working Group are revised as agreed and submitted to MIAC members for out of session endorsement.

3.3. Terms of Reference for MIAC Nano Diesel Particulate Matter Working Group

Members noted the terms of reference for its Nano Diesel Particulate Working Group had been revised for consistency purposes.

The role of the Working Group in 1.1(c) of the terms of reference states it is to provide information on the health effects of exposure to nano diesel particulate matter (nDPM) on workers in an underground environment.

However, as exposure to nDPM is also potentially hazardous in other environments, members agreed that the scope of the research into this issue should be reconsidered and the terms of reference revised, together with some other minor changes of an administrative nature.

It was agreed that endorsement of the revised terms of reference for the MIAC Nano Diesel Particulate Matter Working Group is to be out-of-session.



DECISION: 4-11/08/2016

The Mining Industry Advisory Committee agreed that the role of its Nano Diesel Particulate Working Group should be reconsidered to expand the research scope beyond underground environments, and the revised terms of reference are submitted to MIAC members out of session endorsement.

3.4. DMP Psychosocial Harm Audits of Mining Operations – Interim Report

Members noted that in February 2016, DMP released a psychosocial harm audit and guide to provide Western Australian mining operators with a simple tool to assist in the development of a mental health plan and help assess their existing arrangements.

The subsequent DMP Psychosocial Harm Audits of Mining Operations – Interim Report for Audits Conducted February – May 2016 provides stakeholders with a ‘snap shot’ of the preliminary audit information for mining operations obtained against a number of selected criteria during the period February to May 2016.

In discussion about the interim report, members raised the following issues:

- the audit tool oversimplifies roster types by referring to work practices (FIFO, DIDO or residential), rather than roster timeframes;
- whether there had been consultation with the workforce;
- 76 of the 104 sites audited did not meet the required standard;
- the need for the findings to be supported by case studies or examples which are applicable to companies of all sizes;
- the audit assessment criteria in Table 1, where some criteria are listed as ‘desirable’ (e.g. fatigue under 1.4 and 1.5), rather than ‘essential’;
- the need for the audit to be validated;
- more positives and negatives to be included in the final report, including a reference to how the audit will help the work of the Mental Health Strategies Working Group;
- the possibility of including information relating to the incidence rates of ‘bullying’; and
- how the Mental Health Strategies Working Group can use information from the audits to develop strategies for industry.

It was noted that the interim report has been provided to the Education and Health Standing Committee. DMP expects the final report will be available in late 2016.

DECISION: 5-11/08/2016

The Mining Industry Advisory Committee noted the Psychosocial Harm Audits of Mining Operations – Interim Report for Audits Conducted February – May 2016 prepared by the Department of Mines and Petroleum.

3.5. Update on Risk-based Occupational Hygiene Initiative

At its 16 June 2016 meeting, the MIAC requested that DMP provide an update at the next meeting on the department’s rollout of its risk-based occupational hygiene initiative across the Western Australian mining industry.

Members noted that in 2012 a risk-based, site-specific alternative to basic personal atmospheric contaminant exposure monitoring required was introduced by DMP using its CONTAM system.



The initial purpose of the risk-based hygiene management planning process was to extend the basic CONTAM program to incorporate all known and potential atmospheric contaminant exposures, and appropriately validate or verify their acceptability to manage the protection of workers.

Under the *Mines Safety and Inspection Act 1994*, a risk-based hygiene management plan (RBHMP) is required for greenfield or existing sites. At present, the quality of RBHMPs received by DMP varies, which impacts on the value of the plan to the company. As a result of the need for companies, particularly small and mid-tier companies, to have a better understanding of what is required, DMP is currently developing a RBHMP template.

DMP advised members it also intends to release a new module in its Safety Regulation System (SRS) to replace the CONTAM system, which will include noise and biological data, in addition to airborne contaminants.

A number of issues were raised in discussion of this item, including:

- is the RBHMP for a greenfields site going to form part of the programme of work approval process;
- the need to have information which is specific to smaller companies;
- what is the level of compliance for RBHMPs given there is still confusion about the content required and the approval process;
- the possibility of undertaking a baseline study; and
- the offer of assistance by AMEC and CME in disseminating information about RBHMPs to industry.

DECISION: 6-11/08/2016

The Mining Industry Advisory Committee requested that the Department of Mines and Petroleum work with the peak industry associations to disseminate additional guidance information on the requirements for risk-based hygiene management plans and the approval processes.

3.6. Promoting a Positive Cultural Change in the Western Australian Mining Industry

Members noted the agenda paper prepared by DMP on 'Promoting a Positive Cultural Change in the Western Australian mining Industry' and its intention to commence a program of work to build on its Safety Culture Spectrum concept. AMEC provided a verbal update of their Safety Committee's feedback on DMP's paper.

There was some discussion around the intention of this initiative and whether there were global examples of companies which positively promote a safety culture model.

DMP's agenda paper refers to 1990s UK HSE models, but members noted that there are more contemporary tools available to develop a positive safety culture. Examples include the 1998/99 benchmarking survey by SAFEmap; a 2003 Mines Occupational Safety and Health Advisory Board (MOSHAB) survey, the work of the Offshore Petroleum Industry Training Organisation (OPITO), and material on Safe Work Australia's website, such as *Mindfulness of work health and safety in the workplace*.

Other points of discussion included:

- while a company's upper management may encourage positive safety culture for their organisation, the message needs to filter down and include frontline workers;
- the need for DMP to more clearly define 'safety culture' in terms of the tools, project, its expected outcomes and target audience;



- this initiative is part of DMP's RADARS strategy;
- DMP will seek feedback from the Registered Managers Forum scheduled for later in August and the upcoming Roadshow; and
- holding a workshop to seek further feedback on the initiative.

DECISION: 7-11/08/2016

The Mining Industry Advisory Committee requested that the Department of Mines and Petroleum arrange an industry workshop to discuss its Safety Culture Spectrum concept and provide a report back to MIAC.

3.7. Presentation – Training Accreditation Council – Strategic Industry Audit – Units of Competency that lead to High Risk Work Licences in WA

At its 16 June 2016 meeting, the MIAC agreed to invite the Training Accreditation Council (TAC) to give a presentation on its 'Strategic Industry Audit into Units of Competency that lead to High Risk Work Licences in Western Australia', as a result of the proposed requirements in the draft work health and safety legislation that people working on mine sites undertake risk-based training. A copy of the TAC's presentation was included in the agenda papers.

Ms Morena Stanley from the TAC advised members the audit had been undertaken as a result of concern about the training required for workers to be deemed competent before being granted a high risk work licence.

Members noted that once the licence has been issued, the process to cancel it is extremely difficult. Ms Stanley advised that WorkSafe had obtained legal advice indicating it would be discriminatory to retrospectively cancel licences for workers who obtained their licences in good faith from an RTO, which is non-compliant with training standards.

Instead, there is a reliance on either waiting for the five-yearly renewal of the high risk work licence, or on the employer to verify the competency of their employee before putting them into high-risk roles.

Members also noted that TAC does not advise licence holders their RTO has been found to be non-compliant because there are principles of natural justice and procedural fairness to consider. The RTO has an opportunity to rectify non-compliance. Under proposed reforms, if the non-compliance is significant, the RTO will have to show cause why it should be given a rectification period.

It was agreed that students may be reluctant to report sub-standard training, as their income may depend on a high risk work licence. However, the *Mines Safety and Inspection Act 1994* requires Registered Managers to verify the competency of workers on site.

The TAC has made eight recommendations in response to the outcomes of the audit. Ms Stanley advised that in regard to Recommendation 7, WorkSafe intends to send a letter to employers emphasising their responsibilities for the Statement of Attainment and the high risk work licences.

Members suggested there is an opportunity for the letter to be sent jointly by DMP and WorkSafe. Ms Stanley undertook to discuss the suggestion with WorkSafe.

It was noted that industry supports improved training standards and tools to assist with verification of competencies are being developed.

In noting the findings and recommendations of the audit, members agreed further collaboration is required between the TAC, industry, WorkSafe and DMP.



DECISION: 8-11/08/2016

The Mining Industry Advisory Committee noted the presentation by the Training Accreditation Council (TAC) on the Strategic Industry Audit – Units of Competency that lead to High Risk Work Licences in WA.

3.8. Presentation on Safety Data Analysis

DMP's General Manager Investigations Branch, Dr Boothroyd, advised members that some proactive analysis of injury reports, which resulted in fatalities or serious injuries, provided by the Western Australian mining industry to DMP has been undertaken to provide industry with useful information which may help prevent future accidents.

Dr Boothroyd said that causal links between high-impact serious accidents (amputation and crush fractures) and fatalities had been identified. With a high-impact serious accident rate of around 3 per 1,000 employees every year, there is an increased fatality risk. The data showed there are around 120 subsidence or rock-fall incidents, and around 60 vehicle collisions each year.

DMP has subsequently developed a Hazard Register which identifies hazardous tasks and what occupational groups are most at risk. A communication strategy for release of the Hazard Register is currently being developed to efficiently disseminate this information to industry.

After being independently approached by the University of Western Australia (UWA) and Edith Cowan University regarding collaborative activities in data analysis, DMP has developed a memorandum of understanding with each of the universities to assist in a more in-depth analysis of the data. The data provided to Edith Cowan University and UWA had all company/person identifies removed, making the data anonymous. It is expected a report from Edith Cowan and UWA will be provided to DMP in 2017.

Members noted the briefing was to ensure MIAC is aware of the safety data analysis projects.

In discussion, the following key points were raised:

- would the data analysis examine safety measures that worked, as well as those that did not;
- is consideration being given to emergency response training;
- while the Hazard Register will include causal factors, what about identifying what works for industry;
- could a forum, such as Hackathon, identify solutions to reduce the incidence of fatalities or serious injuries in the mining industry;
- are the right questions being asked to obtain the necessary data;
- the need to consult with industry as to how to use the data; and
- the Hazard Register should be compared to the MIAC's Project Register to assist with prioritising MIAC's projects.

DECISION: 9-11/08/2016

The Mining Industry Advisory Committee noted the presentation by the Department of Mines and Petroleum on its safety data analysis projects.



3.9. Significant Incident Report No. 241 – Underground worker crushed between integrated tool carrier workbasket and roof of excavations (backs)

At its 16 June 2016 meeting, the MIAC requested that the Department of Mines and Petroleum provide further information for industry on engineering solutions to reduce the risk of crush injuries to underground operators of elevated work platforms.

Members noted the agenda paper and briefing by DMP and discussed whether there is value in DMP convening a workshop to discuss how the ideas, research and developments in this area can be shared.

The CME advised it had a Sharing Safety Lessons Workshop scheduled for November 2016 and was willing to include the improvements DMP has undertaken to reduce the risks to underground operators of elevated work platforms. Members agreed this is an important issue and that the CME's offer is accepted so that further mitigation measures can be considered by industry.

DECISION: 10-11/08/2016

The Mining Industry Advisory Committee accepted the offer by the Chamber of Minerals and Energy to consider further mitigation measures to reduce the risk of crush injuries to underground operators of elevated work platforms at the Chamber's Sharing Safety Lessons Workshop, scheduled for November 2016.

4. STANDING ITEMS

4.1. Draft Work Health and Safety (Resources and Major Hazards) Bill

Members noted the drafting process is continuing and that the title of the draft legislation has changed to the *Work Health and Safety (Resources and Major Hazards) Bill*.

Similarly, the name of the proposed regulations has changed to the *Work Health and Safety (Resources and Major Hazards) Regulations*.

While the majority of the Bill has been drafted, the transitional provisions and consequential amendments are yet to be finished. In addition, the *Work Health and Safety (Resources Levies) Bill* is yet to be drafted. The Levies Bill needs to be introduced into Parliament at the same time as the *Work Health and Safety (Resources and Major Hazards) Bill*. The timing for introduction of the bills is determined by the government of the day.

DMP advised that the Consultation Regulatory Impact Statement (C-RIS) for the draft regulations had been released on 1 August 2016 for public comment, with the comment period closing on 9 September 2016. DMP also advised a stakeholder forum on the proposed regulations is scheduled for 18 August 2016, and Transitional Arrangements Workshops (one for mining and one for petroleum/major hazards) are scheduled for 25 August 2016.

In discussion, members asked whether DMP will undertake further consultation once the draft regulations have been finalised. DMP advised that extensive consultation on concepts in the draft Bill and regulations has already been undertaken. The final draft bill and regulations will be considered by the Ministerial Advisory Panel.

Members noted that the Commonwealth Government is moving away from including Australian Standards in legislation.

DECISION: 11-11/08/2016

The Mining Industry Advisory Committee noted the update on progress of the draft Work Health and Safety (Resources and Major Hazards) Bill and the associated draft regulations.



4.2. Report from Mental Health Strategies Working Group

Members noted the Mental Health Strategies Working Group has held three meetings to date. Members also noted that the Chair of the Working Group, Ms Adrienne La Bombard from the CME, has been granted a leave of absence by the MIAC Chair. Ms Nicole Roocke from the CME, as the alternate member acting temporarily for Ms La Bombard in her absence, will act as the Chair of the Mental Health Strategies Working Group.

The Working Group has provided feedback to the Mental Health Commission's FIFO Mental Health Research Steering Committee regarding their research proposal. The Working Group has also requested that representation on the Steering Committee includes industry.

The A/Chair advised the Working Group is currently progressing the MIAC's action plan in response to the Parliamentary Inquiry's recommendations in its report into the impact of FIFO work practices on mental health.

DECISION: 12-11/08/2016

The Mining Industry Advisory Committee noted the progress update from the Mental Health Strategies Working Group.

4.3. Report from Nano Diesel Particulate Matter Working Group

Members noted that the Nano Diesel Particulate Matter Working Group has held two meetings to date.

At its 27 May 2016 meeting, the Working Group agreed that a pilot research program into the effects of exposure to nano diesel particulate matter (nDPM) at one or two underground mines was necessary as a pre-cursor to more in-depth research being conducted at underground mines across Western Australia.

A presentation on the proposed pilot research program was given to CME members in Kalgoorlie on 6 July 2016 by DMP. DMP also extended an invitation to industry members to participate in the pilot program. As a result of insufficient interest in hosting the pilot program at that meeting, DMP will now work with the CME to engender interest amongst CME's member companies.

Members discussed a draft proposal seeking funding from the Minerals Research Institute of Western Australia (MRIWA) for the pilot research program. It was agreed by members the current proposal may not fit with MRIWA's criteria for funding and the proposal should therefore be revised to exclude mine safety studies, but include details of the benefits to the State's mining industry.

DECISION: 13-11/08/2016

The Mining Industry Advisory Committee noted the progress update from the Nano Diesel Particulate Matter Working Group.

4.4. Mine Safety Statistics

Members noted the mines safety statistics included in the agenda papers was only for the period until December 2015. Members requested that updated data is circulated to members out-of-session and, if possible, to include information in a graphical format to indicate any trends – possibly by commodity type.

DECISION: 14-11/08/2016

The Mining Industry Advisory Committee agreed that updated mines safety statistics, including if possible information in a graphical format to indicate any trends, possibly by commodity type is provided to members out-of-session.



4.5. Project Register

Members noted the MIAC Project Register (updated in August 2016), particularly in relation to DMP's Guideline on working in isolated areas, which was expected to be finalised by August/September 2016.

DECISION: 15-11/08/2016

The Mining Industry Advisory Committee agreed that an update on progress of the Department of Mines and Petroleum's Guideline on working in isolated areas is provided to members out-of-session.

4.6. MIAC Correspondence

Members noted that a copy of MIAC correspondence, inward and outward, is available at each meeting for the information of members.

5. OTHER BUSINESS

5.1. Safety Bulletin 131: Management of Fibrous Minerals on Mining Operations

The MIAC noted DMP's Safety Bulletin: 131 Management of Fibrous Minerals on Mining Operations, which was released on 4 July 2016. DMP advised that industry has expressed concern about inconsistencies in interpretation of the Bulletin. Members agreed that industry should provide feedback to DMP to consider if changes to the Bulletin are necessary. DMP will then hold a briefing session for key industry stakeholders to clarify the intent of the Bulletin.

DECISION: 16-11/08/2016

The Mining Industry Advisory Committee agreed that industry members provide feedback to the Department of Mines and Petroleum (DMP) in relation to its Safety Bulletin 131: Management of Fibrous Minerals on Mining Operations.

The Committee further agreed that DMP consider the feedback and make any necessary changes, before arranging a briefing for key industry stakeholders to clarify the intent of the Bulletin.

5.2. Significant Incident Report 244: Failed gantry bridge crushes boilermaker working in thickener tank – fatal accident

Members noted that a significant incident report has already been issued for this fatal accident and the investigation is underway.

5.3. Follow-up regarding fatality of a Chinese national in a remote isolated area

Members noted that at its 13 August 2015 meeting, DMP advised WorkSafe had concluded its investigation into the fatality and submitted a report to the State Coroner. However, WorkSafe had not issued any report to industry regarding the fatality in the past two years.

MIAC requested that DMP provide an update in relation to this case at the next meeting.

DECISION: 17-11/08/2016

The Mining Industry Advisory Committee agreed that the Department of Mines and Petroleum provide an update in relation to the 2014 fatality in a remote isolated area.

6. CLOSE AND NEXT MEETING

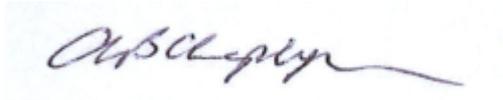
There being no further business, the Acting Chair closed the meeting at 12.00pm, noting the next meeting is scheduled for 13 October at 8.00 am.



**MINUTES OF MEETING NO. 11/08/2016
OF THE
MINING INDUSTRY ADVISORY COMMITTEE**

HELD ON 11 AUGUST 2016

ENDORSED AS A TRUE AND ACCURATE RECORD OF THE MEETING



Andrew Chaplyn | Director Mines Safety
Mines Safety, Resources Safety
31 October 2016

A/Chair

