



4 August 2023

Resources Safety and Health Queensland  
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Brisbane, Queensland, 4001  
minershealth@rshq.gov.au

To whom it may concern,

## **BMA Response to RSHQ Discussion Paper - Consultation on managing psychosocial hazards in Queensland's resources industry**

Thank you for the opportunity to provide feedback regarding options to clarify obligations to manage psychosocial hazards in the Queensland resources industry.

BHP Mitsubishi Alliance (**BMA**) submits the following feedback with respect to the questions outlined in the discussion paper issued by Resources Safety & Health Queensland (**RSHQ**).

BMA continues to place the highest priority on the safety and wellbeing of our people and is committed to maintaining a mentally healthy workplace. BMA recognises that the *Coal Mining Safety and Health Act (CMSHA)* and the *Coal Mining Safety and Health Regulations (CMSHR)* apply to the management of health and safety risks resulting from psychosocial hazards at a coal mine, like any other hazards. We have a number of controls in place to manage psychosocial hazards, such as management of fatigue, sexual harassment and sexual assault controls and provision of mental health support.

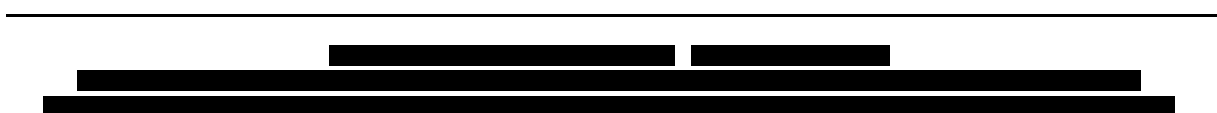
### **1. Do you support the proposed option of clarifying obligations to manage psychosocial hazards?**

BMA supports RSHQ's focus on ensuring that obligations regarding management of psychosocial hazards are well understood across Queensland's resources industry. BMA recognises the importance of continuing to raise the profile of psychosocial risks in the industry which aligns with BMA's commitment to creating an inclusive and safe work environment.

### **2. Which part of the proposed option do you support and why?**

BMA supports a principles-based approach, similar to the approach adopted under *Work Health and Safety Act 2011 (Qld) (WHS Act)*, requiring duty holders to manage psychosocial hazards and risks in accordance with fundamental risk management principles. Identifying hazards, assessing risks, implementing, and reviewing controls measures is broadly consistent with how an acceptable level of risk is achieved at a coal mine as prescribed under the CMSHA.

Specific amendments to the CMSHA and/or CMSHR should only be considered if necessary. If changes are made to the CMSHA and/or CMSHR, BMA considers that the definition of psychosocial risk and psychosocial hazard should align with the WHS Act to facilitate consistent outcomes across Queensland. We have not identified any overwhelming rationale for a different definition to apply at coal mines. This is particularly relevant as BMA also operates other facilities and infrastructure across Queensland, including the Hay Point Coal Terminal and corporate offices that are regulated by the



WHS Act, and to the extent possible, a consistent approach with respect to management of psychosocial hazards and risk is desirable.

### **3. Which part of the proposed option do you not support and why?**

BMA emphasises the importance of any proposed changes being considered in light of the existing CMSHA legislative framework. Care should be taken to ensure that changes are made having considered all the relevant factors and potential implications.

If a decision is made to align the position under the CMHSA with respect to management of psychosocial hazards to the WHS framework careful consideration must be given as to how similar amendments made to the WHS Act will interact with existing provisions of the CMSHA.

We note that the discussion paper references a potential requirement to implement controls in accordance with the *hierarchy of controls*. BMA makes the following observations:

- A. The hierarchy of controls methodology in risk management processes is not referenced in the CMSHA or CMSHR, unlike the WHS Act. Consideration should be given to whether it is appropriate to include an express reference to the hierarchy of controls in circumstances where this specific requirement is not applied for other risks under the CMSHA.
- B. In any case, BMA queries whether it is appropriate for the hierarchy of controls to apply to the management of psychosocial hazards specifically at a coal mine. We note that other jurisdictions, such as New South Wales, have departed from this requirement with respect to psychosocial hazards. BMA's view is that many psychosocial hazards at a mine cannot be eliminated (e.g. remote work, environmental conditions). On that basis, it may not be appropriate to adopt the hierarchy of controls, including a requirement to always consider elimination of psychosocial hazards before anything else.

### **4. If you do not support the proposed option, is there an alternate option which you support?**

BMA makes a further observation that while we agree that there is existing guidance material available as referenced in the 'non-regulatory option', we note that these materials are not specific to the Queensland Resources Industry. General guidance applicable at other workplaces may not always be applicable to a coal mine environment. We consider that any legislative amendments to the CMSHA and/or CMSHR should be supported, if necessary, by tailored guidance and examples relevant to the resources industry.

### **5. Within the proposed option, do you support clarifying reporting obligations for incidents relating to psychosocial hazards and psychological injuries?**

BMA has not identified any strong reason why changes to clarify reporting obligations are required for psychosocial matters specifically.

We note that this approach would be inconsistent with the recent amendments to the WHS Act and WHS Regulations, which did not change existing notification requirements or introduce additional reporting or incident notification requirements for psychosocial hazards. We have not identified any significant reason to have a different approach for coal mines at this stage.

In any consideration of periodic reporting requirements for specified psychosocial complaints, it will be relevant to consider how RSHQ proposes to use the information obtained from operators, and any privacy and whistleblower protections that might apply to disclosures to RSHQ. Careful consideration is required to ensure that legislative reporting requirements do not undermine BMA's complaints and grievance processes which require procedural fairness, impartiality, and confidentiality.

**6. Do you have any other feedback or comments about the proposed option?**

BMA welcomes further discussion with RSHQ around clarifying obligations to manage psychosocial hazards, and any further consultation on proposed changes to any legislation or development of recognised standards / guidance material.

Thank you for the opportunity to provide this feedback for consideration.

Regards

A handwritten signature in black ink, appearing to read 'Adam Webb', with a long horizontal stroke extending to the right.

**Adam Webb**  
Head of Health Safety and Environment  
BHP Mitsubishi Alliance (BMA)