

Meeting	Mine Safety Advisory Council				
Meeting No.	1 of 2017	Date	Thursday 16 March 2017	Time	10:00 – 14:00
Location	CFMEU, 67A Aberdare Road, Cessnock				
Members	Mr Carl Scully (Chair), Mr Andy Honeysett (CFMEU), Ms Barbara McPhee (Independent), Mr Brock Skelton (AWU), Mr Chris Dolden (CCAA), Dr Graeme Peel (Independent), Mr Ian Cribb (NSWMC), Mr Peter Jordan (CFMEU), Mr Rob Cunningham (NSWMC), Mr Marty Jones representing Mr Douglas Revette (Department), Mr John Flint (Department, MSAC Executive Officer)				
Observers	Mr Bruce Grimshaw (Coal Services), Ms Jenny Nash (Resources Regulator), Ms Monique Andrew (CCAA), Mr Tony Linnane (Resources Regulator), Mr Garvin Burns (Resources Regulator), Mr Anthony Keon (Resources Regulator), Mr Keenon Endacott (CFMEU), Ms Anna Kneath (Department, MSAC Secretariat)				
Presenters	Mr Andrew McMahon (Mates in Mining)				
Apologies	Mr Douglas Revette (Department), Ms Lee Shearer (Resources Regulator), Ms Lucy Flemming (Coal Services), Mr Todd Hacking (CCAA), Mr Dave McLean (Resources Regulator)				

MINUTES

Item	Issue	Actions
1	INTRODUCTION	
1.1	<p>Welcome and Apologies</p> <ul style="list-style-type: none"> The Chair opened the meeting at 10:08am and thanked everyone for their attendance. The Chair thanked Mr Jordan and the CFMEU for hosting the meeting. Apologies were noted from Mr Revette, Ms Shearer, Ms Flemming, Mr Hacking and Mr McLean. 	

Item	Issue	Actions
4	OTHER BUSINESS	
	<p><u>Next meeting</u></p> <ul style="list-style-type: none"> • The next MSAC meeting will be held in Parkes on 15 June 2017. • Mr Cunningham agreed to host the meeting at North Parkes Mine. It was suggested that the meeting be held on site from 11am to 3pm to allow for travel times and flights from Sydney in the morning. • Members did not agree to an open session for the community at this point but instead a broader stakeholder meeting with invited guests only. • Members agreed to: <ul style="list-style-type: none"> ○ hold the MSAC meeting from 11am to 2pm at the mine ○ hold an extended meeting from 2pm to 2:30pm at the mine and invite the mayor, managing director of North Parkes mine, mine manager from other mines in the district and health and safety representatives ○ make available an underground mine tour for MSAC members prior to the MSAC meeting from 7:30am. • It was requested that the Secretariat: <ul style="list-style-type: none"> ○ email MSAC members with options for travel times ○ confirm who will be attending the underground mine tour and liaise with Mr Cunningham ○ coordinate and prepare invitation letters for the extended meeting at 2pm. • Mr Flint advised that the Secretariat could support travel costs for MSAC members. 	<ul style="list-style-type: none"> a. Secretariat to email MSAC members with options for travel times for Parkes and confirm who will be attending the underground mine tour. b. Secretariat to coordinate and prepare invitation letters for the extended MSAC meeting on 15 June at 2pm.
1.2	<p>Declaration of Conflict of Interest</p> <ul style="list-style-type: none"> • The Chair requested members declare any conflicts of interest. • No conflicts of interest were declared. 	
1.3	<p>Acceptance of Previous Minutes</p> <ul style="list-style-type: none"> • The minutes of the last meeting on 15 December 2016 were endorsed without change. 	
1.4	<p>Correspondence</p> <ul style="list-style-type: none"> • Members noted the incoming correspondence. • Mr Flint advised that the Secretariat is still waiting on Mr Skelton's appointment due to the change in minister and cabinet reshuffle. 	

Item	Issue	Actions
2	FOR DISCUSSION AND/OR DECISION	
2.1	<p>Incident Prevention Strategy</p> <p><u>Draft Causal Investigation Policy</u></p> <ul style="list-style-type: none"> • Mr Linnane advised that the Department has sought legal advice on the draft causal policy from Peter Singleton as agreed at the December meeting. As a result some amendments were made to the policy and are highlighted in track changes as per attachment A. It was advised that Mr Singleton made some comments which were not inserted into the document as they are part of an internal process rather than a policy statement. For example, Mr Singleton’s advice on page 8 refers to the Department’s treatment of documents which is physical evidence. The Department does not take original versions of documents, but instead takes copies. This is something that is standard practice and part of an internal process. • Mr Cribb raised the reference ‘foreseeable risks’ stated in the first paragraph on page 3 of the policy. He questioned the definition of ‘foreseeable risks’ as the answer could be varied. Mr Cribb stated that he has spoken with Ms Shearer about this who has agreed to look into it in further detail when she returns from leave. Mr Cribb suggested that sentence be deleted from the paragraph. • Members endorsed the updated policy subject to Ms Shearer reviewing and providing advice on the necessity of the sentence referencing ‘foreseeable risks’. • The Chair raised that the Department has already undertaken two causal investigations and it is expected that the Department will undertake further causal investigations. He noted that the policy was written with that in mind. <p><u>Minister and departmental changes</u></p> <ul style="list-style-type: none"> • Mr Linnane advised that the changes for the Department with the new minister, Don Harwin MLC and new secretary, Ms Carolyn McNally, will take effect from 1 April. <p><u>Outcomes from recommendations</u></p> <ol style="list-style-type: none"> 1. MSAC endorsed the causal investigation policy subject to reviewing the sentence on page 3 referring to foreseeable risks. 2. MSAC agreed to review the causal investigation policy in 12 months and 3 years. 3. MSAC noted the update on the Incident Prevention Strategy and ministerial changes. 	<p>c. Ms Shearer to liaise with Mr Cribb on the final wording of the paragraph in the draft Causal Investigation Policy containing ‘foreseeable risks’.</p>

Item	Issue	Actions
2.2	<p>Airborne Contaminants</p> <ul style="list-style-type: none"> • Mr Flint advised that as requested by MSAC, HMAC considered the outcomes of the round table at its last meeting in February. HMAC raised concerns about what was put forward and agreed it needed to know more about the roles and information held by various stakeholders. HMAC agreed that this was required prior to considering the outcomes of the round table. • Mr Flint further advised that the Secretariat has already requested data from the Dust Diseases Authority and State Insurance Regulatory Authority. Mr Flint advised his intention to talk to Mr Grimshaw after the MSAC meeting about Coal Services data. • The Chair thanked the Secretariat for its work on the paper. He expressed concerns over MSAC duplicating roles so it is critical to know who the key players are and what they do. • Mr Flint gave a presentation on the work to date on the roles and responsibilities of organisations in relation to airborne contaminants in NSW. • Discussions are summarised below. <ul style="list-style-type: none"> – The Chair raised that because it is not a notifiable disease, there may be under reporting; talking to experts in the field may provide a bigger picture. – Ms McPhee stated there may be under diagnosing as well resulting in lower numbers. – The Chair asked what the relationship between Coal Services and the Dust Diseases Authority was. – Mr Grimshaw commented that there is no duplication between Coal Services and the Dust Diseases Authority. Coal Services is the insurer. The Dust Diseases Authority hears evidence and makes decisions about the claim. – Mr Linnane stated that the recommendation about the national dust monitoring group was not supported. It does not look like it will get off the ground. – It was agreed to remove it from the list of key stakeholders. – Mr Cribb stated that a group at the national level is getting too far away from the mine level. Any work needs to be undertaken at state level. – The Chair questioned if there were concerns from the CCAA as they have indicated that there is not a problem with airborne contaminants in its industry. – Ms Andrew replied that this was not the case but the CCAA wants evidence to demonstrate that there is a problem before they fix it. – Mr Burns stated that there is a big focus on coal which is the most heavily regulated. The Department has been undertaking TIPs and TAPs across all sectors. There have been varied 	<ul style="list-style-type: none"> d. Department to provide a report on the airborne contaminants TIPs, TAPs and planned inspections at the next MSAC meeting. e. Secretariat to send invitation to MSAC and HMAC members on the Department's internal training session on airborne contaminants on 5 April 2017. f. MSAC members to provide comments on the 'Major investigations and emergency response unit – Serious illness' information release' to Ms Kneath by COB on Monday 20 March 2017.

Item	Issue	Actions
	<p>outcomes. The Department is currently communicating with the relevant sites about the results and hope to have a consolidated report out at the end of the month.</p> <ul style="list-style-type: none"> - The Chair questioned whether or not the Department would be able to provide an overview at the next meeting. - Ms Nash agreed. <ul style="list-style-type: none"> • The Chair stated that we need more information and detail on the role of the standing Dust Committee. It appears that it is a far more technical body than MSAC. • Mr Cribb stated that he thinks the roles are very much duplicated and there is a lot of overlap. There are a number of key actions that need to be focused on: real time monitoring, discussion to determine if there is a problem in other sectors and what are the notifiable diseases. • Mr Flint noted that the Standing Dust Committee remit is for coal. • Ms McPhee raised that MSAC could take on a clearing house type role. There is information coming from a range of sources and we need make sense of it. • The Chair questioned the next steps from here. • Mr Flint advised that we hope to have the data from Coal Services, the Dust Diseases Authority and State Insurance Regulatory Authority for the next HMAc meeting in May. HMAc will then discuss the information and report back to MSAC at the June meeting. It is unknown at this point in time as to how this might progress. <p><u>Department's internal information session</u></p> <ul style="list-style-type: none"> • Ms Nash advised that the Department is running an internal information session on airborne contaminants for its inspectors. • Mr Burns further commented that one of the outcomes from the round table was improving the Department's own internal awareness of the consequences of exposure to dust and what constitutes effective control measures. As such, the Department has arranged an information session on the 5th April at the Novotel, Sydney Olympic Park for its inspectors and other key staff. The forum will cover diesel, silicosis and coal dust. A number of presenters from the round table including Professor Sim, Mr Rogers and Dr Meredith will present. Findings of TAPs to date will also be presented. • The Chair asked if the invitation could be extended to MSAC and HMAc members. • Ms Nash agreed but raised that only a maximum of 10 additional attendees could be catered for due to venue restrictions and that the training is designed for Department staff and as such would be internally focussed. 	

Item	Issue	Actions
	<ul style="list-style-type: none"> • Members noted Ms Nash’s comments and agreed that the Secretariat would extend the invitation to MSAC and HMAC members. <p><u>Major investigations and emergency response unit</u></p> <ul style="list-style-type: none"> • Mr Linnane referred to an additional handout tabled at the meeting ‘Major investigations and emergency response unit – Serious illness information release’. It was advised that the release was put together as a result of the latest investigation into the mixed dust pneumoconiosis case. • Mr Linnane requested member’s feedback on the document by COB on Monday 20 March 2017. It was agreed to send all feedback to Ms Kneath. • Dr Peel provided the Secretariat with his comments at the meeting. <p><u>Outcomes from recommendations</u></p> <ol style="list-style-type: none"> 1. MSAC supported the HMAC Dust Sub-Groups decision to identify key players, their roles and the information they hold as the first step before considering the outcomes from the round table. 	
2.3	<p>Fatigue Management Guide</p> <p><u>Minerals Council Conference sponsorship</u></p> <ul style="list-style-type: none"> • Mr Sullivan commented that he received excellent feedback from last year’s conference and that both the MSAC sponsored plenary session and Dr Mabbott’s session were highly regarded. Mr Sullivan advised that he thought it was appropriate a session for this year’s conference be devoted to MSAC matters. The Minerals Council is currently in the process of identifying speakers and topics. The conference will be held on 14 and 15 August at the Crowne Plaza Hunter Valley. • Mr Cribb suggested that Mr Sidney Dekker might be worth considering as a presenter. • Ms McPhee commented that we would need to be quite specific about what we want him to say. • The Chair agreed in principle to a similar structure to last year’s session and the panel. • Mr Cribb proposed that Mr Dekker could present and then MSAC could run the advisory panel afterwards on his topic. • MSAC agreed to support the conference in principle. It was further agreed that the Chair, Mr Sullivan and Mr Flint would hold discussions out of session and report back to MSAC in June to what was decided. 	<ol style="list-style-type: none"> g. Mr Scully, Mr Sullivan and Mr Flint to hold discussions out of session on the Minerals Council Conference and report back to MSAC in June. h. CFMEU to send a written report to the Secretariat with their comments on the Fatigue Management Guide. i. Department to incorporate comments from

Fatigue Management Guide

- Mr Flint advised that the version in the papers at attachment 5A was the version that went to HMAc in February for comment. Since then, feedback has been received from four HMAc members (Dr Peel, Ms McPhee, SafeWork NSW and Ms Ah Wong).
- Mr Jordan advised that the CFMEU has a number of comments.
- Mr Endacott provided a verbal report on the CFMEU's comments as below:
 - the number one priority is the duration between blocks of shifts
 - the document misses the point from the primary objective
 - there should not be a displacement between the guide and fact sheet
 - the existing guide has been misinterpreted and works against ensuring there are sufficient breaks. In the current policy it refers to a 10 hour break between shifts; that is only one of the factors to look at. Consideration also needs to be given to how much time a person has to sleep. A 10 hour break doesn't meet the objective. The reference to 10 hours should be removed.
- The Chair raised that sometimes a guide can be misinterpreted as mandatory and questioned whether or not it is better to make it more robust and clear.
- Mr Endacott replied it should be either removed or made clearer. The Worksafe Australia guide recommends a minimum of 12 hours between shifts which is contradictory to our guide of 10.
- Mr Cribb questioned if that minimum came from the old legislation.
- Mr Skelton added it also came from previous awards.
- Mr Endacott noted that the guide also suggests a minimum of 8 hours. The information in our guide is inconsistent.
- Dr Peel noted that the guide is written as a worst case scenario provided other factors were addressed. The guide however is missing that critical piece of information. It was never intended to be a directive.
- Mr Skelton commented that using a 10 hour break was a way of measuring impairment. As long as you were off site for that time it can be seen as being OK. But, that does not take into account other factors e.g. driving time, sleeping etc.
- Mr Cribb commented that the guideline was developed over a long period of time.
- Mr Skelton indicated his hesitation for removing it from the document.
- Mr Flint commented that having 7-8 hours' sleep every 24 hours is part of the criteria to prevent fatigue and present to work in a fit state. These hours are mitigating controls. If you are going to

- MSAC members as per minutes into the Fatigue Management Guide.
- j. HMAc to review the comments on the Fatigue Management Guide out of session in parallel to it being reviewed by Dr Mabbott.
 - k. Department to discuss detailed outcomes of the fatigue TAPs at the next HMAc and MSAC meetings.

Item	Issue	Actions
	<p>present at work with some level of fatigue you should not go past these controls. They are a stop gap measure to deal with short term situations. They do not meet Dr Mabbott's advice that you should present to work in a non-fatigued state.</p> <ul style="list-style-type: none"> • The Chair raised that Dr Mabbott made a point that 16 ¼ hours after you are awake you need to be asleep. If not, you will be fatigued. This is not reflected in this document. • Mr Endacott raised an issue between swings i.e. clear blocks off work. There is confusion in the document where it refers to two nights sleep. It should refer to days off and a decent night's sleep. Also, fatigue before you commence a block can be a real issue as well; this might need the same consideration as at the end of the block. • Mr Endacott also commented that some of Dr Mabbott's messaging hasn't been picked up. • The Chair reinforced this and reiterated his comments made at the HMAC meeting that the document does not reflect Dr Mabbott's messaging. • Mr Flint requested the CFMEU send its comments to the Secretariat in writing. The comments can then be incorporated into the document with the feedback already received and presented at the next HMAC meeting. • Dr Peel asked if consultation with HMAC could be done out of session to expedite the process in parallel with Dr Mabbott reviewing the document. • Mr Jordan agreed that consultation with HMAC should be done out of session and agreed that the CFMEU would send a written report to the Secretariat with their comments. • Ms McPhee questioned how well the original fatigue management document was received by the industry. • Mr Flint advised that the Department undertook two surveys (one in 2011 and the other in 2013) to determine to what extent they use the document. Results showed that very few had fully implemented guide. • Mr Cribb commented that the guide has limited effect in some contexts, eg. when you have a 24/7 roster, rotation, 12 hours shifts, FIFO/DIDO. The survey also showed that people were using other documents instead. • Ms McPhee commented that we need to resolve that to make it a useable document. • The Chair commented that this was good point. The document needs to be one that industry embraces and uses. • Mr Flint stated that was part of the reason for reviewing the guide. It was also released in 2009 and is due for a review. 	

Item	Issue	Actions
	<ul style="list-style-type: none"> • The Chair raised concerns about the extent to which people at the coal face understand what is happening to their body due to lack of sleep. • Mr Skelton commented that education is a critical part of that. • The Chair raised that the document does not emphasise educating workers so they understand what fatigue means. <p><i>Mr Sullivan left the meeting at 12:23pm.</i></p> <ul style="list-style-type: none"> • Mr Burns stated that the Department is also undertaking an internal review of the document. A number of items have been flagged and further modifications will be made to the document. • Ms Nash commented that some additional information will come out of the TAPs. • Mr Linnane commented that there are two parts of the publishing process. 1. Seeking legal advice to ensure that what is published is reasonably practicable; and 2. Final review from the communications unit. • Mr Cunningham commented that a lot of information comes back to risk management. • Mr Burns noted that there is a broad duty of care (for both PCBUs and individuals) regarding the management of these hazards. It is challenging in terms of responsibilities. • The Chair commented that this is a good point. There is a sense of a resistance from a ‘nanny state’ perspective and responsibilities once a worker leaves the site. <p><u>Outcomes from recommendations</u></p> <ol style="list-style-type: none"> 1. MSAC noted the draft updated Fatigue Management Guide and requested further amendments be made. Discussion above. 2. MSAC did not accept the HMAAC recommendation that MSAC re-sponsors Dr Mabbott’s fatigue presentation at the Minerals Council conference in August 2017 but supported sponsoring a similar session of which will be determined. 	
2.4	<p>Musculoskeletal Disorders Guide</p> <p><u>Outcomes from recommendations</u></p> <ol style="list-style-type: none"> 1. MSAC agreed to promote the SafeWork NSW Musculoskeletal Disorders (MSD) fact sheet to the mining and petroleum industries instead of promoting a separate fact sheet developed by the Department. 	

Item	Issue	Actions
	2. MSAC noted the endorsed MSD Guide is currently in the process of being published.	
2.5	<p>MSAC Strategic Plan Update</p> <ul style="list-style-type: none"> • Ms McPhee raised concerns about the projects being placed on hold by the Department that are part of the strategic actions to 2017. Concerns included: <ul style="list-style-type: none"> ○ the Department is placing projects on hold without any prior advice to MSAC that resources are not available ○ there is no evaluation or summary provided to MSAC on the project – there is a gap in information about the status of projects ○ how much say does MSAC have over the programs it puts a lot of time and effort into? • Dr Peel raised that MSAC has had an aggressive agenda over the last five years and it has delivered a whole range of programs. • The Chair noted that the culture project is part of MSAC’s Strategic Plan to 2020 and questioned why it is on hold. • Mr Flint advised that the projects are on hold as the Resources Regulator is putting its resources into the Incident Prevention Strategy. • MSAC requested that the Department prepare a paper for the next MSAC meeting for all of the projects that have been placed on hold addressing: <ul style="list-style-type: none"> ○ what has been done to date ○ what work is still yet to be done ○ why the project has been placed on hold ○ when it is expected that the project will be resumed. • MSAC noted the report on Actions to 2017 was to wrap up a five year strategy developed in 2012. <p><u>Outcomes from recommendations</u></p> <ol style="list-style-type: none"> 1. MSAC noted the updated report on the status of projects and actions in MSAC’s Actions to 2017 document. 2. MSAC agreed that this will be the final report on the Actions to 2017 document. 3. MSAC noted the update on MSAC’s new strategic plan, Actions to 2020, which will be provided to members on a regular basis. <p><i>Mr Cribb left the meeting at 12:50pm.</i></p>	<ol style="list-style-type: none"> I. The Department to prepare a status report on the projects currently on hold for the June meeting.

Item	Issue	Actions
	<p>Mates in Mining Presentation</p> <ul style="list-style-type: none"> • Mr Andrew McMahon from Mates in Mining delivered a presentation to MSAC members on the mates in mining program. • Key points from the presentation are detailed below. Mates in mining is: <ul style="list-style-type: none"> ○ an independent charity ○ based on the Mates in Construction program ○ about suicide prevention and mental health ○ completely independent but supported by unions and employers ○ a community development program ○ focussing on everyone and mates looking out for mates. • Glencore, CFMEU and Coal Services were acknowledged for their support of the program. • Mates in Mining is currently fee for service. As part of Coal Services funding they will be trialling 2 underground coal mines. Programs delivered to date have been in open cut. • Mates in Construction is holding a mental health conference in Sydney on 30 March. Further details are available on their website for any members who wish to attend. • The Chair thanked Mr McMahon for his presentation. 	
3	BUSINESS FOR NOTING	
3.1	<p>Safety Incentive Schemes</p> <ul style="list-style-type: none"> • MSAC noted the update on the redistribution of the 'Tool to review safety incentive schemes in the mining and extractives industry in NSW' document. 	
3.2	<p>Identifying Risks of Fatal Incidents and Disease</p> <ul style="list-style-type: none"> • Mr Flint delivered a presentation to MSAC on the NIOHS Bow Tie Analysis of US Fatalities and the NSW Performance Measures. • Ms McPhee questioned whether or not there was a monthly or annual report available collating the information in the weekly incident summary that the Department puts out. • Mr Keon advised that the Department is working on a 3 monthly report to identify trends based on the weekly summaries. • The Chair suggested that this discussion be held over to the next meeting as it warrants more detailed consideration. 	<p>m. The Department to provide further analysis and an updated report for further discussion at the next MSAC meeting in June.</p>

Item	Issue	Actions
	<p><i>Mr Grimshaw left the meeting at 1:47pm.</i></p> <p><u>Outcome from recommendations</u></p> <ol style="list-style-type: none"> MSAC noted the National Institute for Occupational Safety and Health (NIOSH) report on the bowtie analysis of mining fatalities to identify priority control technologies. 	
3.3	<p>MSAC Projects</p> <ul style="list-style-type: none"> This matter was discussed as part of the strategic plan update. Ms McPhee reinforced that if the Department is having difficulty supporting projects, MSAC needs to be consulted prior to projects just being put on hold. Refer to discussions at agenda item 2.5 - MSAC Strategic Plan update for outcomes. 	
4	<p>OTHER BUSINESS</p>	
	<p><u>Formal close off of notices</u></p> <ul style="list-style-type: none"> Arising from recent targeted assessment activities at Northparkes Mine, Mr Cunningham identified that while the Regulator appears to have a formalised process for the issuing of notices, closing off of notices does not appear to be handled in a similar way. It was advised that current practice is typically for the mine to receive an email. Mr Cunningham enquired as to whether it would be possible for this closeout process to be formalised. Mr Burns agreed to take Mr Cunningham's comments on board and advised that some work has been occurring on this internally. Ms Nash advised that this is part of a system error as well. It was agreed that Ms Nash would provide an update at the next MSAC meeting in June. 	<p>n. Ms Nash to present a paper on the formal close off of TAPs and TIPs at the next MSAC meeting.</p>
5	<p>CLOSE</p>	
	<ul style="list-style-type: none"> The Chair thanked members and observers for their attendance. The next meeting will be held on Thursday 15 June 2017 in Parkes. The Chair closed the meeting at 1:51pm. 	