

Mine Safety Advisory Council

Minutes 9am – 12.50pm – 19 July 2012 Parkes Room, MLC Centre, Level 47, 19 Martin Place, Sydney

No.	Item	Attachment	Action
1.	<p>Welcome and apologies</p> <p>Present: <u>Members:</u> John Hannaford (Chairman), Barbara McPhee (Independent), Glenn Seton (AWU), Ian Cribb (NSWMC), Scott Lewis (CCAA), Andy Honeysett (CFMEU), Peter Jordan (CFMEU), Mark Duffy (DTIRIS).</p> <p> <u>Observers:</u> Andrew McMahon (NSWMC), Rob Regan (DTIRIS), Heather Jackson (DTIRIS), Jeff Sorrell (CSPL).</p> <p> <u>Secretariat:</u> Jenny Nash, John Flint, Bruce Jones.</p> <p>Apologies: Graeme Peel (Independent), Tony McPaul (NSWMC).</p> <p>The Chairman welcomed members and Jeff Sorrell from Coal Services who is attending the meeting as an observer. The Chairman also welcomed Heather Jackson from the Department's Industry Assistance Unit who was attending to brief members on the benchmarking project.</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>		Noted.
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. Members agreed to adopt the minutes. There was no business arising from the Minutes.</p>	1	Minutes of previous meeting adopted.

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4	<p>General Business</p> <p><u>Correspondence</u></p> <p>The Chairman referred members to attachment 2 of the meeting papers, the correspondence received from Mrs Marion Jennings in response to the condolence letter the Chairman had written to her on behalf of all MSAC members. Members noted the correspondence.</p> <p><u>Summary Matrix MSAC Current Programmed Work</u></p> <p>The Chairman invited members to note the summary matrix of MSAC Current Programmed Work. Members noted the summary.</p> <p><u>MSAC and Mine Safety Budget Update</u></p> <p>The Chairman referred members to Attachment 4 of the meeting papers, the MSAC Budget update, and invited the Executive Officer to brief members on some of the aspects of the budget relating to the previous financial year. It was noted the MSAC Secretariat Budget of \$711,194 was underspent by \$108,036 and the unexpended funds were returned to the Mine Safety Fund.</p> <p>The Director of Mine Safety Performance (Jenny Nash) requested to table the Mine Safety budget report for 2011/12. The Chairman asked the Director to table the report. Jenny advised that the budget ended close to where it was predicted to with 96.09% of the budget spent. Members noted the report.</p> <p>Member expressed concern at the underspend on Inspector salaries due to vacant positions. The Director of Mine Safety Operations (Rob Regan) advised that a Strategic Workforce plan (aiming to match Departmental positions with industry needs) will be put to the Director General shortly.</p> <p>Jenny Nash also advised that both the Brief Group report draft recommendations and an Internal Audit of the Mine Safety function within the department that had recently concluded, identified the failure to attract suitably qualified inspectors as an issue to address. The NSWMC stated that while the issue of salaries for inspectors is not an issue for MSAC, it seems to be a problem for the department that should be addressed.</p> <p>MSAC member Mark Duffy advised that the department needs to resolve this with the Department of Premier and Cabinet, but the proposal to pay inspectors higher salaries faces a problem in the 2% cap put in place by the Government.</p> <p>Members resolved that the Chairman would send a letter on this matter to the Public Service Commission to try and get matter resolved.</p>	<p>2</p> <p>3</p> <p>4</p>	<p>Letter from Mrs Marion Jennings noted.</p> <p>MSAC work matrix noted.</p> <p>MSAC budget noted.</p> <p>Mine Safety 2011/12 budget report noted and discussed.</p> <p>Chairman to write to the Public Service Commission regarding the issue of attracting suitably qualified inspectors and suitable pay.</p>

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5	<p>Leaders Congress</p> <p>The Chairman brought forward item 7 on the agenda regarding the proposed Leaders Congress in September, (Attachment 7 of the meeting papers) as there had been some indication that some groups did not see the need for the event to proceed. The Chairman wanted to gauge the level of support for the event and if leaders would participate.</p> <p>Members discussed issues raised and expressed support for the CEO WHS Leader's Congress to be held in the evening on 11 September 2011 at NSW Parliament House commencing 5pm. Members agreed it was appropriate and that planning by the Secretariat should be progressed.</p> <p>The Chairman invited the Executive Officer to update members on progress. The Executive Officer advised members that:</p> <ul style="list-style-type: none"> ○ the Minister had approved the event to be held on the evening of 11 September at Parliament House and will send formal invitations; ○ a draft program had been agreed by an informal members reference group as outlined in the attachment; ○ preferred speakers have been identified and approached. Dr. Attracta Lagan, who is available, is the preferred speaker; ○ Strangers Restaurant at Parliament House has been booked for the event; and ○ the Chairman had sent 'save the date' letters to prospective delegates. <p>The Chairman encouraged members to inform the Secretariat which senior representatives from their organisations can attend so that formal invitations from the Minister can be sent in the near future. The NSWMC observer advised he would be able to do this after a meeting of his executive committee in two weeks time.</p>	7	<p>Discussed.</p> <p>Members support the Leaders Congress being held at Parliament House on 11 September 2012 and planning is to proceed.</p> <p>Members to review list of delegates to formally invite.</p>
6	<p>Work Health and Safety Benchmarking Program</p> <p>The Chairman then invited Heather Jackson, Manager of the Industry Assistance Unit (IAU), to brief members on the progress of the development of the culture benchmarking tool (Attachment 5 of the meeting papers). Ms Jackson presented a summary of the</p>	5	<p>Members were given a presentation of the benchmarking</p>

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	<p>culture tools that have been developed and advised that:</p> <ul style="list-style-type: none"> ○ an extensive literature review of approaches to work health and safety climate/culture measures indicates that the multi-method approach developed and tested during the culture pilot is best practice; ○ following the feedback from members after the February MSAC meeting the Culture benchmarking and planning manual and its Resource Compendium has also been reviewed by the University of Newcastle, who have supported the validity of process and agreed that the methodology and assessment tools equate to sound practice; ○ the self- assessment measures not only allow mines to benchmark against their past performance and industry past performance, but also provides a leading indicator of work health and safety performance. The world-leading WHS culture questionnaire has been shown to be predictive of WHS performance; ○ the manual and tools were endorsed by the Culture Working Party (CWP) at its 31 May 2012 meeting and the CWP requested the development of an accompanying implementation strategy for MSAC consideration; ○ a draft implementation strategy that includes an evaluation has now been developed; ○ the implementation strategy identifies WHS committee chairs, management representatives and WHS officers as the facilitators of the benchmarking process at mines / quarries; ○ a draft learning strategy for this group has also been developed; ○ work has commenced on the training workshop and should be completed by the Leaders Congress in September; and ○ the tool will match well with the due diligence aspects of the new WHS legislation and reduce the chance of falling into complacency and aid protection against high risk events. <p>Members agreed that the resource was now in a format that would provide a useful tool. Independent member Barbara McPhee suggested an index would be very useful.</p> <p>Ms Jackson also advised that a number of companies have already agreed to trial the tool and NSWMC member Ian Cribb advised he will recommend that his company should adopt it on the sites he is responsible for. He also expressed the hope that the tool would be launched by the Minister at the Congress Event in September.</p> <p>Members agreed that the assessment and benchmarking program is based on tried and tested research, and once being used, the more companies that adopt this tool the more accurate the data obtained would be. Members were particularly impressed that not only could the tool be used to provide evidence against legislative issues such as due diligence, but also provide a benchmark against the industry's ten vision points. Members wish the tool be sent to CEOs prior to the Congress in September.</p>		<p>program and discussed it.</p>

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	<p>The members then resolved to:</p> <ul style="list-style-type: none"> • endorse the benchmarking manual and its Resource Compendium; • endorse launching the product at the Leaders Congress in September and subsequently to be published in hard copy and web versions; • support the strategic direction of the culture benchmarking strategy and the draft implementation strategy; and • report results of the benchmarking implementation at future leaders congresses. <p>Members continue to support strategic direction of the CWP.</p>		<p>Benchmarking manual and Resource Compendium endorsed to be launched at Leaders Congress.</p> <p>MSAC will report benchmarking results at future Leaders congresses.</p> <p>Draft implementation strategy supported in principle.</p>
7	<p>Associated Non-technical Skills (ANTS) Action Learning Program</p> <p>Referring to Attachment 6 of the meeting papers, the Chairman invited Heather Jackson (IAU) to again brief members on the development of the ANTS Action Learning Program. Ms Jackson gave members a brief background to work done by Stacie Kendall in her Unit, in developing the program which comprises a :</p> <ul style="list-style-type: none"> ○ Facilitators Resource; ○ Coaching Guide; and ○ Train the Coach Learning Resource; <p>Heather also advised that the resource can be used to train a group of people or on an individual basis.</p> <p>She advised that more development is needed and although it would have been preferable to also have this ready to be launched by the Minister at the Leaders Congress, there is a need to trial the program and use the results to refine the tools. Hence the program will not be ready for a launch in September 2012.</p> <p>NSWMC observer advised that the Minerals Council is fairly certain it will have Dr Rhona Flin (author of many publications on ANTS) as the special guest at the NSWMC OHS Conference in May 2013.</p>	6	Presentation and discussion.

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	<p>Members agreed:</p> <ul style="list-style-type: none"> • that the program would ideally be ready in time for the NSWMC conference in May 2013 so that it could be launched by the Minister: • that a trial of the workshop and learning activities should be conducted and that they wish to consider a report on the trial before endorsing the program so it can be launched next year by the Minister. <p>Members support in principle the continued development of the ANTS Action Learning Program.</p>		<p>Members requested to conduct of a trial of the ANTS Action Learning Program and a report on the trial to be considered before being endorsed.</p>
8	<p>Health and Safety Community Grants</p> <p>The Chairman invited the Executive Officer to update members on Community Grants program (Attachment 8 of the meeting papers). Mr Flint gave a summary on the amount of direct mail (including local mines and quarries) was sent out, the advertising period, the range of grants and monies being requested, and that an assessment probity pack is now prepared for the assessment panel (to be determined by the CWP at its next meeting) after applications close on 31 July 2012. He also advised that a company to evaluate the effectiveness of the program messages is likely to be engaged.</p> <p>Some concern was expressed by the NSWMC that the program may not have enough impact and get the MSAC and industry messages across to the community and that the Public Relations aspect of the program does not appear to have eventuated. The department indicated it would look at improvements to the PR actions to support the program.</p> <p>Members hope the Minister will be available to participate in award events and noted the likely need to have other events on a more local level conducted by MSAC in conjunction with local dignitaries (as was done in Mudgee in 2011). Members consider the location important in terms of attracting the major media in the areas which are covered by the Newcastle Herald and NBN television in 9 of the 11 local government areas of the program.</p>	8	Noted and discussed.

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9	<p>MSAC Planning Outcomes and Blueprint to 2021</p> <p>The Chairman brought members' attention to Attachment 9 of the meeting papers, regarding the outcomes of the MSAC planning session on 24 April and the development of a draft consultation Blueprint. He asked the Executive Officer to brief members on the findings.</p> <p>The Executive Officer briefed members on the current status of the Blueprint which had developed from outcomes of the planning day. At the planning day members had agreed the need to reinvigorate the MSAC process and set a strategic policy direction in mine safety that the Minister could release at the leaders event in September. John advised that the draft had been circulated to members on 15 May for feedback and comment which resulted in some suggested improvements that had been incorporated, and a revised version was then sent to members on 29 June for consideration at this meeting. He advised that comment received from a number of members was supportive of the strategic direction being a starting point for further discussion in the industry.</p> <p>The Chairman expressed a concern that, as it would be seen by industry as a statement of where the Government is going, that it may need more detail (i.e. too much "motherhood"), or if members are satisfied the document is reflective of previous discussions, then changing the title to "Framework" rather than Blueprint may be a better option. Members agreed the document is MSAC's strategic direction rather than the Governments.</p> <p>Members discussed the revised version and agreed that, while it could have more references to the planning day discussion, it does broadly reflect previous discussions, but that they would like the title changed to "Framework".</p> <p>Members would like to see an amended version with more explicit reference in the regulatory approach section that would support the timely release of critical information collected after incidents, rather than quarantining until after legal processes have been dealt with. It was noted that a context for the document should also be included.</p> <p>Members support the Framework being launched by the Minister in September for wider consultation and want the further amended Draft MSAC Strategic Framework to 2017 to be circulated for final comment.</p>	9	<p>Report noted and discussed.</p> <p>Members agreed the title should be changed to MSAC Framework to 2017.</p> <p>Members agreed the document reflects planning day outcomes. An amended version with a reference to the release of incident information and improved context will be included.</p>
10	<p>Effective Regulatory Approach</p> <p>The Chairman invited Jenny Nash, Director Mine Safety Performance to update members on regulatory and legislative matters. Jenny Nash updated members and discussed issues. The Chairman encouraged any member that is concerned to raise those concerns with the Department.</p> <p>The CFMEU members expressed the view that they would expect the Department to report to MSAC if there are any provisions under new legislation that would harm workers.</p>		Discussion noted.

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11	<p>Other Business</p> <p><u>Communications Project</u></p> <p>Heather Jackson advised that letters were being sent out to companies introducing the communications consultants CatDog who want to discuss the effectiveness of the strategy they have devised.</p>		
	<p><u>Next MSAC Meeting</u></p> <p>CFMEU members advised that due to a clash they would not be able to attend the next MSAC meeting if held on Thursday 11 October.</p> <p>Members requested the Secretariat consult as to whether members agreed that the next MSAC meeting will be held on Wednesday 17 October 2012.</p>		<p>The Secretariat to consult with members to see if next MSAC meeting be moved to Wednesday 17 October 2012.</p>
12	<p>Close</p> <p>Meeting closed 12.50pm Next Meeting: TBA possibly for Wednesday 17 October 2012</p>		