

**EDUCATION AND HEALTH
STANDING COMMITTEE**

**INQUIRY INTO MENTAL HEALTH IMPACTS OF
FIFO WORK ARRANGEMENTS**

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
MONDAY, 3 NOVEMBER 2014**

SESSION THREE

Members

Dr G.G. Jacobs (Chair)
Ms R. Saffioti (Deputy Chair)
Mr R.F. Johnson
Ms J.M. Freeman
Mr M.J. Cowper

Hearing commenced at 1.03 pm**Mr SIMON BENNISON****Chief Executive Officer, Association of Mining and Exploration Companies, examined:****Mr GRAHAM SHORT****National Policy Manager, Association of Mining and Exploration Companies, examined:**

The CHAIR: On behalf of the Education and Health Standing Committee, I thank you for your appearance before the committee today. The purpose of this hearing is to assist the committee in its inquiry into the mental health impacts of fly in, fly out work arrangements. I am sorry; you have been sitting up the back, so you have heard all this before, but I have to do it specifically for you. I am Graham Jacobs; Murray Cowper is to my left; Rob Johnson is to his left; Rita Saffioti is to his left; and to her left is Janine Freeman. We also have the executive, Mathew Bates and Daniel Govus, and Hansard, which will be recording the proceedings.

This hearing is a formal procedure of Parliament and therefore commands the same respect given to proceedings in the house itself. Even though the committee is not asking witnesses to provide evidence on oath or affirmation, it is important that you understand that any deliberate misleading of the committee may be regarded as a contempt of Parliament.

Have you both completed the “Details of Witness” form?

The Witnesses: Yes.

The CHAIR: Do you understand the notes at the bottom of the form about giving evidence to a parliamentary committee?

The Witnesses: Yes.

The CHAIR: Did you receive and read the information for witnesses sheet provided with the “Details of Witness” form today?

The Witnesses: Yes.

The CHAIR: Do you have any questions relating to your appearance before the committee today?

The Witnesses: No.

The CHAIR: Thank you, both of you, for appearing before us today. In your submission and the notes provided, you mentioned the terms of reference of a safety committee. Could I ask you, Simon, particularly, was there any consideration in the terms of reference in and around mental health?

Mr Bennison: Not specifically. This is our AMEC safety committee, and we have got a number of companies and consultants that sit around the table as part of our structure of putting policy advice together for our organisation and our council. So, we have not gone into the specifics of each component of safety as such, but in the general terms of duty of care of employers et cetera we certainly include mental health in that capacity.

Mr R.F. JOHNSON: Gentlemen, are you aware of any data in relation to those FIFO workers in the mining industry who have tragically committed suicide?

Mr Bennison: We do not specifically ourselves keep the data, Rob.

Mr R.F. JOHNSON: Do you know anybody who does, because nobody seems to keep any bloody data these days!

Mr Bennison: No. There is a paucity of data; there is no question about that. We do call on the Mental Health Commission, ABS and the various survey work that is completed both in institutions—a number of the universities are in this space and have been doing survey work on mental health, amongst other issues, in regards to FIFO and the resources industry in general. We glean what we can out of those particular bits of research. But other than that and apart from, obviously, the state government through the Department of Mines and Petroleum and their mine safety section, there is limited data—and obviously the coroner, of course. We rely on collating that information to get a feel ourselves on how that represents the industry.

Mr R.F. JOHNSON: Can I ask you a follow-on question to that? What is leading in *The West Australian* and other news outlets at the moment is what has happened with our committee meeting this morning in relation to the workers when they have to tell somebody what antidepressant drugs they may be on, and the reluctance to do that, and obviously it is not a good thing from a mental health point of view. Can you tell me what your view is and how you can help in that particular area?

Mr Bennison: I think, in fairness, most employees, when they do their medicals when they go into a company, if they have a pre-existing condition or a pre-employment condition, actually have a duty to disclose that, because with the duty of care falling back on the employer, they have to know if that employee has a pre-existing condition that they have to be aware of. There is a responsibility on both sides in relation to this. I think it is critically important that, particularly in this day and age, there is a very good understanding between the employer and the employee of any medical condition they might have, and if they are on a prescription drug in particular, obviously that drug at some point in time, provided it is in the screening, will turn up, and, if necessary, then an employer is going to have to go back and validate that drug to make sure the concentration is at the level of the prescription and is not going in any way to impair that employee in the workplace. There is a lot more to it. It is a complicated issue and I do not think it is a case of an employer discriminating against an employee with a pre-existing medical condition at all.

Mr R.F. JOHNSON: From what we have heard today, and previously, I certainly get the impression that there is a big reluctance on employees in being absolutely truthful about antidepressants that they may be on. We have established that mental health is not a lifelong health issue. It can be a very short issue of a few weeks or months or a couple of years, but it is not a lifelong one. If somebody is taking medication to help them through that period of perhaps a few weeks of mental health issues, they are, from what I gather, reluctant to take that medication when they go for a test, because it shows up and they think the employer will say to themselves, “I don’t want this person. They could be a problem. They could cost us money. We’ll get somebody else who is not on medication.” That is a discriminatory issue, and it is a very hard issue if there is somebody who desperately needs a job and who is good at their job but is suffering for a short period of time with mental health issues.

Mr Bennison: My only experience is that those who have made it known to the employer have not suffered as a consequence. Frankly, I see that as anecdotal; unless there is hard evidence to back up those statements, frankly, I think they have to be treated very carefully.

Ms J.M. FREEMAN: Have you got hard evidence to back up your statement that, in your experience, people have not been discriminated against?

Mr Bennison: Yes.

Ms J.M. FREEMAN: Are you able to give us that evidence?

Mr Bennison: No.

Ms J.M. FREEMAN: What is your evidence?

Mr Bennison: It is personal experience.

Ms J.M. FREEMAN: So yours is anecdotal, as well as the other statement?

Mr Bennison: Yes, that is personal experience.

Ms J.M. FREEMAN: So both of them are anecdotal, are they not?

Mr Bennison: In that context, yes.

The CHAIR: Simon, I believe you are a member of the Mining Industry Advisory Committee. That is the state government body chaired by Simon Ridge, who I believe has appeared before us as well. Can you tell me to what extent mental health issues in the mining industry have been raised at MIAC; and, if not, would you think it would be worthwhile considering any further discussions in MIAC about the impact of, for instance, roster lengths on mental health worker wellbeing?

Mr Bennison: It has certainly been raised in MIAC, and the MIAC minutes are on public record, so you can certainly see it there. It has not been a topic of conversation that has been raised on a regular basis, as a number of issues are not. It really depends on MIAC's agenda in dealing with a lot of the guidelines and codes of practice that are developed through that committee. But there is certainly no reason why mental health would not be discussed in any shape or form if it was considered relevant to that committee agenda at that point in time.

The CHAIR: What things are discussed at the Mining Industry Advisory Committee? What is their brief, basically?

Mr Bennison: It is just about every safety aspect issue that you can consider on a mine site.

The CHAIR: Except mental health?

Mr Bennison: No. As I said, it has been discussed in the past. A lot of these things are not kept on the agenda in perpetuity. They might be topical, like right now with this inquiry and the issues being raised. But it may not necessarily stay on the agenda. It may be addressed—what needs to be done in the context of this particular issue, and whether the actions are completed in a time that sees that done before it is raised on the next agenda. So it may only appear there for one meeting.

Mr M.J. COWPER: Simon, just following on, in general, in our wider community, mental health was one of those things previously that was not spoken about or was not reported much in the media. It was one of those social things that we just never spoke about. I think it is a case now that there is an emergence of awareness of mental health in our general community and as a result there is, if you like, a sharpened focus on the issues. Can you tell me whether that contemporary viewpoint has been observed, identified and hopefully adopted by some of the companies in your organisation?

Mr Bennison: Absolutely. I think over recent years, particularly over the last decade, there has been a heightened awareness of, you know, mental health issues right across the community, let alone within our sector, which I think is fantastic. I think for most communities and other industry sectors to have a far better understanding of the implications of the various aspects of mental health is critically important, let alone being in the workplace.

Mr M.J. COWPER: We are specifically looking at FIFO workers here, and I suppose when we think of FIFO workers, we are thinking of the blue-collar guys we see at the airport all the time. It also impacts on executives in companies as well, and one would imagine that with the fluctuations in the commodity prices and the impact on budgets and the like, there would be some substantial pressures placed upon all individuals working on the mine site. Do you have any comments around that?

[1.15 pm]

Mr Bennison: I think you are quite correct. The stress levels of getting a mine up and running and the responsibilities associated with it are massive. I do not for a minute pretend that mental health is discriminatory between blue-collar and white-collar workers.

Mr R.F. JOHNSON: Simon, or Graham, you might be able to help me. We heard earlier today—I do not think you were in the committee to hear this first evidence from beyondblue—we were told that they have empirical evidence that one in every five people in the workforce suffer with some form of depression or anxiety, so some form of mental health problem. That is one in five. I was staggered to hear that. Putting it in simple terms, one of us five members on this committee could be suffering from depression or anxiety. But if you look at the mining industry where, perhaps, there are a lot more pressures because they are aware from their families for long periods of time and they are away from their peers, their support bases and so on and so forth, that is probably more accentuated in there. So, if we are to take that as being correct, that there is one in every five in the workforce that is suffering from that mental health problem, then that is a serious issue in the mining industry, I would suggest. Would you agree with that?

Mr Short: Maybe if I can jump in.

Mr R.F. JOHNSON: I thought you might help, Graham.

Mr Short: As we mentioned in our submission, and based on the limited research that has been done, ABS did a survey back in 2007, and at that time they indicated that of 16 million Australians aged 16 to 85, almost half had a lifetime mental disorder. So, just in terms of one in five, potentially through the community it is a broader issue.

Mr R.F. JOHNSON: I think they were in the workforce—one in five.

Mr Short: Correct.

Ms R. SAFFIOTI: Can I just ask: does the organisation believe there are any particular challenges in relation to the FIFO work style compared to other work styles? Do you think, for example, the construction workforce, with four weeks on, one week off, would present any different challenges or different issues than a normal workforce?

Mr Bennison: Without a doubt. The difficulty about our industry is that it has so many components to it. When you are a contractor, and you can be a small or a large contractor, you can be working in that capacity for a very large multinational or you could be in the Tanami Desert or the Great Sandy Desert working for an exploration or drilling company; and, as a consequence, the circumstances are very different, the living situations are very different and the communications are very different. So, the circumstances surrounding those employment conditions vary accordingly. Employers and employees, particularly in the smaller and more remote areas, work closely in collaboration to make sure that they are both comfortable with the working arrangements and the rosters they do and so forth.

Mr Short: Maybe if I can pick up on some of the commentary that was made earlier on—this morning—in terms of the length of the rosters. Sixteen weeks on, one week off is definitely abnormal from our industry's point of view. We have done a survey of our members to get a feel for the range of rosters, and they are two and one, nine and five, eight and six, and five and two. It really depends on the circumstances of that particular mine site, as well as individual circumstances, where the companies try to make the rosters more family friendly and try to pick up on some of the concerns that have been expressed in some of the submissions that have been made to the inquiry.

Ms J.M. FREEMAN: Are you able to give us a copy of that survey? How many companies did you survey?

Mr Short: We did it on a confidential basis —

Ms J.M. FREEMAN: We do not need to know the names of the companies, but just stuff like how many companies you did and what the different rosters were in each of those companies. I assume that all the companies you surveyed were exploration companies?

Mr Short: Not necessarily.

Mr Bennison: No, we have not. The survey is limited. It is more for us to get a better understanding of what the major employers in, for example, the exploration space would use. For a number of them, four and two seems to be the norm. I think to do it justice you would probably want to do a larger, more formal survey to try to get that data together. But we certainly contacted —

Ms J.M. FREEMAN: You have here that you had surveyed “a number of its producer members and many consultants”. How many was the number?

Mr Bennison: I would have to go back and have a look.

Ms J.M. FREEMAN: I am assuming “a number” and “many consultants” means that there were more consultants than there was a number.

Mr Short: Not necessarily.

Mr Bennison: We would have to go back and get the data for you.

Ms J.M. FREEMAN: That is possible, is it? You could do that and —

Mr Short: We will give it a go.

Mr Bennison. We will do our best.

Mr R.F. JOHNSON: We do not need to know the names of the companies, obviously. We would find it very useful as a committee to find out what is behind it and what is coming from those particular companies, even though we do not know the names—we do not need to know the names. My own personal feeling is I would like to know what is the most ideal roster for any FIFO worker that will help keep them from contemplating suicide.

Mr Bennison: I honestly do not think you will get an answer to that. I say that in respect to the fact that when we are talking about the exploration sector, a lot of the employees do want to work a four and two. They like a four and two. This might be anecdotal from the companies and all the rest of it but —

Mr R.F. JOHNSON: What proportion are doing that exploration stuff compared to the construction and the mines —

Mr Bennison: Exactly. That is the problem we face. Because our industry is so segmented, it is difficult. You cannot apply a one size fits all, you know, let us work an eight and six. I have got family tied up in this industry, like you would not believe, anyway. But certain employees will work an eight and six. But with some of the various contractors on that site, there will be about another half dozen roster regimes that apply on that particular site for contractors and others, depending on how they work their rosters and depending on whether they are swinging a day and night shift combined with that at the same time. We have looked at this ourselves. It is a very complex area to try to standardise rosters as such. Bearing in mind all the health issues and duty of care that has been paramount in this space, I think it is going to be extraordinarily difficult to standardise any form of rostering. A lot of that is done by seasonal adjustments, particularly in the exploration sector. I think from the data we had, there was about 40 000-odd—I better be careful. DMP have the data of the split between the exploration sector and others. I have it with me, so I can look it up.

The CHAIR: What is your figure—10 000 for your organisation?

Mr Bennison: Employees?

Ms J.M. FREEMAN: How many members do you have?

Mr Bennison: I could not tell you how many employees were directly related to —

Ms J.M. FREEMAN: How many members do you have?

Mr Bennison: About 330 to 340 companies are involved.

Ms J.M. FREEMAN: Is that list of companies publicly available?

Mr Bennison: Most of them are listed, yes. Our membership is on our website. It is quite transparent; you can easily access it. But we use the DMP data on the various employees in the various sectors, which is good data.

Mr Short: The split. If I can interrupt, there is a document that is available on the DMP website which is called “Resources Safety Matters”—it is their quarterly magazine—dated 3 October 2014. It shows the split between mining employees and contractors. As at March 2014, there were around about 100 000 employees in terms of the total, and then the split shows mining contractors—FTEs—being slightly more than mining employees.

Mr Bennison: It is about a 55–45 split.

Mr M.J. COWPER: Traditionally, Simon, when particularly the Pilbara emerged in the late 1960s, early 1970s, part of the state agreement was that mining companies build the towns of Tom Price, Newman, Karratha and Dampier et cetera. With exploration happening out in the deserts, looking for gas and oil, because it was seasonal and the temperatures involved, a lot of FIFO workers were involved in that exploration aspect. Is there any drift to having families relocate back to the towns? I am very interested to know what the cost differential is. I can understand we are probably not talking about offshore gas and we are not talking about those in remote areas in exploration, but certainly in those fairly well established mining tenements around the Pilbara particularly, is there any discussion within your organisation about perhaps going and looking at which is more cost effective, whether it be families in these towns and investing in the towns as opposed to fly in, fly out? I acknowledge that there are some people who choose to fly in, fly out. I am wondering if any work has been done in that space.

Mr Bennison: We have not commissioned any ourselves. Again, I think it is probably more appropriate—I do not know whether they are presenting before the committee—to approach them directly, especially the larger companies that have made decisions whether they build TWA accommodation or whether they actually encourage their workforce to buy in the region versus fly in, fly out. I think there is a bit of a mixture. I think it is generally regarded that FIFO is obviously cheaper than companies building accommodation and housing them in a particular town.

Mr M.J. COWPER: I understand that to be the case, but as mental health issues emerge, the care now required specifically to fly, fly out I believe is going to have an impact—a financial one as well. Factoring that in, I am wondering where the cost effectiveness is.

Mr Bennison: I certainly could not answer that for you. As I say, the best thing you can do is approach —

Mr M.J. COWPER: Refer it back to BHP.

Ms J.M. FREEMAN: Can I build on that question, and you might answer in the same way. There was a comment made by Brendon Grylls, who is a state member of Parliament who covers a lot of the Pilbara area—he is the Pilbara MP—and he said this in Parliament, and I thought it was interesting, that mining companies should be fined if they insist on using a fly in, fly out workforce instead of housing employees in nearby towns. He was concerned because they are phasing out FIFO camps, despite the fact that they could live in regional cities. So, instead of having the system they used to have, which was that the companies had to set up cities, his complaint was that money had gone into those cities to make them liveable cities, and that, despite that, mining companies were still relying on fly in, fly out. Is it still cheaper to do fly in, fly out than use liveable cities like Karratha?

Mr Bennison: That is my understanding.

Ms J.M. FREEMAN: It is still cheaper to fly in, fly out than use liveable cities?

Mr Bennison: Honestly, to do your question justice, to get the actual data out of the companies is probably far more relevant, because they have done this sort of analysis. We have not been privy to that in detail.

Ms J.M. FREEMAN: I suppose the question that Murray was asking was that if you factored in that external cost of mental health, and suddenly realised that that was an occ health and safety cost instead of thinking it is just an individual problem, do you think that could change the nature of the cost basis?

Mr Bennison: I do not know. I seriously do not know. The thing about FIFO with a lot of these employees is that it is a matter of choice. You have got to do the demographics of the FIFO population and understand where they come from. They are not all married with families. There are a lot of single people who are in the FIFO industry—an enormous number. Those stats would be very relevant to any policy direction that you might be contemplating.

[1.30 pm]

Ms J.M. FREEMAN: Do you have those stats?

Mr Bennison: No. I wish we did. That needs to be done: what are the demographics of the FIFO sector?

Ms J.M. FREEMAN: Again, that is an anecdotal stat.

Mr Bennison: Sure; absolutely.

Ms J.M. FREEMAN: They could be married when they enter in and they could be single by halfway through; we do not know this, do we?

Mr Bennison: No. What is going to be critically important is that you get a good feel for what the demographics of FIFO are. It is the same issue in relation to the assumption that there is a prevalence of mental health in FIFO per se. That is an assumption.

Mr R.F. JOHNSON: Without the data, we cannot prove anything at this stage.

Mr Bennison: That is right, and I agree. We have trawled through all the research papers and so forth as well, and you can find evidence from researchers and consultants proposing one view and then, on the other side of the ledger, proposing another view.

Ms J.M. FREEMAN: beyondblue—you know beyondblue because you are in the organisation head or whatever it is called —

Mr Bennison: We have a supporting role.

Ms J.M. FREEMAN: You are working with them in Heads Up. They talk about the “Workplace mental illness and substance use disorders in male-dominated industries: A Systematic Literature Review”, which was Roche, Fischer, Lee, Battams, Nicholas in 2012. They commissioned this. The “Workplace mental illness and substance use disorders in male-dominated industries” confirmed that there are a broad range of risk factors for depression and anxiety in people working in male-dominated industries such as mining. In 2002 we were identifying it as an issue in terms of those sorts of industries. It is now 2014. Has AMEC or any of those organisations thought that it is worthwhile putting some money into this to research it further?

Mr Bennison: No, I do not think it is a case of whether we think it is worthwhile putting money into it. There is some research going on at the moment—some very current in Queensland right now—in this space. I think a lot of those institutions have taken on some responsibility to look at the relationships not just in our sector, but whether it is in manufacturing or construction or agriculture or fishing. They are doing this similar sort of work right across to make sure that there is no bias in one particular sector or another. Some of that work has already been done in Queensland very recently. Mining was not caught up in that to my understanding, but seven other professions were. They were making the distinctions between those particular groups.

Ms J.M. FREEMAN: That did not include mining or FIFO, did it?

Mr Bennison: No, it did not. But it is part of the problem we have got that Mr Johnson has been alluding to. There is no specific work that is periodically done to try and get a balanced view—an accurate view—of what actually is going on in our community and, in particular, the various industries.

Ms R. SAFFIOTI: Can I just ask a follow-up question to go back to the question asked before? Do you believe that the FIFO lifestyle presents particular hazards in this area in relation to mental illness and potential suicide?

Mr Bennison: I think no more than a lot of other professions and vocations and industries do as well.

Ms R. SAFFIOTI: But you do not think there is anything particular or unique to the FIFO lifestyle that would need specific policies to address it? You do not believe there is anything to do with the FIFO lifestyle?

Mr Bennison: I think the companies at the moment are doing an enormous amount to address policy issues within their own structure.

Ms R. SAFFIOTI: I understand that, but the question is: as an organisation, do you believe there is anything particular to the FIFO lifestyle that presents risks in relation to mental illness and suicide?

Mr Short: I think maybe that comes back to the original question, and that is having the statistics and that is what we have indicated as part of that.

Ms R. SAFFIOTI: No. All I am asking is —

Mr Short: Then it becomes anecdotal.

Ms R. SAFFIOTI: No. I am asking you, as a professional organisation that looks after a particular industry which uses a particular type of employment pattern, if there is anything in that lifestyle that will present particular challenges. I am just asking that question, basically.

Mr Bennison: To answer your question, yes, I think there are particular challenges in FIFO, and companies are doing an enormous amount to try and address those. As was mentioned earlier, I think by Mr Cowper, the fact is that rosters have changed. Companies are shifting to try and address all these issues. It is, I think, recognised by the companies that they are trying to improve their duty-of-care responsibilities on a day-to-day basis as more of these things come to light.

Mr R.F. JOHNSON: We are told that one of the problems in relation to the FIFO workers being able to communicate with their families back in WA wherever it might be—my son lives in Collie so his family are down in Collie, but it could be anywhere—is the lack of bandwidth, which is a question of cost, not anything else. Do you think that perhaps the companies should invest a bit more money in expanding that bandwidth so that the FIFO workers can communicate with their families and it would take, I certainly think, a lot of stress away from the situation?

Mr Bennison: I think this is a complex question, because the ability to communicate electronically in parts of the state is very difficult and the infrastructure that is in place is limited. Unless you are a very big company that can afford the towers, let alone the bandwidth—bandwidth is one component of it all; there is a whole lot more to communicating apart from just the bandwidth—the more remote you go, the harder the logistics of it are in the infrastructure. It is all right if you are sitting on the coast in Karratha or somewhere, but if you go right into the Tanami Desert or remote parts of the Kimberley, this becomes a serious problem. It is not a case of just throwing cash at it, which is a problem in itself for smaller operators; it is a case of the infrastructure logistics that back it up. Maybe it becomes a management thing that not everyone gets on to their computer at a particular time and loads it up, and you try and distribute that. I am sure people would love to fork out more

for communications than they do at the moment, but it is a balance there. Over time, as technology improves, maybe that will not become such a cost factor.

Mr Short: The other thing, if I can add—I wanted to come back—is there is a particular map that is available through the Department of Mines and Petroleum. It is about a metre and a half by a metre and it describes the current resources projects.

Ms J.M. FREEMAN: Yes; they send it to us all every year.

Mr Short: Right.

Ms J.M. FREEMAN: We get it every year.

Mr Short: What that clearly shows is that these mine sites are not conveniently located around Newman or Port Hedland or major locations, but they are in very remote areas, as well as the exploration activities that obviously are governed by the actual results of the drilling program and what might be happening. So that just adds to the issues regarding fly in, fly out or it becomes drive in, drive out or it might be helicopter or four-wheel drive in, or whatever it might be. There are all these other issues that come into play in terms of the remoteness and, as Simon has indicated, the availability of communications infrastructure in these remote areas.

Ms J.M. FREEMAN: So does your survey ask those questions? Did your survey ask about communication?

Mr Short: No. We kept the survey brief. No; we did not go into that detail.

Ms J.M. FREEMAN: You did not do a monkey survey like the rest of us do now?

Mr Short: It was a —

Ms J.M. FREEMAN: A SurveyMonkey; that is right.

Mr Short: A SurveyMonkey; thank you.

Ms J.M. FREEMAN: Ten questions are free. That is what you did, did you not?

Mr Bennison: We will not go there!

Ms J.M. FREEMAN: That is what we have done.

The CHAIR: We have done SurveyMonkeys.

Simon, if you have been following the inquiry or some of the comments that were made this morning when you were here, you have probably heard about the lack of mining regulations on mining camps, such as the FIFO facilities. In your submission to us on page 9, you state —

AMEC therefore considers that no specific changes need to be made to legislation, regulations or policies in relation to mental health issues at this point in time.

I do understand you were talking specifically about the Mines Safety and Inspection Act, the Occupational Safety and Health Act and those issues in and around duty of care et cetera. But following up some of the stuff that Steve McCartney was talking about this morning, and having listened to that and the fact that a lot of the jurisdiction of WorkSafe and the department of mines safety division does not include a mining camp, do you think you might review AMEC's consideration that perhaps some specific changes to the legislation do need to be made? A lot of this is about mentoring and safety standards and whatever. If the mining camp is not incorporated into that, I think you may consider that legislation or regulations might need looking at.

Mr Bennison: If there is ambiguity within the legislation or regulations over jurisdictional issues relating to camps, sure, we would be more than happy to support anything that corrected the situation. I think the problem at the moment is the jurisdictional issues over camps are brought under different aspects of legislation. You have got contractors running camps on many occasions, so the supervisors take responsibility for what is going on in that camp, yet the mining companies

themselves will have an oversight over the contractor and the activities that go on in that camp, yet you have got employees, for example, who are in the kitchen who can, if the camp is owned by the mine and run by the mine, from my understanding, still come under the Mines Safety and Inspection Act. To me, there is a bit of a crossover in some of the jurisdictional arrangements depending on who has got ownership of what component of the camp and how it is run and managed. I think if there is ambiguity sitting in all those arrangements, from our perspective, we would be quite happy to see them cleared up and a clear understanding of who has got responsibility for what determined.

The CHAIR: Can I ask another question added to that about the duty-of-care employer—the one I quoted Steve this morning—concerning the definition of “hazard” and the employee’s duty of care in and around those hazards? Would you take hazards as including psychological hazards in that mining inspection act? Would that be your interpretation?

Mr Bennison: That is what we have made reference to on page 9 of our submission, and we still stand by that. I think as long as there is no misunderstanding about where the health and wellbeing of employees sits within the legislation, to us that is the end point. We have interpreted it as, and our advice from the department is, that that is the case in the context of hazards.

The CHAIR: Is that the legal opinion?

Mr Bennison: No. We did not seek a legal opinion on it; we just sought advice from the department.

The CHAIR: From your knowledge, has that definition of “hazard” been tested at any time in the courts or anywhere else?

Mr Bennison: I do not know. Sorry; I certainly do not know.

Ms J.M. FREEMAN: In previous submissions, the union was talking about rosters only in an enterprise bargaining context and when the person from the mines department—mines safety—came, he talked about the fact that the code of practice working hours, which is in the general occupational health and safety jurisdiction, is not a code of practice for mining safety. Is it your view that rosters should come under a workplace health and safety context?

Mr Bennison: I will be quite honest. We have not looked at it in that light. We have just accepted what most of the companies have negotiated in relation to their employees. No-one at this point in time has brought to our attention that there is a need to change from a legislative component. Maybe at some point in time a code of practice or guidelines can be developed, which is obviously one of the things that occurs through MIAC, and that can be looked at to see what arrangements could be put forward as a general code or guideline for the industry.

Ms J.M. FREEMAN: Because that would then make sure that hazard does encompass it if you had a specific regulation or code of practice around rosters and issues like fatigue and rosters and that sort of aspect.

[1.45 pm]

Mr Bennison: I guess the employers would look at this in the context of how they administer the legislation from their point of view of duty of care at the moment. I think if most of them felt that the processes and protocols and the policies they have adopted now adequately address the health and wellbeing of employees within the current roster arrangements and how they are negotiated, they probably feel there is not the need for anything more. In this environment of deregulation, less red tape and all the rest of it, without compromising anything to do with mental health, duty of care or whatever, if the current arrangements adequately cover these, the last thing we would like to see is more bureaucracy thrown over the top of it.

Ms J.M. FREEMAN: Yes, but if you are not clear about whether a hazard includes a hazard or a—when Rita asked you whether you believed it in terms of FIFO, she put to you are there are any

hazards or any risks. When she said “challenges”, you accepted that there were challenges. The problem with something that says “hazards” in a mine safety act, which does not talk about health, is that there is ambiguity. Previously, you said you were happy to deal with ambiguity if it came over accommodation. I am suggesting there is ambiguity when it comes to mental health within that hazards area. If you put in place a system so that it is a code of practice or something else, then you take away that ambiguity. It is not an extra —

The CHAIR: Is there a question Janine?

Ms J.M. FREEMAN: Yes. It is not an extra regulation. The question is: it is not about increased regulations; it is about clarity and getting rid of ambiguity, do you not agree?

Mr Bennison: You could do that in a way. If it was considered necessary to do that outside what we have got at the moment, we would be happy to look at it. But like a lot of these things, the devil is in the detail, so it would depend on how you did it and what the implications from that would be.

Ms J.M. FREEMAN: I think a safer workplace is the implication.

Mr Bennison: Yes, and I guess you have to make a case. The way it is defined at the moment clearly indicates a case where the workplace is not safe enough in the way it is worded. You might find that the industry and employers are at odds with that—they feel that it is and that there is not any ambiguity.

Mr M.J. COWPER: Simon, when your group gets together—the 300-odd members or whatever it is—do you discuss the types of things that companies are doing to mitigate the boredom or the stress release whilst they are in camp? I understand some camps are a bit more elaborate than others with gymnasiums and swimming pools and some fairly agreeable conditions, but there are some, particularly in exploration, that are somewhat problematic. Is there any discussion? I would be interested to know what sort of things they are discussing in your organisation in that area.

Mr Bennison: As far as exploration camps go, as you can appreciate from their transient nature, trying to put anything hard and fast on the ground is a very difficult thing to do. We have not had much in the way of discussions with how employers and employees are managing on-site arrangements with recreation and activities. Honestly, I would have to take that on notice and go back to the companies and ask them what sort of activities in the more remote regions, where they have not got the capacity to build the sort of infrastructure that more elaborate camps, as you say, have got, they are entertaining in that context.

Mr Short: In some cases, it is even the location. They are not staying in one location, particularly in an exploration camp, where they could be there for a short period of time, because at the first drill hole they say, “This is a waste of time; we will move on.”

Ms J.M. FREEMAN: How many people are in most exploration teams? What would you get?

Mr Bennison: It varies enormously; large companies can have a very large exploration team.

Ms J.M. FREEMAN: Really? How big is a very large exploration team?

Mr Bennison: It can be hundreds. Even mid-tiers have exploration teams of 30 or 40 people.

Ms J.M. FREEMAN: So my idea that they are just a bunch of three or four rock kickers is —

Mr Short: On a drilling hole —

Mr Bennison: You can get three or four rock kickers who are out there with one drill rig—small companies. It is all a matter of scale. That is where this whole one-size-fits-all is very difficult in this industry. It might be going through your mind that you would like it to apply across the industry, but it can be totally unaffordable or impractical for a small operator. If you would like to see at the big end of town or whatever other reason, even the remote —

Ms J.M. FREEMAN: Safety is the reason.

Mr Bennison: Yes. Whatever —

Ms J.M. FREEMAN: Let us be really clear on that. It is the reason.

Mr Bennison: I agree with you that safety is paramount in all of this. If I thought that the smaller operators were compromising that in any way shape or form, and I think there would be clear indication of that now if that was happening, we would be the first to jump up and down and say, “Look, we have got to put protocols in place to improve that.” But, honestly, we get a lot of interaction with our membership, particularly in the exploration sector, and we get the opportunity to go out on the ground. We will keep surveying them, just to try to build a database and feed something into the whole process. But at this stage, we have not had anything that sort of adversely impacts on the safety and wellbeing of employees out in those remote areas; and, as soon as we do, we will be one of the first to jump on it to make sure that the situation is corrected. I hope that is not through any regulatory or policy or whatever. I hope that that can be managed through the industry in a commonsense approach. Directors have got duty of care as well as the site supervisors and so forth. We have seen changes to the legislation recently as far as directors’ liability goes. They are very conscious of making sure, through the chain of responsibility, that, right through to the ground, the people on the ground are responsible and are looking after the wellbeing of those employees. That does go to contractors, because drilling contractors are members of ours as well. They have through DrillSkill and others a very strong safety ethic and a training program. They go to enormous trouble to ensure the safety aspects, particularly working at heights and so forth, are well catered for and looked after.

Mr M.J. COWPER: I am very interested to know what your group talks about when they do get together for your meetings or annual meetings or however often they are held. I am wondering about any discussion within the companies as to the protocols and the appropriate way companies should react in relation to the realisation of someone who has attempted self-harm within one of the mining camps.

Mr Bennison: We have never addressed that directly. I think leading into this inquiry, discussion around the table focused on what facilities were available onsite, whether they be in the case of pastoral care or psychiatric or psychological and generally across the board medical facilities.

Mr M.J. COWPER: Does that extend beyond the mining camp? I obviously understand you need to have some sort of protocol in place onsite, but when that person is eventually evacuated out to a health-care place, is any follow-up done by any of the companies in relation to the worker’s families or ongoing support?

Mr Bennison: To the best of my knowledge, yes, there is, and, again, that is just anecdotal, speaking to a number of the CEOs of those companies that have been responsible for those individuals. How across the board that is I just would not have a clue; I do not have the information. Certainly in serious incidents, the wellbeing of those employees is always followed up, not just in mental health, obviously. If an employee has a serious accident, the senior management within that company is always very diligent in making sure that someone within the company is in close contact with that employee and the family on an ongoing basis.

Mr M.J. COWPER: Would the protocols in relation to, say, a serious accident as opposed to a mental illness be the same?

Mr Bennison: I would like to think so, but, again, I just do not have the hard evidence to suggest how the companies are managing that. Again, it is just a discussion we have had.

Ms J.M. FREEMAN: They would be outlined in their safety management plans and their rehabilitation plans, would they not?

Mr Bennison: Absolutely.

Ms J.M. FREEMAN: So in terms of their safety management plans and rehabilitation plans, which all companies have to have, because when the regulator comes in, they want to see their safety management plans and rehabilitation plans, does AMEC have a pro forma of those safety management and rehabilitation plans, and do they include mental health?

Mr Bennison: No; we do not. We did go down this path some years back. Due to the variability across the industry and the fact that there are a huge number of these products out there by the various consultancy groups we stood back. We tried to get a template, a pro forma, to put in place, but each company had their own and hung onto it, so we did not take it any further.

Mr Short: Then of course any safety and management plan that you put together would be reflective of the size of the organisation, the location, all the mitigation factors, the risk identification. It would vary.

Ms J.M. FREEMAN: Yes. I suppose my question is: the safety management plans obviously include major accidents and a rehabilitation plan after a major accident, because they have to for workers' comp as well as anything else, so that they are doing a rehabilitation plan, because they are required to under law. But do they include mental health and mental health rehabilitation?

Mr Bennison: Sorry. I cannot answer the question. I do not know whether each company has a clause in its safety management plan about mental health. We can put the question back to them.

The CHAIR: Can you put that to them and provide that to us?

Mr M.J. COWPER: Put your hands up if you have got a mental health plan!

The CHAIR: Seriously, can you take a survey of how many have a mental health plan?

Mr Bennison: I will certainly try.

Ms J.M. FREEMAN: I am sure if you ask the question they soon will have one.

The CHAIR: Simon, going on through the legislative sort of theme, some unions have submitted that it is no longer appropriate to continue determining roster lengths and the issues of fatigue management in and around an enterprise bargaining context and they should instead be determined in a workplace health and safety context. What would AMEC's view be about that?

Mr Bennison: I think we are keen to make sure that the employee's health and wellbeing is paramount. There is probably a place for both. Usually, those roster arrangements and those work schedules are integral to those agreements anyway. I think in those agreements, the health and wellbeing of the employees is seriously taken into consideration. Taking it outside that, I think it really needs to be justified that there is a need to develop an external process that sits outside agreements and that backs that up. I would have thought it was already there in the legislative requirements from the general duty of care and responsibilities of the company anyway. So, without seeing a case being made for it, I really would not like to say yes to it unless there was a serious need. That is not taking anything away from the responsibilities and the issue at point here. It is really making sure that we do not just create layers upon layers and, again, push things into other jurisdictional arrangements unless it is really necessary. I cannot make that judgement call at the moment.

Ms J.M. FREEMAN: I just want to quickly —

The CHAIR: I thought Janine was finished!

Ms J.M. FREEMAN: The way SurveyMonkey works is that it gives you a composite response. That is the mechanism you used to do your survey, was it not?

Mr Bennison: Yes.

Ms J.M. FREEMAN: So you would be able to get us those results on the basis of composite results, because that is how it produces it. But can we have the questions as well? They are probably

still on there; I could probably do it myself, could I not? Could we have the questions as well, because that would be quite interesting?

Mr Bennison: Sure.

Ms J.M. FREEMAN: Thank you. Do you want to note what we will get?

The CHAIR: Yes, let us do that. We will get a copy of the survey used by the —

Ms J.M. FREEMAN: A copy of the SurveyMonkey questions and the results, but obviously not with the individuals, just with the —

The CHAIR: Redacted.

Ms J.M. FREEMAN: You do not need to redact it; it all comes together.

The CHAIR: It is all anonymous. Can you provide that for us?

Mr Bennison: Yes.

Mr Short: We will do our best. I did not do it, one of our other staff did.

Ms J.M. FREEMAN: Someone younger than you did it, did they not?

Mr Bennison: That is a bit unfair!

Ms J.M. FREEMAN: No, no; no, no.

The CHAIR: I probably have one more question in and around the legislation again. You deal with this to a fair degree in your submission on page 8 around general duty of care. I want to get this on the record, because it states in the Mines Safety and Inspection Act that “An employer must, so far as is practicable”. Would that “so far as is practicable” include issues such as fatigue and psychological stress?

[2.00 pm]

Mr Bennison: That is my understanding.

Mr Short: Yes, I think that is what we are moving —

The CHAIR: I just want to get it on the record. Do you recognise that the “so far as is practicable” is not an out —

Mr Bennison: No, no.

The CHAIR: — for anybody who is interpreting this act when it comes to the psychological hazards?

Mr Bennison: Absolutely!

Mr Short: Maybe I can just add to that. My understanding is that—I have not got a copy of the transcript in front of me—when Simon Ridge appeared, he did make reference to the fact that there were legislative changes being considered.

The CHAIR: It is up for review; absolutely.

Mr Short: And I thought mental health was part of the proposed changes under—I think it was—the occ health and safety act.

The CHAIR: Yes.

Ms J.M. FREEMAN: The harmonisation of the mines safety; it got agreed to three years ago. They are planning to add it for review at the moment.

The CHAIR: And we will believe it when we see it, as we are going to continue doing our inquiry because I think it is really important to clarify these points.

Ms J.M. FREEMAN: Goodo!

Mr Bennison: That is one thing that is on the MIAC agenda; it was a standing order.

The CHAIR: Thank you; very good. If there are no more questions from the panel, I have a closing statement. I am sorry I have to put you through this.

Mr Bennison: That is okay.

The CHAIR: Thank you for appearing before the committee today. A transcript of this hearing will be forwarded to you for correction of minor errors. Any such corrections must be made and the transcript returned within 10 days. If it is not returned within that time, we assume that you are happy with it and deem it correct. I would be very grateful for you to send supplementary information that you have undertaken to provide us with in more detail and we thank you for your appearance here today. Obviously, new material cannot be added via these corrections and the sense of your evidence cannot be altered. Thank you very much for appearing before us today and giving us your time.

The Witnesses: Thank you.

Hearing concluded at 2.01 pm
