



Submission to the Infrastructure,
Planning and Natural Resources
Committee

**Re: STRONG AND SUSTAINABLE
RESOURCE COMMUNITIES BILL
2016**

FIFO Australian Community of Excellence
(FACE)

December 2016



Strong and Sustainable Resource Communities Bill 2016

AUTHORS OF THIS SUBMISSION ARE MEMBERS OF FACE

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BACKGROUND: FIFO AUSTRALIAN COMMUNITY OF EXCELLENCE (FACE) WWW.FACENETWORK.COM.AU

PURPOSE

To promote safe, supportive FIFO* work practices and lifestyle informed by evidence-based research and to influence policy.

**Fly-In Fly-Out (FIFO) includes Drive-In Drive-Out (DIDO), Bus-In Bus-Out (BIBO), working away and long distance commute.*

WHAT WE DO

- Collect, generate and disseminate accurate information as the peak nonprofit FIFO organisation
- Present an evidence based view, often giving voice to most unheard FIFO stakeholders, workers and community members
- Build a network of expertise with a view to supporting FIFO as a sustainable lifestyle
- Provide opportunities for policy makers, industry and individuals to work together
- Create an inclusive community for any stakeholder to share and learn
- Maintain a library of FIFO knowledge

HOW WE DO IT

- Consult
- Listen
- Connect
- Share
- Encourage conversations
- Promote understanding

OUR VALUES

- Fair to all (Balanced, impartial)
- Use the truth (Evidence-based)
- Build goodwill (Reciprocal partnerships)
- Beneficial to all (Stabilise, normalise)

FACE is a non-profit association open to researchers, FIFO workers, policy makers, service providers and community members interested in all elements of Fly-In Fly-Out (FIFO), long-distance commute work, health and lifestyle usually related to mineral and energy exploration, construction or production. As an independent multidisciplinary network, FACE has been created to promote and advance sustainable FIFO work practices via collaboration with like-minded individuals and businesses. Our organisation facilitates on-going dialogue nationally and internationally to advance knowledge through mutually beneficial relationships.

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EXECUTIVE SUMMARY

Fly-In Fly-Out (FIFO) for this submission applies to Drive-In, Drive-Out (DIDO) and Long Distance Commuting (LDC) work practices defined as requiring travel on a regular basis for an extended period, over such a distance from the employee's home that they are not able to return to their permanent residence at the end of a shift. This submission incorporates contributions from a range of expert academics and service providers.

The three recommendations in the current submission are straightforward.

First, regarding the reference point 9 (lines 7-27):

“(2) The owner or proponent must, as part of the EIS for the project, prepare a social impact assessment that—

(a) provides for the matters mentioned in subsection (3); and
(b) includes the matters stated in the guideline made under subsection (4).

(3) The social impact assessment must provide for the following in relation to the project—

(a) community and stakeholder engagement;
(b) workforce management;
(c) housing and accommodation;
(d) local business and industry procurement;
(e) health and community well-being.”

We submit that (a) the social impact assessment in subsection (3e) be changed to include the term “mental health” along with the existing “health and community well-being” and reads instead as “mental and physical health and community well-being” and (b) that additional considerations be included in the social impact assessments of large resources projects. Therefore, submit that the underlined changes to the Bill point 9 be changed to read: “(e) mental and physical health and community well-being.”

Second, regarding reference point 12 (lines 17-23):

“Coordinator-General may nominate large resource project as a project for which persons employed during construction phase are workers for this Act

The Coordinator-General may, as part of the EIS for the project, nominate a large resource project as a project for which a person employed during the construction phase of the project is a worker for this Act.”

We submit that the underlined changes to the Bill point 12 be changed to read:

“The Coordinator-General shall nominate large resource project as a project for which persons employed during construction and de-commission phases are workers for this Act

The Coordinator-General shall, as part of the EIS for the project, nominate a large resource project as a project for which a person employed during the construction and de-commission phases of the project is a worker for this Act.”

Third, regarding the definition of a ‘nearby regional community’ as

“a town, the name of which is published on the department’s website under section 13, that has a population of more than 200 people, any part of which is — (a) within a 100km radius of the entrance to the project that is closest to the town’s boundary; or (b) within a greater or lesser distance from the project decided by the Coordinator-General and notified in writing by the Coordinator-General to the owner of the project.”

We submit that the definition may be expanded to encompass all affected residents within a set area around the project rather than a town. Therefore it may be defined not only by distance and population but by where practicable for local residents to work at the project.

In addition to other recommendations incorporated within this submission and because similar questions continue to arise at inquiries and in multiple reports, we strongly advocate that action be taken to address the barriers to (i) sharing of knowledge related to the impact of FIFO on individuals and communities, (ii) acceptance of evidence by policy makers and industry; (iii) building a cohesive national structure to respond to identified FIFO practice problems; and (iv) policy is developed to enable better data collection and availability of such data between industry and government.

The FACE network authors from the FIFO working community thank the Government of Queensland and the Infrastructure, Planning and Natural Resources Committee for the opportunity to make a submission to the development of the Strong and Sustainable Resource Communities Bill 2016. Our lead author Philippa Vojnovic from Perth is available by telephone (██) should any further information be required.

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1. CONSIDERING REFERENCE POINT 9 (PAGE 9, LINES 7-27)

Rationale for suggested modifications to point 9

The Strong and Sustainable Resource Communities Bill 2016 (hereafter referred to as the Bill) proposes that:

- “(2) The owner or proponent must, as part of the Environmental Impact Statement (EIS) for the project, prepare a social impact assessment that—*
- (a) provides for the matters mentioned in subsection (3); and*
 - (b) includes the matters stated in the guideline made under subsection (4).*
- (3) The social impact assessment must provide for the following in relation to the project—*
- (a) community and stakeholder engagement;*
 - (b)* workforce management;*
 - (c)* housing and accommodation;*
 - (d)* local business and industry procurement;*
 - (e)** health and community well-being.*
- (4) (no modifications suggested)”*

*considerations submitted for items 3b-e

**modifications submitted for item 3e

We contend that the title of the Act suggests an outcomes based focus. There is however, limited provision for this. Instead it appears that the changes proposed by this bill gives the Coordinator General significant discretionary powers, which limits the transparency of the Act in how it achieves it desired outcomes.

The Anti-Discrimination Act 1991 appeared to have already covered much of the discrimination that this Bill proposes to address. In doing so, it goes as far as to encourage employers to engage in the education and training of workers. There does not appear to be an allowance for this within the this Bill with regards to addressing issues that are likely to arise around education and training when attempting to engage local residents as workers, who may not of previously had opportunities to engage in the necessary tickets of qualifications. In addition, there does not appear to be any indication of how sustainability will be achieved over the life of a project, with the construction phase involving more personnel than the operation phase and then the decommissioning phase requiring less people again.

We recommend that the following are aspects considered in the social impact assessment by The Coordinator-General and provides for the following in relation to the project for:

1. Workforce management;

1.1 Consider mechanisms to provide options for reduced hours or shift rotations to enhance community participation for FIFO and non-FIFO workers.

1.2 The employment of indigenous workers drawn from the local community be prioritised, followed by residents and then non-residents.

2. Housing and accommodation;

- 2.1 Consideration needs to be given to the potential to accommodate workers in the boundaries of a town so as to increase the workforce integration into the community.
- 2.2 This needs to be considered alongside the capacity of the town to adjust and cope with an increase in its population.
- 2.3 Where FIFO camps are built in the boundaries of towns to bring economic and social benefits to both residents and workers, guidelines and assurances need to be provided about mechanisms to manage negative social impacts to community residents.
- 2.4 The provision and opportunity to grow a sustainable population in a region should be considered through the provision of community based family household accommodation.
- 2.5 This can provide choice to workers where families consider a relocation to a regional community as an opportunity to maintain a family lifestyle closer in line with their expectations.
- 2.6 Site or Camp/town accommodation that can accommodate and facilitate the visits of partners, family members and children is something that could be considered.
- 2.7 This would help families to understand and support the FIFO workers role and minimise some of the disconnection family's experience.
- 2.8 Accommodation/housing availability for non-industry related personnel, is often an issue if a site creates an increase or demand for growth of service industries and essential service personnel.
- 2.9 The physical availability of land to be released for new housing, the utilisation of existing housing stock and suitability for housing to meet the needs of family households has created inflated prices and shortages in other regional areas so should be accounted for in the social impact.

3 Local business and industry procurement;

- 3.1 Anecdotal reports indicate that mining companies frequently extend dates for paying invoices from the common 30 days to 60 days.
- 3.2 This may pressure small community businesses.
- 3.3 To promote local community benefits, social impact assessment should consider the intention of the mining company to pay local businesses in a timely manner.

4 Health and community well-being

- 4.1 We request that (a) the social impact assessment in subsection (3e) be changed to include the term "mental health" along with the existing "health and community well-being" and reads instead as "mental and physical health and community well-being" and; (b) that additional considerations be included in the social impact assessments of large resources projects.
- 4.2 There is currently mounting evidence of the importance of mental health in the FIFO employment context. Rather than re-list these, we refer to the following documents in the reference list and in particular would like to draw the Committee's attention to the Final report of the Health and Education Standing Committee of the Legislative Assembly Inquiry into mental illness in Fly-In Fly-Out workers. FIFO Australian Community of Excellence. Perth, Australia.
- 4.3 These documents clearly argue that mental health and the management of psychosocial hazards are of key importance for workers in the FIFO context.

- 4.4 If mental health is not included as a necessary aspect of a social impact assessment, the risk is that it will not be explicitly considered.
- 4.5 Therefore, it is recommended that (a) the social impact assessment in subsection (3e) be changed to include the term “mental health” along with the existing “health and community well-being”.
- 4.6 The level of workforce integration a community can accommodate needs to be assessed thorough engagement with community stake holders. This is particularly relevant depending on the introduction of DIDO, BIBO, FIFO and or residential mix of integration.
- 4.7 Consideration to the capacity of key services for example, health, recreation, policing, education, retail, and infrastructure services needs to be given. Community access to mining provided infrastructure creates opportunities to improve health and wellbeing for communities.
- 4.8 Guidelines and mechanisms are required to account for any change or growth in population that may impact on services’ abilities to meet community needs. For example, (a) where towns internet speeds are highly impacted by increased population and added loads in peak periods with no added capacity this impacts the quality of life and wellbeing of the community; (b) Where local medical services are booked out with FIFO or industry related workers and there is less access for parents with children this affects community wellbeing.
- 4.9 The location of airstrips, access to seats on flights, upgraded water, gas and electricity utilities, provision of mobile phone towers etc. are some examples of where positive social impacts can be contributed.
- 4.10 Shared use of multipurpose facilities are further examples that increase integration of workers as well as adding to the amenities that provide health outcomes for towns and workers.
- 4.11 The provision of workers to volunteer and be involved in local community activities, sporting, and social clubs would be a consideration that could positively impact the workers wellbeing but also add to the capacity of wellbeing in the community.
- 4.12 Social impact assessment may also consider the long term social impacts in source communities where FIFO workers originate. It is unclear how information from industry can fill gaps in legislative authority. It is therefore considered that where practicable, mining companies should collect employee data on mental health issues including: Employee Assistance Program (EAP) statistics, worker’s compensation claims for mental stress and suicide. Information on employee suicides should be made available to the Coroner’s office. This will enable companies to keep a more accurate picture of the FIFO workforce. Therefore, we submit that policy should be developed to enable better data collection and availability of such data between industry and government.
- 4.13 To improve community well-being it is considered that there are benefits to open days provided by the mining company to (a) facilitate family visits to site and family days (b) allow potential future workers to view the worksite and therefore facilitate a better understanding and likely hood of residents seeking and obtaining employment with the company.
- 4.14 Therefore it is recommended that the additional considerations discussed in this submission be included in the social impact assessments of large resources projects.

5 In conclusion the underlined changes to the Bill point 9 may then read:

“(2) The owner or proponent must, as part of the EIS for the project, prepare a social impact assessment that—

(a) provides for the matters mentioned in subsection (3); and

(b) includes the matters stated in the guideline made under

subsection (4).

(3) The social impact assessment must provide for the following in relation to the project—

- (a) community and stakeholder engagement;*
- (b) workforce management;*
- (c) housing and accommodation;*
- (d) local business and industry procurement;*
- (e) mental and physical health and community well-being.”*

2. CONSIDERING REFERENCE POINT 12 (PAGE 11, LINES 17-23)

Rationale for suggested modifications to point 12

The Bill proposes that:

“The Coordinator-General may nominate large resource project as a project for which persons employed during construction phase are workers for this Act

The Coordinator-General may, as part of the EIS for the project, nominate a large resource project as a project for which a person employed during the construction phase of the project is a worker for this Act.”

The Bill does not explicitly include either the construction phase or de-commissioning phase of the mine. These are often the times where the social impact on communities is at its highest (for example, in construction due to an influx of FIFO workers in larger numbers than in the production phase, in de-commission due to job loss and reduced economic circumstances).

Moreover, the construction and decommissioning phases can be lengthy with unclear boundaries when the construction phase becomes a production phase and later slides into a de-commission phase.

It follows that not explicitly naming these phases in the Bill is an omission which make interpretation difficult for mining companies and communities.

Foreseeably, conflict and disputes may arise when (a) members of a local community believe a mine is in a construction phase and is not included in the Act (b) members of a local community believe a mine is in de-commission phase and local residents are not able to gain employment.

The current version of the Bill does not appear to contain adequate measures and mechanisms that address construction and de-commission phases to protect the mining companies, communities and residential workers during these phases of a project.

Subsequently, we submit that the construction and de-commissioning phases be explicitly included in the Bill, through definite nomination by The Coordinator-General. We submit that point 12 lines 17, 20 and 21 be changed to “shall nominate” rather than “may nominate”.

We further submit that line 22 be changed to include the term “decommission phase”.

Therefore the underlined changes to the Bill point 12 may then read:

6 ***“The Coordinator-General shall nominate large resource project as a project for which persons employed during construction and de-commission phases are workers for this Act***

The Coordinator-General shall, as part of the EIS for the project, nominate a large resource project as a project for which a person employed during the construction and de-commission phases of the project is a worker for this Act.”

3. CONSIDERING THE DEFINITION OF A NEARBY REGIONAL COMMUNITY (PAGE 25, LINES 20-29)

Rationale for suggested modifications to definition

In its current form the Bill 2016 appears to provide limited benefits to the communities that are likely to be impacted by the operation of large resource projects.

Communities have been defined as meaning;

“a town, the name of which is published on the department’s website under section 13, that has a population of more than 200 people, any part of which is — (a) within a 100km radius of the entrance to the project that is closest to the town’s boundary; or (b) within a greater or lesser distance from the project decided by the Coordinator-General and notified in writing by the Coordinator-General to the owner of the project.”

This definition indirectly discriminates against smaller communities and landowners within the regions impacted by operations. Furthermore, it does not account for indigenous communities that meet the population size and distance requirements, but are not designated as belong to or being a town, as defined by the Australian Bureau of Statistics.

We submit that the definition may be expanded to encompass all affected residents within a set area around the project rather than a town. Therefore it may be defined not only by distance and population but by where practicable for local residents to work at the project.

REFERENCES

- Final report of the Health and Education Standing Committee of the Legislative Assembly Inquiry into mental illness in Fly-In Fly-Out workers. FIFO Australian Community of Excellence. Perth, Australia.
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