

Camp Accommodation – living on the edge?

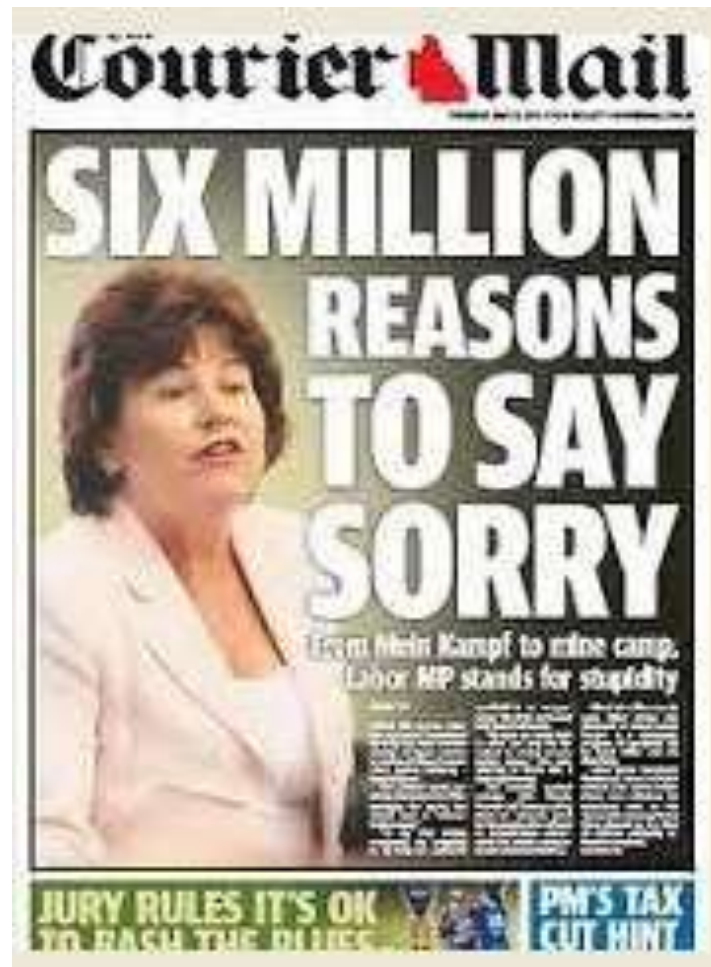
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'Improving health and safety in challenging times'

Mine camps in the media



'Improving health and safety in challenging times'

Some statistics

2011 CQ University study of Bowen Basin resources industry workforce

- 1/3 of workforce lived locally
- at least 40% of jobs were FIFO/DIDO



Health and well-being statistics

UQ study on FIFO workers in August 2013

- 75% surveyed stated they had good or very good levels of physical or mental health
- 20% reported moderate to severe sleep disturbance
- 60% agreed that the demands of long distance commuting work arrangements interfered with their home or family life
- 40% reported feeling lonely or socially isolated, to some degree
- 5% reported moderate to severe stress levels



What law applies

- *Coal Mining Safety and Health Act 1999* (Qld) (**CMSH Act**)
- *Mining and Quarrying Safety and Health Act 1999* (Qld) (**MQSH Act**)
- A 'coal mine' or 'mine' includes '... buildings for administration, accommodation and associated facilities'
- Provided that the buildings are either:
 - within the boundaries of land that is the subject of a mining tenure; or
 - at a place adjoining, adjacent to, or contiguous with, land that is the subject of a mining tenure

The *Work Health and Safety Act 2011* (Qld) (**WHS Act**) will otherwise apply



Mining safety legislation requirements

Workers are required to:

- carry out their activities in such a way that they do not expose themselves or others to an unacceptable level of risk
- comply with health and safety related instructions
- otherwise not do anything wilfully or recklessly that might adversely affect the health or safety of anyone else

Mine operators must ensure the risk to workers while at the operator's mine (which includes accommodation at the mine) is at an acceptable level

Accommodation service providers may also have obligations



The legal obligations – WHS Act

s19(4) If—

- (a) *a worker occupies accommodation that is owned by or under the management or control of the person conducting the business or undertaking; and*
- (b) *the occupancy is necessary for the purposes of the worker’s engagement because other accommodation is not reasonably available;*

the person conducting the business or undertaking must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to health and safety.



Reporting incidents

Queensland mining safety laws require the reporting of any serious accident, high potential incident or death occurring at a mine – which gives rise to obligations for ensuring there is no interference with the site and for conducting required investigations

Where accommodation is subject to WHS Act obligations, in order to be notifiable there must be a *'notifiable incident arising out of the conduct of the business or undertaking'*



Impact of the legal requirements

Workers will have obligations arising out of their personal conduct where, based on WHS considerations, it may impact upon work at a mine

Lawful and reasonable directions can be given

Desmond Robert Howard Anthony v Orbit Drilling Pty Ltd – the dismissal of a manager based on his out of hours conduct was not unfair

Mine operators or their accommodation providers will have obligations under the various WHS laws about:

- the safety of the accommodation provided
- ensuring behaviour at the accommodation does not impact on required WHS standards



• Safety Bulletin 87

Sets out requirements to manage WHS risks for workers accommodated at mines between shifts:

- A procedure should be in place to check the worker's whereabouts and wellbeing at any time during the shift
- Analysis of the type, severity and prognosis of illness must be undertaken as soon as possible by appropriate medical officer
- A decision must be made whether the worker should be allowed to recover in the accommodation provided, or should be relocated - the worker should not be allowed to drive
- If it is safe for the worker to remain in the accommodation, a reliable procedure must be put in place ensuring the person's health is monitored by an appropriate person at regular intervals during day and night
- If decided the worker should not remain in the accommodation provided, care must be taken to ensure the worker's health is considered during transport to hospital, home or other place of treatment and recovery. The worker may need to be accompanied by an appropriately qualified person
- Processes should be in place that ensure a person's family or next of kin are contacted in the event of illness or death



Searching rooms

The conditions of providing the accommodation can stipulate that there is a specific right to enter the accommodation and, if required, to conduct appropriate searches.

Lawful entry may be effected by police officers, assuming they have the required powers (e.g. under the *Police Powers and Responsibilities Act 2000* (Qld))



Effect of unlawful search

Walker v Mittagong Sands Pty Ltd t/as Cowra Quartz

Evidence obtained unlawfully could not be used to prove the alleged misconduct

\$15,000 was ordered to be paid by the employer to the employee in lieu of reinstatement



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