

Mine Safety Advisory Council



Minutes



**10am – 1pm – Wednesday 2 April 2014
Jumbanna Room, Level 47 MLC Centre, Martin Place, Sydney**

No.	Item	Attachment	Action
1.	<p>Welcome and apologies</p> <p>Present: <u>Members:</u> John Hannaford (Chairman), Barbara McPhee (Independent), Graeme Peel (Independent), Scott Tipping (CCAA), Andrew Lewis (NSW T&I), Peter Jordan (CFMEU), Tony McPaul (NSWMC), Ian Cribb (NSWMC), Andy Honeysett (CFMEU).</p> <p> <u>Observers:</u> Andrew McMahon (NSWMC), Gavin Horobin (CCAA); Rob Regan (NSW T&I)</p> <p> <u>Secretariat:</u> Jenny Nash (NSW T&I), John Flint, Bruce Jones.</p> <p>Apology: Glenn Seton (AWU)</p> <p>The Chairman welcomed members and observers.</p>		
2.	<p>Declaration of conflict of interest</p> <p>The Chairman asked if any member had a declaration to make. There were no conflicts of interest to declare.</p>		No conflicts of interest.
3.	<p>Business arising from the minutes</p> <p><u>Adoption of Minutes</u></p> <p>The Chairman invited members to adopt the Minutes of the previous meeting. MSAC members agreed to adopt the minutes and there was no business arising.</p>	1	Minutes of previous meeting adopted.
	<p><u>Correspondence</u></p> <p>The Chairman referred members to Attachment 2 of the meeting papers containing correspondence from Former Minister Hartcher (dated 5 December 2013) to the Chairman and a letter from the Chairman, on behalf of all members, congratulating MSAC member Barbara McPhee on her being conferred a Member of the Order of Australia in the 2014 Australia Day Honours. Members warmly endorsed the congratulatory letter.</p> <p>Members discussed the letter from the former Minister alerting MSAC of planning to celebrate the centenary of the 1915 ANZAC</p>	2	Correspondence to Barbara McPhee noted. Members to circulate

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	<p>landing at Gallipoli, seeking support and ways MSAC and its stakeholders could contribute to commemorating the centenary in regard to the role miners had played both at Gallipoli and elsewhere during WWI. The letter indicated that grants are available and the department would report on what may be available.</p> <p>While MSAC members felt this was not really a matter for the Council, it was relevant to stakeholder organisations, and CFMEU member Peter Jordan advised his union is conducting some research into the matter and Mr Andrew Lewis advised that the department is in discussions with the Australian Army Engineering Corps. Both advised they had nothing to report at present. However, members felt the issue should remain on the MSAC agenda for the moment and that should a stakeholder obtain any pertinent information that it should be circulated to members.</p>		<p>any information regarding miners involved in WWI actions.</p> <p>Secretariat to identify what grants may be available</p>
4.	<p>Response to Medlock Review</p> <p>The Chairman referred members to Attachment 3 of the meeting papers regarding progress of the Medlock Working Group in determining if there was a case for change.</p> <p>The Chairman asked members if they feel this matter is heading in the right direction and summarised concerns he had with the 'no blame' term and how this term was becoming a problem as there is a perception of a dilution in responsibility. He sees this as a particular difficulty for employee organisations.</p> <p>The Chairman thought that clarification of the term should be sought from Mr Medlock even though this may be taking a step back before being able to move forward.</p> <p>NSWMC members reiterated their position from the previous two meetings, that they do not support the term but do want improvements in investigation timelines and are concerned the review process is taking too long. To move forward they suggested a change in terminology.</p> <p>Independent member Dr Peel suggested moving past 'no blame' and using the term 'just approach'.</p> <p>CFMEU member Peter Jordan agreed with the rejection of the term 'no blame' and is happy for the Working Group process to proceed to see what comes out of it and that it report back to MSAC's next meeting. The CFMEU representative on the Working Group has reported that 'no blame' is not part of the process they have discussed.</p> <p>Members agreed that the Medlock Review had not clearly articulated the case for change and the Working Group should continue on the steps agreed by MSAC to establish if there is a case for change without time frames being imposed on them.</p> <p>The Chairman suggested that Mr Medlock be invited to the next Working Group (WG) meeting to ask for clarification of the term. Members resolved that the Secretariat instead write to him asking for clarification of the use of the term 'no blame' and context in relation to the mining industry.</p> <p>Members resolved that any response from Mr Medlock should be circulated out of session to MSAC members and considered by MSAC before being referred to the Working Group.</p>	3	<p>Discussed</p> <p>Working Group to continue to establish if there is a case for change.</p> <p>Secretariat to write to Mr Medlock seeking clarification of the term 'no blame'.</p> <p>Medlock response to be circulated to members for consideration before referral to the Working Group.</p>

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5.	<p>Health Management Advisory Committee (HMAC) <u>Lead indicator tele-survey</u></p> <p>The Chairman brought members' attention to Attachment 4 and asked the Executive Officer to brief members on further analysis of the health lead indicator report. Mr Flint advised that following a more rigorous analysis of the report the areas of Musculoskeletal disorders (MSD), Diesel particulate (DP), Fatigue and Health Management Plans (HMP) for small sites should be a focus for future initiatives and that the next survey questions for these areas should be more detailed. The analysis also recommended that the surveys should be conducted on a three yearly basis.</p> <p>Both recommendations had been endorsed by HMAC at their March 2014 meeting and they will be considering what action can be taken in regard to those focus areas at their next meeting in July. Mr Flint advised that the department will be discussing with the CCAA the issue of small site HMPs.</p> <p>Mr Regan advised small sites are being engaged by inspectors through its small site program and they will promote the department's HMP. Jenny Nash advised the HMP is being reviewed by the department to make sure it is applicable for small to medium sites and that it would likely include an easy-use evaluation template.</p> <p>Members discussed the results of this analysis and felt that while the department is doing a lot in these areas the report highlights the time lag between project initiation and seeing results flow through.</p> <p>Mr McMahon requested a further breakdown into sectors of the results as requested at the previously. The Secretariat is to advise on this.</p> <p>Some members felt that to delay the next survey to late in the 2016/17 financial year may be too late to be considered in the assessment of the MSAC goals for 2017 (as outlined in the Actions to 2017 statement) and would like the survey done in 2016 in time for analysis to be made by HMAC and MSAC. Members resolved:</p> <ul style="list-style-type: none"> • That the next health lead and lag surveys be conducted on three year cycle and conducted next in the first half of the 2016/17 financial year. • To support HMAC examining steps to assist continued improvement in the areas identified after further analysis; and, • To support the development of a template for small site Health Management Plans and a campaign to support this initiative. 	4	<p>Discussed.</p> <p>MSAC supports review of HMP to include easy-use evaluation template.</p> <p>Breakdown of survey into industry sectors requested for consideration.</p> <p>MSAC agreed the next Lead and Lag survey be conducted during 2016/17 financial year.</p> <p>MSAC supports further initiatives in the areas of MSD, DP, Fatigue and small site HMPs.</p>

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5.	<p><u>Older Workers</u></p> <p>The Chairman asked the Executive Officer to brief members on the issues contained in Attachment 6 regarding older workers.</p> <p>Mr Flint briefed members on the discussion at the recent HMAc meeting and how the definition of Safety Critical Work (SCW) and what is a Safety Critical Worker had dominated discussion without resolution. Independent member Dr Peel concurred that this is a frustrating issue that should be easily resolved as has been in other industries and the armed forces.</p> <p>After some discussion members felt there is a need for clarity regarding older workers and that the HMAc should be asked to consider again the original intent in the Minister's request, which MSAC members feel is about the value to industry of retaining the skills and experience of older workers in the industry.</p> <p>Members requested that the next report to MSAC from HMAc on older workers defines the objectives sought by the Minister and the processes to achieve this, so that MSAC can determine clear objectives for older workers. Members acknowledge there are other issues such as a further rise in pension age and superannuation changes that influence the issue.</p> <p>Members support the continued discussion of the issue.</p> <p>Members were also advised Ms Kylie Newton from the department's Industry Assistance Unit is facilitating an interactive session about the older worker project and the issues involved at the NSW Minerals Council Health and Safety Conference in May 2014.</p>	5	<p>Discussed.</p> <p>HMAc to consider Minister's request again and determine the intended objectives and processes to achieve them.</p> <p>MSAC supports continued discussion of the issue.</p>
	<p><u>Naturally Occurring Radioactive Materials (NORMs)</u></p> <p>Members noted the report on the project and the project outline to obtain data on Radon levels in all the State's underground mines and that coal preparation plants have been asked what steps they have taken to determine if radioactive material is present in recycled water at their operations.</p> <p>Members continue to support the strategic direction of this project.</p>	6	<p>Noted the project outline and members continue to support the strategic direction of this project.</p>
	<p><u>Musculoskeletal disorders (MSD) update</u></p> <p>The Chairman brought members' attention to Attachment 7 regarding the MSD project and asked the Executive Officer to update members.</p> <p>Mr Flint advised that interest in the program is growing and that also the model for small sites being developed collaboratively with the the CCAA and the IQA. The process looks promising and may be able to be adapted for medium sites. The participatory ergonomics (PE) project at Tahmoor has concluded and while the results will not be known for some time the exercise has proved to be very positive.</p> <p>Following some discussion members agreed that although the work done to date is very encouraging it is likely that results will not flow through statistically for many years. Independent member Barbara McPhee felt that Coal Services' data model regarding MSDs could be improved but that it is most likely that incidents are under-reported. She would like vibration included in their data</p>	7	<p>Noted.</p> <p>Members continue to support the strategic direction of this project.</p>

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	<p>collection and the use of focus groups to gain deeper understanding of the impacts. Mr Flint advised the health tele-survey and lag indicator report could be a mechanism to collect more data in this area.</p> <p>Members noted the report and continue to support the strategic direction of this project.</p>		
6.	<p>WHS Culture Working Party (CWP)</p> <p><u>ANTS Action Learning Program</u></p> <p>The Chairman asked the Executive Officer to update members on business dealt with by the CWP in attachment 8. Mr Flint advised the CWP had endorsed concrete plans to progress the uptake of the ANTS Action Learning Program which includes:</p> <ul style="list-style-type: none"> • Raising awareness through a direct mail strategy to get the Action Learning Resources directly to company CEOs, site managers and WHS committees; • A series of Train the Trainer sessions throughout the State commence in June 2014; and, • Also raising awareness through having the inspectorate promote the program to industry. <p>He also advised that consideration of ANTS into induction program will be considered at the next CWP meeting.</p> <p>Members noted the report and endorsed the ANTS Action Learning Program implementation plan and the matrix of concrete actions. Members continue to support the strategic direction of this project.</p>	8	<p>Report noted and endorsed the ANTS Action Learning Project Outline for implementation.</p> <p>Members continue to support the strategic direction of this project.</p>
	<p><u>Culture Benchmarking Project</u></p> <p>In reference to Attachment 9, members were updated by the Executive Officer on progress. Members expressed their appreciation that it is going very well with more companies joining the program. Members also are pleased that a website portal about the program for the MSAC and departmental sites should be developed in time to be launched by the Minister at the NSW Minerals Council Health and Safety conference in May 2014. Members noted the update and support the strategic direction of the project.</p>	9	<p>Members noted the report and continue to support the strategic direction of the project.</p>
7.	<p>Coordination of Emergency Management</p> <p>The Chairman then brought member's attention to Attachment 10 concerning the progressing of a draft MOU on emergency response and mines rescue. He asked members to note the report and advised that at his meeting with Minister Roberts this issue was at the forefront of discussions. He had advised the Minister that this matter appeared to be stalled.</p> <p>The Chairman advised that both he and the Executive Officer are meeting with senior police on Friday 4 April 2014 to try and get matters back on track. The Minister wants to be assured there is an agreement on roles and processes in the event of an emergency like the fire at Morwell recently in Victoria.</p> <p>Mr Regan advised Mine Safety representatives are now at least part of local State Emergency Response Management committees.</p>	10	<p>Noted.</p> <p>Chairman and Executive Officer to meet senior police 4 April 2014 to move matter forward.</p>

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	Ms Nash advised that the table attached to Attachment 10 shows work the department is undertaking in this area.		
8.	<p>Mine Safety Operations (MSO) Strategic Human Resources (SHR) Plan</p> <p>The Chairman brought member's attention to Attachment 11 regarding the retention of skilled and experienced inspectors and invited Mr Regan to update members on any progress with his human resources plan to retain or attract suitable people to the inspectorate.</p> <p>Mr Regan advised that he hopes for further support from MSAC for the Plan and is seeking clear support from MSAC before it can be taken further. Even though MSAC had written to the Public Service Commissioner (PSC) fifteen months previously supporting retention plans and more flexible work and remuneration arrangements for the inspectorate.</p> <p>Mr Regan also advised members of other interim measures he has taken to retain current inspectors (some on a part-time or job sharing arrangement) or through re-engagement of retired inspectors.</p> <p>MSAC members, in particular Minerals Council and CFMEU members, expressed their continuing concern that a large percentage of skilled and experienced inspectors are due to retire in the next few years.</p> <p>Both employee and employer MSAC members expressed strong support for the SHR Plan. Minerals Council members said this support is particularly applicable as this year is the 20th anniversary of the Moura disaster and that an effective regulator needs to have experienced people, not just qualified people.</p> <p>Members agreed the inspectorate needs to be properly resourced as the industry relies on the inspectorate.</p> <p>Members resolved the Chairman write to Mr Regan, to the new Minister and again to the PSC advising that MSAC –</p> <ul style="list-style-type: none"> • Has considered the SHR Plan again; • Endorses and strongly supports the SHR Plan <p>Members also felt that if the Minister was invited to the next MSAC meeting this issue could possibly gain more traction. The Chairman will write and invite the Minister to the next MSAC meeting or to a future MSAC meeting, whichever is more convenient.</p>	11	<p>Members briefed and are concerned about loss of skills and experience from the inspectorate.</p> <p>Chairman to write to Mr Regan endorsing and conveying strong MSAC support for SHR Plan.</p> <p>Chairman to write to the Minister and to the Public Service Commissioner to convey MSAC's strong support for the MSO SHR Plan.</p> <p>Chairman to invite Minister to next MSAC meeting.</p>
9.	<p>Targeted Communications Strategy</p> <p>Referring to Attachment 12 the Chairman asked the Executive Officer and Andrew McMahon to update members on what is being done regarding communicating more effectively with supervisors and middle management about safety.</p> <p>Members were advised that further discussion have taken place with Cat.Dog to produce cut-through videos and agreement reached by the CWP that an employer stakeholder be supported to take on this project through \$90,000 funding to the NSW Minerals Council.</p>	12	<p>Report noted.</p> <p>Members support the strategic direction of this project.</p>

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	<p>The CCAA advised they can only support in-kind at this stage and the Minerals Council is moving to take on the project.</p> <p>Issues concerning evaluation of the strategy were discussed but at present this is considered difficult due to the myriad of programs currently being run throughout the State. The delivery of any messages may be via a number of mediums which could be hard to capture. Members agree there is potential for it to be used in various ways (apart from targeting middle management) such as in induction sessions for new workers and new WHS initiatives at site level.</p> <p>Members support the strategic direction of this project and support funding the NSW Minerals Council of up to \$90,000 this financial year to implement the project.</p>		Funding up to \$90,000 this financial year to NSWMC to implement the project supported.
10.	<p>General Business for noting</p> <p><u>Due Diligence strategy</u></p> <p>The Chairman brought members attention to Attachment 13 of the papers regarding development of a Due Diligence program to assist company directors on risk management governance issues, oversight and direction on WHS matters and how this is applied in the mining industry.</p> <p>The Executive Officer advised that following the Chairman's initial discussions the Secretariat had further discussions with the Australian Institute of Company Directors (AICD) and they have agreed to:</p> <ul style="list-style-type: none"> • Invite members from mining sectors in NSW to participate in 2 or 3 focus group workshops; • Provide venue and logistics for workshops and a support facilitator to assist in the workshops; and, • The AICD also estimate that 2 or 3 focus sessions with 10-12 participants each should be sufficient to ensure good product development. <p>Mr Flint also advised that following the Chairman's discussion with Sinclair Knight Merz (SKM) the Secretariat has had further discussions with SKM and they are definitely interested in participating in the project and to facilitate the sessions in conjunction with AICD. SKM will be responding with a concept paper in the near future on how they can contribute.</p> <p>Jenny Nash advised that this project is timely as recent investigations show this is an area that needs improvement. In addition, the State's Chief Scientist has identified company director's lack of understanding of risk management due diligence as a deficiency in coal seam gas companies operating in NSW.</p> <p>Members continue to support the strategic direction of this project.</p>	13	<p>Discussed and noted.</p> <p>Members continue to support the strategic direction of this project.</p>
	<p><u>Departments response to Pike River RC</u></p> <p>Members noted Attachment 14 that indicated actions the department has taken since the coal mine disaster in New Zealand.</p>	14	Noted.

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	<p><u>MSAC Program Summary Matrix</u> Members noted Attachment 15 that contained an updated program summary matrix.</p>	15	Noted.
	<p><u>Mechanical and Electrical Engineering Program update</u> Members noted Attachment 16 regarding updates to Mine Safety Operation's mechanical and electrical inspector involvement in international standards design programs and discussions.</p>	16	Noted.
11.	<p>Other Business</p> <p><u>Legislation update</u> The Chairman referred members to an update from the department (Attachment 17) tabled at the meeting on progress with the harmonisation of WHS laws and proposed NSW mining regulatory framework, and invited Jenny Nash to update members. Ms Nash advised the release of the draft WHS (Mines) Regulation 2014 for NSW will occur during April with a public comment period over May and June. During that period the following draft mining codes of practice will also be released for comment –</p> <ul style="list-style-type: none"> • Safety management System • Electrical Engineering Control Plan • Mechanical Inundation and Inrush • Engineering Control Plan • Strata and Ground Control • Mine Surveying, and • Emergency Response Control Plan. <p>She advised that the adoption of the model WHS (Mines) Regulation across Australian jurisdictions has been mixed but NSW and WA are still largely in concert, with Queensland adding to what they currently have, which will likely finish being largely consistent with NSW and WA. Further meetings of the Legislative Working Group are scheduled for May, August and November. Members asked how they can get involved and who is currently on the Technical Working Groups for the codes of practice, and what processes are followed. She advised participants come from industry (mine operators; contractors; suppliers, OEMs and other experts as well as Regulator) from NSW and other states.</p>	17	Discussed and noted.
	<p><u>Continual Improvement Project</u> The Chairman then asked Ms Nash to update members on the status of the department's continual improvement program and its responses to the review of Mine Safety field operations in the period 2008-2011. Ms Nash tabled a draft schedule of actions in response to the review conducted by Andrew McColm which had involved interviewing 46 people from the industry (both employer and employee representatives) and which provided information that added</p>	18	Discussed. Secretariat to email copy of schedule to members for

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	<p>to the Wran, Macken and Jennings reviews.</p> <p>She advised the department has been addressing the 25 recommendations and the draft schedule provides context and action taken by the department for the information of MSAC members.</p> <p>Due to the detail of the schedule, the Chairman asked members if they wished the matter to be put on the next MSAC meeting agenda, with a period set for members to make comment to the Secretariat.</p> <p>Members agreed on a six week period (by 16 May 2014) in which to provide the Secretariat with comments on matters they feel should be discussed, and that the matter be listed on the MSAC agenda for the 19 June MSAC meeting. The Secretariat is to email a copy of the schedule to members.</p>		<p>comment.</p> <p>Members to provide comment to Secretariat to be discussed at 19 June MSAC meeting.</p>
	<p><u>Site Risk Assessments</u></p> <p>CFMEU member Andy Honeysett raised the issue of risk assessments at mine site and his concerns that they are not being properly completed nor being done by the correct personnel at some sites. He is concerned that a 'cut and paste' action is taking place, so that sites can say they have complied with requirements, but that in reality the assessment has not been through a rigorous or correct process.</p> <p>Other members agreed this is a problem and is not condoned by employers. All agreed the 'bowtie' tool is powerful and very useful in risk management assessments.</p> <p>It was suggested that rather than MSAC looking at developing a program to assist compliance, that the department's inspectors re-launch risk management guidance material and check that sites are complying.</p>		<p>Discussed.</p> <p>Department to re-launch material and check if is complying with industry risk management guidelines.</p>
12.	<p>Close</p> <ul style="list-style-type: none"> • There being no further business the Chairman thanked members and observers for attending and for their contributions. • He closed the meeting at 1:05pm 		
	<p>Next Meeting: Thursday 19 June 2014 in Sydney (Level 47 MLC Centre Sydney) commencing at 10am</p>		