



Government of Western Australia
Department of Mines and Petroleum

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Chairman
Legislative Assembly Education and Health Standing Committee
Parliament House
PERTH WA 6000

Dear Dr Jacobs

EDUCATION AND HEALTH STANDING COMMITTEE INQUIRY INTO MENTAL HEALTH IMPACTS OF FIFO WORK ARRANGEMENTS

I refer to your letter dated 22 August 2014 inviting the Department of Mines and Petroleum (DMP) to provide a submission to address the Inquiry's terms of reference generally and to respond to the Committee's specific questions.

A detailed submission in response to the terms of reference and the questions is provided at Attachment 1. I also provide the following general comments.

The current provisions relating to occupational safety and health under mining and petroleum legislation administered by DMP do not include a definition of 'health', and do not specifically cover 'mental health'. However, DMP considers the intent of the legislation and interprets 'health' to mean physical and psychological (mental) health. As a result, physical and mental health is addressed through DMP's assessments, audits and inspections.

DMP's jurisdiction, however, is limited to activities covered by the mining and petroleum legislation. Mental health issues and suicides occurring under other legislation are not reported to, nor recorded by, DMP. For example, companies are not required to report to DMP whether workers are on Fly-In Fly-Out (FIFO), Drive-In Drive-Out (DIDO), or residential living arrangements.

Complaints about mental health factors such as bullying, harassment, stress and fatigue are investigated by DMP inspectors. While these complaints are investigated, there is some indication that workers may be concerned about the stigma and repercussions of reporting mental health issues.

The department has identified a need for improved collation, analysis and reporting in relation to safety and health complaints from industry workers. Enhancements to DMP's Safety Regulation System are currently being developed to capture this additional data.



Government of **Western Australia**
Department of **Mines and Petroleum**

Submission from the
Department of Mines and Petroleum

to the

Legislative Assembly
Education and Health Standing Committee

Inquiry
into mental health impacts of
FIFO work arrangements

23 September 2014

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Terms of Reference for the Inquiry

That the Education and Health Standing Committee inquire into:

- (a) the contributing factors that may lead to mental illness and suicide amongst FIFO workers;
- (b) the current legislation, regulations, policies and practices for workplace mental health in Western Australia; and
- (c) current initiatives by government, industry and community, and recommend improvements.

In addition to addressing the terms of reference more generally, the Committee seeks the following information:

1. A summary of the legislation, regulation or other codes under which occupational safety and health in the mining and petroleum industries in Western Australia is regulated.
2. An explanation as to whether mining and petroleum construction sites are within DMP's jurisdiction for the purposes of occupational safety and health regulation of the mining and petroleum industries.
3. The extent to which workplace mental health is captured by the various legislation or regulations through which DMP regulates occupational safety and health in the mining and petroleum industries.
4. Detail of DMP's actions with respect to promoting, improving or otherwise regulating workplace mental health in the mining and petroleum industries.
5. Whether DMP's risk-based approach to the regulation of occupational safety and health in the mining and petroleum industries includes assessment of mental health risks.
6. Details of complaints made to DMP for each of the past five financial years relating to workplace mental health concerns in the mining or petroleum industries, or reported suicides or attempted suicides.

(a) The contributing factors that may lead to mental illness and suicide amongst FIFO workers

DMP does not have the necessary specialist technical staff to provide expert commentary on contributing factors that may lead to mental illness and suicide amongst FIFO workers.

However, some of the following matters which have been reported to DMP by the resources industry and/or its employees may indicate a link to potential mental health issues:

- bullying;
- harassment;
- stress;
- fatigue/rosters;
- substance abuse;
- relationship issues; and
- pre-existing mental health issues.

(b) The current legislation, regulations, policies and practices for workplace mental health in Western Australia; and

The legislation and regulations administered by Resources Safety have been addressed specifically in Item 1, and more generally through Items 2 – 5.

(c) Current initiatives by government, industry and community, and recommend improvements.

Specific mental health related initiatives undertaken by the Department of Mines and Petroleum are listed under Item 4.

In the mining industry, a new, modernised Work Health and Safety (Resources) Bill will replace the *Mines Safety and Inspection Act 1994*. DMP is currently preparing drafting instructions for the Bill, based on the Model Work Health and Safety Act (WHS) that forms the basis of the WHS Acts being enacted across Australia to harmonise work health and safety law. The new Bill will explicitly define the word 'health' as meaning both physical and psychological health.

It is anticipated the Bill will be introduced to Parliament during 2015. Most of the detailed requirements will be in the regulations. Dependant on the passage of the Bill, the department expects the regulations will come into effect in mid-2016.

In the petroleum industry, mental health risks are already addressed by industry as part of their risk-management processes and systems. DMP checks compliance through assessment of risk-based safety documentation, inspections and audits.

DMP and industry will continue to promote the available mental health support and information, including employee assistance programs, mental health professionals, websites (such as Beyond Blue). However, access to mental health support in some remote areas may be limited.

1. A summary of the legislation, regulation or other codes under which occupational safety and health in the mining and petroleum industries in Western Australia is regulated.

Mining Legislation

The Department of Mines and Petroleum (DMP) regulates the safety and health of workers in the minerals sector in Western Australia through the following legislation:

- **Mines Safety and Inspection Act 1994 (WA) (MSIA)**
 - Part 1, in particular:
 - s.3(1)(a) through (e) Objects: covers the purpose of the Act;
 - s.4 Terms used; and
 - s.6A Application of this Act to workplace under *Occupational Safety and Health Act 1984*.
 - Part 2: section 8 through 15, in particular:
 - s.9(1)(a) through (c) and s.9(2) Employers, duties of (also known as duty of care); and
 - s.10(1), s.10(2)(a) and s.10(3) Employees, duties of (also known as duty of care).
 - Part 5: sections 53 through 69
 - Part 6: sections 70 through 74A
 - Part 7: sections 73 through 81, in particular:
 - s.75. Health Surveillance of mine employees (it should be noted that this surveillance does not include mental health);
 - s.76. Accidents involving disabling injury to be notified – this provides that notice must be given where a person suffers an injury in an accident at a mine and is disabled by that accident.
 - s.77. Accident log book – this provides that mines must keep a record of any accident;
 - s.78. Some occurrences at mines to be notified and recorded - provides that notice must be given where an occurrence to which this section applies, whether or not any bodily injury to any person or damage to property has resulted from the occurrence.
- **Mines Safety and Inspection Regulations 1995 (WA).**

Provisions in the mining legislation also relate to other safety and health legislation not administered by DMP, including:

- *Health Act 1911 (WA)* (administered by the Department of Health);
- *Occupational Safety and Health Act 1984 (WA)* (administered by the WorkSafe WA Division of the Department of Commerce);
- *Radiation Safety Act 1975 (WA)* (administered by the Department of Health);
- *Rail Safety Act 2010 (WA)* (administered by the Office of Rail Safety, Department of Transport); and
- *National Occupational Health and Safety Commission Act 1985 (Cwlth)* - since replaced by *Australian Workplace Safety Standards Act 2005 (Cwlth)*.

DMP's legislative jurisdiction covers mining operations, which includes exploration activities. Mining operations are defined by activity, rather than by geographical boundaries.

Some areas, such as construction sites within a mining operation, may be subject to an Instrument of Declaration between the Minister responsible for the *Mines Safety and Inspection Act 1994* and the Minister responsible for the *Occupational Safety and Health Act 1984*. This enables the WorkSafe Division of the Department of Commerce to regulate occupational health and safety within that declared area only. Instruments of Declaration have been used in the past because of the different compliance requirements for construction, as opposed to mining. For continuity of safety oversight, however, DMP increasingly prefers to regulate mining-related construction activity at a mining operation under the MSIA.

The mines safety legislation also covers occupational safety and health at accommodation that is owned or controlled by the employer; is outside the metropolitan area or a gazetted townsite; and workers must live there because no other accommodation is reasonably available in the area.

It is important to note that the MSIA does not include a definition of 'safety and health', nor does it specifically cover 'mental health'.

The MSIA requires the notification of accidents where a person suffers an injury in an accident at a mine and is disabled by that accident (s.76). It also provides that notice must be given where an occurrence to which this section applies, whether or not any bodily injury to any person or damage to property has resulted from the occurrence (s.78).

Lost work time (Lost Time Injuries, or LTIs) due to these accidents and occurrences is reported to DMP. **Appendix 1** lists Lost Time reports which have mental health factors identified in the descriptions or category. The process for dealing with these reports is detailed under Item 4.

Codes of Practice

A code of practice is a practical guide to achieve the standards of occupational safety and health required under legislation. It applies to anyone who has a duty of care in the circumstances described in the code.

Codes of practice do not cover all hazards or risks that may arise and duty holders need to consider all risks associated with work, not only those for which regulations and codes of practice exist.

Codes of practice are admissible in court proceedings. Courts may regard a code of practice as evidence of what is known about a hazard, risk or control and may rely on the code in determining what is reasonably practicable in the circumstances to which the code relates.

Compliance with the legislation may be achieved by following another method, such as a technical or an industry standard, if it provides an equivalent or higher standard of work health and safety than the code.

A DMP inspector may refer to an approved code of practice when issuing an improvement or prohibition notice. The following Western Australian Codes of Practice apply to the occupational safety and health of workers in the mining industry:

- **Mineral Exploration Drilling Code of Practice, 2012*** (Chapter 13: Fatigue and mental wellbeing includes reference to mental demands of work, relationship stresses, fatigue) – published by DMP in consultation with Mining Industry Advisory Committee (MIAC): http://www.dmp.wa.gov.au/documents/Code_of_Practice/MSH_COP_MineralExplorationDrilling.pdf
- **Working Hours Code of Practice, 2006*** - published by the Mining Industry Advisory Committee (MIAC) and the Commission for Occupational Safety and Health: http://www.dmp.wa.gov.au/documents/Code_of_Practice/MSH_COP_WorkingHours.pdf

- **Working Hours Code of Practice – risk management guidelines, 2006*** - published by the Mining Industry Advisory Committee (MIAC) and the Commission for Occupational Safety and Health (COSH):
http://www.dmp.wa.gov.au/documents/Code_of_Practice/MSH_COP_WorkingHoursRiskManagementGuideline.pdf
- **Prevention and management of violence, aggression and bullying - code of practice, 2007*** published by the then Department of Consumer and Employment Protection (when Resources Safety was part of that department) in consultation with Mining Industry Advisory Committee (MIAC):
http://www.dmp.wa.gov.au/documents/Code_of_Practice/MSH_COP_PreventionManagementOfViolence.pdf
- **Consultation at Work – code of practice, 2009** – published by DMP in consultation with Mining Industry Advisory Committee (MIAC):
http://www.dmp.wa.gov.au/documents/Code_of_Practice/MSH_COP_ConsultationAtWork.pdf
- **Mines Survey Code of Practice (second edition), 2011** - published by DMP in consultation with Mining Industry Advisory Committee (MIAC):
http://www.dmp.wa.gov.au/documents/Code_of_Practice/MSH_COP_MineSurvey.pdf
- **Prevention and Control of Legionnaires' Disease Code of Practice, 2010** – published by jointly published by published by DMP in consultation with Mining Industry Advisory Committee (MIAC) and Department of Commerce in consultation with the Commission for Occupational Safety and Health (COSH):
http://www.dmp.wa.gov.au/documents/Code_of_Practice/MSH_COP_PreventionAndControlOfLegionnairesDisease.pdf
- **Safe Design of Buildings and Structures, 2010** – published by DMP in consultation with Mining Industry Advisory Committee (MIAC):
[http://www.dmp.wa.gov.au/documents/Code_of_Practice/MSH_COP_SafeDesignOfBuildingsAndStructures\(1\).pdf](http://www.dmp.wa.gov.au/documents/Code_of_Practice/MSH_COP_SafeDesignOfBuildingsAndStructures(1).pdf)
- **Safeguarding of Machinery and Plant Code of Practice, 2009** – published by jointly published by published by DMP in consultation with Mining Industry Advisory Committee (MIAC) and Department of Commerce in consultation with the Commission for Occupational Safety and Health (COSH):
http://www.dmp.wa.gov.au/documents/Code_of_Practice/MSH_COP_SafeguardingOfMachineryAndPlant2009.pdf
- **Surface Rock Support for Underground Mines, Feb 1999** – published by Department of Minerals and Energy (predecessor of DMP) in consultation with Mines Occupational Safety And Health Advisory Board (MOSHAB):
http://www.dmp.wa.gov.au/documents/Code_of_Practice/MSH_COP_SurfaceRockSupportUGMines.pdf
- **Tailings Storage Facilities in Western Australia, 2013** - published by DMP in consultation with Mining Industry Advisory Committee (MIAC):
http://www.dmp.wa.gov.au/documents/Code_of_Practice/MSH_COP_TailingsStorageFacilities.pdf

* These codes refer to some of the factors contributing to mental health issues.

Petroleum Legislation (excluding sites designated as Major Hazard Facilities)

DMP regulates the safety and health of workers in the petroleum sector in Western Australia through the following legislation. The occupational safety and health provisions in the petroleum acts are quite similar, but the sections are listed under different clause numbers.

- ***Petroleum and Geothermal Energy Resources Act 1967***
 - s.7AA. Disapplication of State occupational safety and health laws
 - Part IIIA — Occupational safety and health
 - Schedule 1: In particular:
 - s.1 Objects;
 - s.2 Simplified outline;
 - s.3 Terms used;
 - s.5 Safety and health of persons using an accommodation amenity;
 - s.7 through 14 (duty of care);
 - s.70 Notifying and reporting accidents and dangerous occurrences;
 - s.71 Records of accidents and dangerous occurrences to be kept.
- **Petroleum and Geothermal Energy Resources (Occupational Safety and Health) Regulations 2010**
- **Petroleum and Geothermal Energy Resources (Management of Safety) Regulations 2010**
- ***Petroleum Pipelines Act 1969***
 - s.5AA. Disapplication of State occupational safety and health laws
 - Part IVA – Occupational Safety and Health
 - Schedule 1 – Occupational Safety and Health, in particular:
 - s.1 Objects;
 - s.2 Simplified outline;
 - s.3 Terms used;
 - s.5 Safety and health of persons using an accommodation amenity;
 - ss.7 through 14 (duty of care);
 - s.70 Notifying and reporting accidents and dangerous occurrences;
 - s.71 Records of accidents and dangerous occurrences to be kept.
- **Petroleum Pipelines (Occupation Safety and Health) Regulations 2010**
- **Petroleum Pipelines (Management of Safety of Pipeline Operations) Regulations 2010**
- ***Petroleum (Submerged Lands) Act 1982***
 - s.15A Disapplication of State occupational safety and health laws
 - Part IIIA — Occupational safety and health

- Schedule 5 – Occupational Safety and Health, in particular:
 - s.1 Objects;
 - s.2 Simplified outline;
 - s.3 Terms used;
 - s.6 Safety and health of persons using an accommodation amenity;
 - s.8 through 15 (duty of care);
 - s.71 Notifying and reporting accidents and dangerous occurrences;
 - s.72 Records of accidents and dangerous occurrences to be kept.
- **Petroleum (Submerged Lands) (Diving Safety) Regulations 2007**
- **Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 2007**
- **Petroleum (Submerged Lands) (Pipelines) Regulations 2007**
- **Petroleum (Submerged Lands) (Occupational Safety and Health) Regulations 2007**

The *Occupational Safety and Health Act 1984* does not apply to licensed petroleum operations or pipelines. The petroleum legislation as shown above includes occupational safety and health provisions in a Schedule under each Act, supported by regulations.

The petroleum legislation does not include a definition of 'health', nor does it specifically cover 'mental health'. However, DMP considers the intent of the legislation and interprets 'health' to mean physical and psychological (mental) health.

DMP's jurisdiction covers petroleum and geothermal operations and petroleum pipeline operations within Western Australia, including onshore facilities and those in State-controlled waters*, but excludes sites designated as Major Hazard Facilities.

("State-controlled waters" means the waters and islands within the jurisdiction of Western Australia. This includes islands such as Barrow Island, Varanus Island, and Thevenard Island. It excludes islands and waters under Commonwealth jurisdiction.)*

Petroleum legislation covers the occupational safety and health of persons using an accommodation amenity within the licensed area, if the accommodation is provided for the use of workers engaged in petroleum, geothermal or pipeline operations.

The petroleum legislation requires the licensee to prepare a Safety Case/Safety Management System that must be assessed and accepted by DMP before operations can commence. The Safety Case/Safety Management System is a document which:

- identifies the hazards and risks;
- describes how the risks are controlled; and
- describes the safety management system in place to ensure the controls are effectively and consistently applied.

Australian and International Standards and Performance Standards connected to occupational safety and health

The Safety Case/Safety Management System must demonstrate compliance with the Australian and International Standards and Performance Standards, which include consideration of mental health matters. Non-compliance with the Standards by an operator may result in enforcement measures being taken by DMP such as issuing improvement or prohibition notices or, in more serious circumstances, prosecution.

Major Hazard Facilities

Some large petroleum plants (e.g. Burrup Gas Plant near Karratha) are classified as Major Hazard Facilities (MHFs).

Occupational safety and health at petroleum MHFs is regulated by the WorkSafe Division of the Department of Commerce, under the *Occupational Safety and Health Act 1984* and the Occupational Safety and Health Regulations 1995.

2. An explanation as to whether mining and petroleum construction sites are within DMP's jurisdiction for the purposes of occupational safety and health regulation of the mining and petroleum industries.

Mining

Construction at a mining operation is regulated by DMP under the *Mines Safety and Inspection Act 1994*.

However, under section 6A of the MSIA, construction activities at a mine site may be excised and regulated by WorkSafe for the duration of the construction activities. This is managed through an Instrument of Declaration between the Minister responsible for the MSIA, and the Minister responsible for the *Occupational Safety and Health Act 1984*. Instruments of Declaration have been used in the past because of the different compliance requirements for construction, as opposed to mining. However, for continuity of safety oversight, DMP increasingly prefers to regulate mining-related construction activity at a mining operation under the MSIA.

Petroleum

Construction within a licensed area related to petroleum, geothermal, carbon dioxide injection, or pipeline operations is a prescribed activity under Western Australian petroleum legislation. Jurisdiction of this legislation also extends to State waters and, as a result, construction activity on islands in State waters related to these operations is regulated by DMP.

Regulatory jurisdiction for the occupational safety and health of workers for construction of petroleum operations is determined by whether the hydrocarbon is naturally occurring.

Where the hydrocarbon is naturally occurring, DMP issues a licence for the area under petroleum legislation, and occupational safety and health is regulated by DMP.

If the hydrocarbon is not naturally occurring (i.e. liquefied natural gas - LNG), a licence for the area is issued by DMP under dangerous goods safety legislation. In this case, occupational safety and health is regulated by WorkSafe.

For example, at Barrow Island an area identified for construction of:

- onshore pipelines licensed under the *Petroleum Pipelines Act 1969* provides for DMP as the regulator for the occupational safety and health of workers.
- onshore petroleum facilities licensed under the *Petroleum and Geothermal Energy Resources Act 1967* provides for DMP as the occupational safety and health regulatory body.
- onshore LNG plant licensed under the *Dangerous Goods Safety Act 2004* provides for WorkSafe as the regulatory body for occupational safety and health.

3. The extent to which workplace mental health is captured by the various legislation or regulations through which DMP regulates occupational safety and health in the mining and petroleum industries.

The current mining and petroleum legislation does not include a definition of 'health' and does not explicitly cover mental health.

However, DMP considers the intent of the legislation and interprets 'health' to mean physical and psychological (mental) health.

Mining

The obligations and responsibilities related to 'health' are covered in the *Mines Safety and Inspection Act 1994 (MSIA)*, supported by regulations and Codes of Practice.

MSIA

3. Objects

- (1) The objects of this Act are —
- (a) to promote, and secure the safety and health of persons engaged in mining operations

9. Employers, duties of

- (1) An employer must, so far as is practicable, provide and maintain at a mine a working environment in which that employer's employees are not exposed to hazards and, in particular, but without limiting the generality of that general obligation, an employer must —
- (a) provide and maintain workplaces, plant, and systems of work of a kind that, so far as is practicable, the employer's employees are not exposed to hazards; and
 - (b) provide such information, instructions and training to and supervision of employees as is necessary to enable them to perform their work in such a manner that they are not exposed to hazards.

Petroleum

The obligations and responsibilities related to 'health' are covered in the Schedules of the petroleum Acts, supported by regulations.

Act

1. Objects

The objects of this Schedule are, in relation to petroleum operations or geothermal energy operations —

- (a) to secure the occupational safety and health of persons engaged in those operations; and

Duty of Care

7. Duties of operator

- (1) The operator of a petroleum operation or geothermal energy operation must take all reasonably practicable steps to ensure that the petroleum operation or geothermal energy operation is carried out in a manner that is safe and without risk to the health of persons engaged in the petroleum operation or geothermal energy operation or other protected persons.

Regulations

4. Terms used

safety management system, in relation to an operation, means a documented system of management for securing —

- (a) the occupational safety and health of persons engaged in the operation; and
- (b) the safety and health of other protected persons.

5. Detail of DMP's actions with respect to promoting, improving or otherwise regulating workplace mental health in the mining and petroleum industries.

Mining and petroleum safety legislation and the associated codes of practice are continuously being modernised and improved to reflect current practices. One area that has been identified by DMP as requiring further legislative amendment is the need to address mental health and psychosocial hazards in the workplace.

DMP has also recognised that its current data gathering and reporting systems require improvement. Enhancements to the Safety Regulation System (SRS) database are being developed to improve collation, categorisation, analysis and reporting of employee complaints.

Employers are required to report Lost Time Injuries (LTIs), where employees have suffered a condition which prevents them from performing their normal duties. LTI reports may include some factors which may contribute to mental health issues (bullying, substance abuse, stress, fatigue, harassment) (see **Appendix 1**).

Mining

Under the current legislation, DMP investigates complaints about mental health impacts including bullying, harassment, stress and fatigue. DMP's inspectors have received training on how to handle and investigate these complaints. The complaint process requires workers to complete a report form with the details and send it to the DMP inspector.

In some cases, the complaint is resolved through discussion between the worker and their employer. If the complaint cannot be resolved, the DMP inspector contacts the employer to determine what processes are in place to deal with these issues. Inspectors will also remind employers of their duty of care under the legislation and that breaching this is an offence. In more extreme cases, the inspector has the power to issue:

- an improvement notice (requiring rectification of the problem within a specified timeframe); or
- a prohibition notice (which can shut down part or all of a mining operation until the issue is rectified); or
- a prosecution.

Some workers choose not to proceed with a formal report and make a verbal complaint only. However, this limits the ability of DMP's inspectors to take appropriate action.

DMP is currently preparing drafting instructions for the Work Health and Safety (Resources) Bill, which will replace the *Mines Safety and Inspection Act 1994*. This Bill is based on the Model Work Health and Safety Act (WHS) that forms the basis of the WHS Acts being enacted across Australia to harmonise work health and safety law.

The new Bill explicitly defines the word 'health' as meaning both physical and psychological health.

It is anticipated the Bill will be introduced to Parliament during 2015. Most of the detailed requirements will be in the regulations, which DMP expects will be introduced in mid-2016.

New and revised Codes of Practice and other guidance material will be implemented in Western Australia, and this may include the adoption of national Codes of Practice. The national Code of Practice on How to Manage Work Health and Safety Risks includes specific mention of psychosocial hazards being the effects of work-related stress, bullying, violence and work-related fatigue.

Petroleum

Petroleum safety legislation uses a risk-based regulatory regime for occupational safety and health.

As described previously, the petroleum legislation requires the licensee to prepare a Safety Case/Safety Management System, which must be assessed and accepted by DMP before operations can commence. The assessment of a Safety Case/Safety Management System includes assessment of mental health risks and controls (refer to Item 6).

Education and information activities to raise industry awareness

Although the current mining and petroleum legislation does not explicitly provide for hazards associated with mental health, DMP has undertaken a range of activities to educate and inform the mining industry on mental health issues and contributing factors. These activities include

Presentations

- **Reducing approval times – What is ‘reasonably practicable’? 2014 Industry Forum - scheduled on 14 November 2014 - East Perth** – Presentation to operators of major hazard and petroleum facilities on Human Safety and Risk Management: How to consider the People and the Systems, by Melanie Freeman, Registered Psychologist, Emergency Support Network.
- **Mines Safety Roadshow 2012** – October 2012 at Geraldton, Port Hedland, Karratha, Newman, Bunbury, Kalgoorlie and Perth. Included workshops on managing fatigue (with subsequent publication of an information sheet on the topic based on workshop feedback).
- **Mines Safety Roadshow 2011** – October 2011 at Perth, Port Hedland, Karratha, Newman, Bunbury, Kalgoorlie. Included workshops on mental health in mining presented by the Australasian Centre for Rural and Remote Mental Health covering:
 - Facts and figures on mental health and what they mean for mining;
 - A strategic approach to mental health – what can be done, including results from pilot studies;
 - Raising awareness of mental health issues in the workplace – breaking down barriers;
 - Where to now?
- **Mines Safety Roadshow 2010** – October 2010 at Newman, Tom Price, Karratha, Bunbury, Kalgoorlie, Perth. Included workshops on toughness in the workplace (gendered behaviours) by Dr Dean Laplonge (with subsequent publication of a report on the roadshow outcomes and workshop planner series on gender and safety in mining).

DMP website information:

- **Safety culture and human factors:** (includes links to topics on addressing toughness in mining (gender and safety), managing fatigue, bullying:
<http://www.dmp.wa.gov.au/16259.aspx>

Codes of Practice, Guidelines and Information Sheets

- **Mineral Exploration Drilling Code of Practice, 2012** (Chapter 13: Fatigue and mental wellbeing includes reference to mental demands of work, relationship stresses, fatigue):
http://www.dmp.wa.gov.au/documents/Code_of_Practice/MSH_COP_MineralExplorationDrilling.pdf

- **Working Hours Code of Practice, 2006:**
http://www.dmp.wa.gov.au/documents/Code_of_Practice/MSH_COP_WorkingHours.pdf
- **Working Hours Code of Practice – risk management guidelines, 2006:**
http://www.dmp.wa.gov.au/documents/Code_of_Practice/MSH_COP_WorkingHoursRiskManagementGuideline.pdf
- **Prevention and management of violence, aggression and bullying - code of practice, 2007:**
http://www.dmp.wa.gov.au/documents/Code_of_Practice/MSH_COP_PreventionManagementOfViolence.pdf
- **Dealing with bullying at work – Guideline, 2007:**
http://www.dmp.wa.gov.au/documents/Factsheets/MSH_G_DealingWithBullyingAtWork.pdf
- **Alcohol and other drugs at the workplace – Guidance Note, 2008:**
http://www.dmp.wa.gov.au/documents/Factsheets/MSH_G_AlcoholAndOtherDrugsAtWorkplace.pdf
- **General duty of care in Western Australian mines – guideline:**
http://www.dmp.wa.gov.au/documents/Factsheets/MSH_G_GeneralDutyOfCareWAMines.pdf
- **General duty of care – employees and employers – MSIA pamphlet:**
http://www.dmp.wa.gov.au/documents/Pamphlets/MSH_P_GeneralDutyOfCareEmployeesAndEmployers.pdf
- **Duty of care – labour hire industry – MSIA pamphlet:**
http://www.dmp.wa.gov.au/documents/Pamphlets/MS_MSIARes_DoCLabourHire.pdf
- ***Frequently asked questions on preventing and managing fatigue on Western Australian mining operations*** (Resources Safety, Dec 2013):
http://www.dmp.wa.gov.au/documents/Factsheets/MSH_Fatigue_FAQ.pdf

Other Publications

- ***Tackling the Tough*** (article), Resources Safety Matters, May 2014, Resources Safety, DMP:
http://www.dmp.wa.gov.au/documents/Magazine/RSM_Magazine_May_14_SafetyAndHealthCulture.pdf
- ***Blueprint for mental health and wellbeing*** (article), Resources Safety Matters, May 2014, Resources Safety, DMP:
http://www.dmp.wa.gov.au/documents/Magazine/RSM_Magazine_May_14_SafetyAndHealthCulture.pdf
- ***Gender and safety in mining*** (Workshop Planner Series), Resources Safety, 2012:
http://www.dmp.wa.gov.au/documents/Factsheets/MSH_G_GenderAndSafetyInMiningWorkshopPlannerSeries.pdf
- ***Strategies to ease life's pressures for mining families*** (article), MineSafe vol.21 no.2, October 2012:
http://www.dmp.wa.gov.au/documents/Magazine/MinesafeMagazine_Oct12_SafetyHealthCulture.pdf
- ***Addressing mining safety and health culture issues*** (article), MineSafe vol.20 no.1, July 2011:
http://www.dmp.wa.gov.au/documents/Magazine/MineSafe_Jul11_SafetyAndHealthCulture.pdf
- ***Roadshow Report: Toughness in the Workplace***, Dr Dean Laplonge, Factive, January 2011:
http://www.dmp.wa.gov.au/documents/Reports/MSH_R_ToughnessInTheWorkplaceRoadshowReport2011.pdf

Inspector Training

- **Inspector Training on Psychosocial Issues:** A public tender to prepare and deliver the training is currently being finalised.
- **Inspector Training on Complaints and Bullying:** DMP has developed a framework for handling bullying allegations. Training in the use of this framework commenced in August 2011.

Liaison with industry

Mining

DMP's mine safety inspectors liaise with managers, safety and health representatives and frontline workers when conducting inspections, audits and investigations to discuss occupational safety and health issues.

Petroleum

DMP's petroleum safety activities focus on regular liaison meetings with the operator, dealing with issues specific to a particular operation (site).

The meetings include presentation of operator health and safety performance specific to that operation, including:

- the type and number of safety and health occurrences for the current year, and how this compares with prior history;
- upcoming activities;
- potential for emerging issues or trends and how these matters may be mitigated before becoming an issue.

No significant occurrences, or cumulative minor occurrences connected to mental health have been recorded for petroleum operations.

It should be noted the number of workers in petroleum operations in Western Australia is significantly less than for mining operations due to the high levels of automation used in petroleum and pipeline operations. The number of workers employed during the construction phase of a petroleum operation is significantly higher than the operational phase.

6. Whether DMP's risk-based approach to the regulation of occupational safety and health in the mining and petroleum industries includes assessment of mental health risks.

The mining and petroleum legislation do not include a definition of 'health', and do not specifically cover 'mental health'. However, DMP considers the intent of the legislation, and interprets 'health' to mean physical and psychological (mental) health.

Mining

DMP inspectors routinely check fatigue management plans and working hours. They also conduct audit campaigns to check how mines deal with particular issues, including their handling of employee bullying complaints.

If a particular mine site is the subject of a number of employee complaints about mental health impacts (e.g. fatigue, stress, bullying, substance abuse), DMP inspectors will target that issue during inspections.

Petroleum

An operator submitting a Safety Case or Safety Management System for assessment must adequately demonstrate all risks (including mental health of workers) have been reduced in line with the As Low As Reasonably Practical (ALARP) principle. This means that the operator has to show, through reasoned and supported arguments, that there are no other practical measures that could reasonably be taken to reduce risks further.

Petroleum operators may address this by conducting risk assessment workshops. An example of this is Barrow Island, where the operator's risk assessment workshops identified mental health as an issue which needed to be addressed.

In assessing an operator's Safety Case or Safety Management System, DMP will assess whether mental health risks have been mitigated, for example:

Proactive mitigation controls – include policies and processes for:

- bullying;
- discrimination;
- sexual harassment;
- violence/aggression;
- fatigue management;
- provision of amenities/recreation facilities;
- promoting an occupational safety and health culture (i.e. safety and health takes precedence over production);
- drug testing; and
- managing alcohol consumption.

Reactive mitigation controls include:

- availability of trained professionals;
- medical facilities;
- medication availability and control;
- transport availability to/from work-site; and
- processes for employee rehabilitation/return to work.

Inspections

Inspections of petroleum and pipeline operations include consideration of mental health impacts.

Besides checking the integrity of the petroleum facility or pipeline, DMP inspectors initially conduct a general occupational safety and health inspection to identify potential areas of concern which may require more detailed review. Inspectors also consider whether the operator is addressing mental health risks, as well as appropriate documented policies and processes.

Below is an example where an accommodation camp under DMP's jurisdiction has provided facilities to workers to assist their mental and physical health:

- numerous phones (free calls within Australia) and WiFi to enable workers to maintain good communication with their friends and family;
- recreational/sport/fitness facilities such as a swimming pool, cricket, tennis, games, gymnasium – with personal trainers available to provide advice on training programs and dietary planning etc;
- mess rooms – healthy meals and drinks advice provided, free tea and coffee;
- rooms complete with ensuite, air conditioning, TV with multiple channels local and "Foxtel" sport/movies etc;

- alcohol management - swipe cards to limit consumption and drinks opened by staff to prevent potential “hoarding” of drinks;
- information boards;
- Pre-Start/Toolbox meetings – topics for discussion i.e. reduction of stress; fatigue, dehydration, or reinforcement of safety and health taking priority over production;
- occupational safety and health culture of the operation – fairness, equity and transparency, promotion of health; availability mental health support; flexibility of the operator (e.g. if worker has issues at home, may return home early); access to OSH representatives on site; OSH committee established; and
- medical facilities.

7. Details of complaints made to DMP for each of the past five financial years relating to workplace mental health concerns in the mining or petroleum industries, or reported suicides or attempted suicides.

All mental health related complaints (e.g. bullying, harassment, stress, fatigue, substance abuse) formally reported to DMP inspectors by industry employees are investigated.

DMP’s current systems, however, require some enhancement to manage this data. New systems are already under development in DMP to address this issue.

Changes to the Safety Regulation System (SRS) database will greatly enhance the ability to collate, categorise, analyse and report against safety and health issues, including mental health.

Employers are required to report Lost Time Injuries (LTIs), where employees have suffered a condition which prevents them from performing their normal duties. LTI reports may include factors which may contribute to mental health issues (bullying, substance abuse, stress, fatigue, harassment) - see **Appendix 1**.

DMP’s discussions with workers have indicated that some workers:

- decide not to formally lodge complaints relating to these issues, perhaps due to the stigma and repercussions of reporting mental health issues;
- leave their jobs as a result of these factors, so their mental health impacts and subsequent actions are therefore not reported to DMP;
- may have undiagnosed pre-existing mental health conditions; and/or
- refuse mental health support, when offered.

DMP systems do not currently collect data specifically related to suicides if it is non-work related or occurs outside DMP’s jurisdiction. There is no legislative requirement for suicides to be reported to DMP if they occur outside the work site when employees are not at work.

However, DMP does receive reports of suicides from time to time and liaises with the Coroner and the Police, who are the lead in such investigations.

In cases of fatalities/suicides that occur within DMP’s jurisdiction, DMP inspectors investigate these incidents, working in conjunction with the Police and the Coroner. If the fatality is determined to be non-work related, or outside DMP’s jurisdiction, the Police and Coroner conduct the investigation.

Attempted and threatened suicides are recorded, either through the LTI reporting, or through formal complaints to DMP inspectors.

It is currently not a legislative requirement for the mining or petroleum industry to report whether workers are on Fly-In Fly-Out (FIFO), Drive-In Drive-Out (DIDO), or residential living arrangements.

DMP is committed to continually improving resources safety legislation and codes of practice in Western Australia through its Safety Legislation Reform Program.

DMP is also committed to educating and informing industry and workers on mental health issues through a range of forums and media such as roadshows, workshops, publications and information on its website. In addition, DMP is providing its inspectors with training on physical and psychological (mental) health issues. DMP inspectors check for mental health factors during their assessments, inspections, audits and investigations of mining and petroleum operations.

I confirm that the department is willing to appear before the Committee as required. DMP's representatives and their contact details are as follows:

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I trust this information will assist the Committee in its Inquiry.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Richard Sellers', with a long, sweeping horizontal stroke extending to the right.

Richard Sellers
DIRECTOR GENERAL

26 September 2014

Att: Submission from the Department of Mines and Petroleum to the Parliamentary Inquiry into mental health impacts of FIFO work arrangements

APPENDIX 1: Resources Safety - Lost Time Injury reports related to mental health in the mining and petroleum sectors

Date Of Accident	DMP Inspectorate Team	Place Of Injury	Activity	Injury Type	Occupation	Lost Time Days	Alternate Duties Days*	Detailed Description
MINING								
15/01/2009	North - Kimberley	Work Shop Heavy Equipment	Activity Not Stated	Exposure To Mental Stress	Storemen	9	0	A disagreement between two co-workers resulted in the injured party suffering from severe stress and anxiety.
25/03/2009	West - South West	Smelter / Roaster / Furnace Areas	Metal Working Task	Exposure To Mental Stress	Boilermaker	223	0	Maintenance contractor was working on an "out of service" grizzly. The maintenance worker left the job for approximately one hour and during this time a mobile equipment operator inadvertently loaded material into the grizzly. The maintenance worker continued full duties following the incident until 29/4/09, and then reported that he was suffering from stress as a result of the incident.
09/04/2009	North - Kimberley	Offices/Admin. Buildings	Activity Not Stated	Exposure To Mental Stress	Chemist	173	0	Worker claims that he has been treated unfairly by his direct supervisor and HR manager.
02/09/2009	East - South	Haulroad/Level	Operate Front End Loader	Exposure To Mental Stress	Diesel Loader Operator	236	314	Ore pass was blocked just above the bogging horizon. The loader was attempting to unblock the pass at the stockpile loading horizon, when the pass let go. This resulted in material flowing out of the access and covering the front end of the loader. Some rocks entered the cab and covered the operator's legs. He was quickly removed from the cab and taken to the first aid post and hospital for assessment. He was found to have bruises, but no serious injuries. Injured person is now off work due to anxiety issues.
05/10/2009	West - Plant	Processing Plant Other	Activity Not Stated	Exposure To Mental Stress	Fitter	82	0	Stress injury - employee feels the company was slow to respond to a stressful situation that occurred.
05/10/2009	West - South West	Offices/Admin. Buildings	Professional Activities	Exposure To Mental Stress	Safety Officer	88	0	Gradual increase in stress levels within workplace, culminating in a disagreement with a superior causing the employee to become too ill to work.
05/08/2010	East - South	Ladderway	Supervision Activities	Exposure To Mental Stress	Foreman / Shift Boss Underground	3	30	Shift supervisor suffered stress from discovering fatally injured person on the previous shift.
14/11/2011	East - South	Non Mining	Supervision Activities	Exposure To Mental Stress	Safety Officer	0	0	Sexual harassment claim from after party from a work place function
15/11/2011	West - South West	Smelter / Roaster / Furnace Areas	Management/ Administration Tasks	Not Known	Processing Plant Operator	3	2	Employee had a performance meeting with his Area manager and Shift supervisor and became stressed after.
09/12/2011	North - Kimberley	Offices/Admin. Buildings	Management/ Administration Tasks	Exposure To Mental Stress	Clerical / Secretarial Occupations	37	0	Injured person reported to medical centre displaying acute stress. Sent off-site.
17/01/2012	East - North	Offices/Admin. Buildings	Management/ Administration Tasks	Exposure To Mental Stress	Safety Officer	13	0	Presented to a regional hospital, initially diagnosed with depression and anxiety related to work place stressors. Referred to own GP in the city for ongoing assessment and referral to other services. Four days lost time, due to roster to Jan 31 (9 days 20-29 Jan)
17/02/2012	East - South	Open Pit	Supervision Activities	Exposure To Mental Stress	Health / Medical Occupations	28	0	Alleging Workplace bullying
07/05/2012	North - Kimberley	Haul Road - Ramp/Incline	Operate Haulage Truck	Exposure To Mental Stress	Haulage Truck Driver	0	19	Operator was driving dump truck after being loaded by a shovel. He travelled approx. 100 metres turned right and headed down ramp. Operator heard a noise thinking something was not right, applied the dynamics to slow truck down while keeping the truck under control and pulled the truck to a safe stop at the base of ramp on the flat. The ramp was approx 100 metres long. At first, the operator thought that dump truck had either a flat tyre or the position 2 wheel had fallen off. After bringing truck to a stop it was identified that position 2 wheel had failed. Operator was seen by the site doctor due to stress he felt following the incident. Worker was put on alternate duties from 8/5-31/5/12.
27/05/2012	East - North	Underground Stope	Operate Bogger	R.Fall Hanging Wall	Diesel Loader Operator	49	0	The employee received no injuries in this incident. However his employer made the decision to keep the employee off due to the nature of the incident and the fact that the employee was buried in the operator's cab. Note: Employee was seen by a doctor on 29/05/2012 and cleared to return to work. Incident description: employee was removing a remote bund from the undercut of a stope before going on remote when there was a ground failure inside the stope. Approx. 2000 tonnes failed covering the loader and trapping the operator inside the cab. Employee sustained scratch on top of head when emergency response (ER) was removing him from the cab of the bogger.
28/06/2012	East - South	Non Mining	Crib/Mealbreaks/Smoko	Exposure To Mental Stress	Safety Officer	96	0	Sexual harassment at a work function that has caused stress and anxiety
07/09/2012	North - Pilbara	Stockpile - Run Of Mine	Operate Haulage Truck	Motor Vehicle Collision	Haulage Truck Driver	1	0	Doctor check-up for stress related. Operator sent to the doctor for assessment for stress after being involved in a collision between a dump truck and water truck on the 7/09/12. The operator was the driver of the dump truck involved. Incident reported on system on the 7/09/12. Incident investigation submitted to district mines inspector.
06/03/2013	East - South	Surface Work Areas Gen	Activity Unknown	Exposure To Mental Stress	Environmental Scientist / Assistant	61	75	Anxiety/depression alleged bullying at work cause stress symptoms.
12/05/2013		Exploration (not at mine site)	Supervision Activities	Exposure To Mental Stress	Supervisor	155	0	On 12 May 2013, worker reported being acutely distressed pertaining to work-related events. The worker was flown offsite on 28 May 2013 for a medical review.
13/11/2013	East - North	Admin.-	Management/Administration Tasks	Exposure To Mental Stress	Safety Officer	48	0	Gradual onset of stress allegedly related to position.
15/11/2013	East - North	Admin.-	Management/Administration Tasks	Exposure To Mental Stress	Occupational Health Nurse	45	0	Submitted worker's /comp claim for mental stress relating to current position. No one off incident identified.

26/07/2014	North - Pilbara	Haul Road - Ramp/Incline	Passenger In/On Vehicle	Motor Vehicle Collision	Haulage Truck Driver	4	0	<p>Report is regarding the passenger in the light vehicle</p> <ul style="list-style-type: none"> • 26/7/14 at 3:30 am during night shift operations, a light vehicle with two occupants entered the bulking-in work area in the stockyards, without following approved access procedures. The light vehicle conducted an inspection of the work area and then began to exit the area. Upon exiting, the light vehicle drove up a single lane access ramp. At the crest of the ramp, the light vehicle encountered a loaded haul truck (100t payload), travelling down the ramp towards the dumping area. The position 2 tyre (front hand right) and ladder of the truck contacted the driver's side and bonnet of the light vehicle and proceeded to push the light vehicle down the ramp approximately 40 metres. The light vehicle operator contacted the haul truck's operator over the two-way radio, resulting in the truck stopping on the ramp. A mayday was then called by the light vehicle operator. No persons involved were physically injured. • 27/7/14; employee flew out for medical review. Doctor certified employee as unfit with acute anxiety reaction and post-traumatic stress disorder (PTSD) symptoms. • 29/7/14; employee engaged with clinical psychologist who reported "significant distress related to his recent traumatic experience".
PETROLEUM								
26/02/2013	Mid-West	Temporary site camp	(Outside work hours)	Exposure To Mental Stress / Substance abuse	Catering Casual	N/A	N/A	The incident occurred outside working hours, but within the onsite temporary camp. Injured person had an emotional incident where her partner advised of a break up in their relationship. Over indulged in alcohol to the point of collapse, which required treatment/monitoring. Injured person was treated by the onsite medic, who consulted with the site's doctor by telephone.
24/10/2013	Pilbara	Well head	Drilling	Exposure To Mental Stress	Well Head Technician	7	N/A	Individual was in the work party and witnessed another worker being injured in an incident

* 'Alternate Duties Days' refers to the number of days where a worker has been assigned alternate duties – i.e. they could not perform their usual job and were assigned another type of work or work in an area other than their usual place of work