

## Mine Safety Advisory Council



# Minutes



**10am – 1pm – Thursday 19 June 2014  
ANZAC Room, Level 47 MLC Centre, Martin Place, Sydney**

No.	Item	Attachment	Action
1.	<p><b>Welcome and apologies</b></p> <p><b>Present:</b>     <u>Members:</u>     John Hannaford (Chairman), Barbara McPhee (Independent), Graeme Peel (Independent), Andrew Lewis (NSW T&amp;I), Peter Jordan (CFMEU), Tony McPaul (NSWMC), Ian Cribb (NSWMC), Glenn Seton (AWU).</p> <p>                  <u>Observers:</u>     Andrew McMahon (NSWMC), Gavin Horobin (CCAA); Rob Regan (NSW T&amp;I)</p> <p>                  <u>Secretariat:</u>     Jenny Nash (NSW T&amp;I), John Flint, Bruce Jones.</p> <p><b>Apologies:</b>     Scott Tipping (CCAA), Andy Honeysett (CFMEU)</p> <p>The Chairman welcomed members and observers.</p>		
2.	<p><b>Declaration of conflict of interest</b></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><b>Business arising from the minutes</b></p> <p><u>Adoption of Minutes</u></p> <p>Members agreed to adopt the minutes of the previous meeting 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 copies of inwards correspondence from the Minister and outwards correspondence from the Chairman to the Minister inviting the Minister to meet with MSAC members; to Mr Rob Regan about MSAC's support for the Mine Safety Operations (MSO) branch's Strategic Human Resources (SHR) Plan; and examples of letters to mines about the ANTS Action Learning Program. The Minister had written to the Chairman to inform him of the release for public comment of the draft Work Health and Safety (Mines) Regulation 2014. The Chairman advised the Minister's Office has indicated 26 November 2014 is a suitable date for the Minister to visit.</p>	2	Correspondence noted.  Minister tentatively accepted invitation to 26 November meeting.

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	<p><u>Matters arising</u></p> <p>The Chairman advised he had raised the MSO Strategic HR Plan in his meeting the previous day with the Deputy Secretary as a matter of concern. The members continue to support the implementation of the Plan and the department should take appropriate steps to do so.</p>		<p>Members continue to support the implementation of Strategic HR Plan</p>
4.	<p><b>Response to Medlock Review</b></p> <p>The Chairman referred members to Attachment 3 of the meeting papers regarding progress of the Medlock Working Group (WG) and advised members that the WG last met the previous Friday 13 June 2014. The WG could not agree on the final wording of the advice to MSAC. The Secretariat tabled two versions of the advice to MSAC. The Chairman referred to the communication flow matrix also tabled (prepared to assist WG discussion) which showed the time frame between when an incident occurs and when information about the causes of the incident are made publically available.</p> <p>Although stakeholders at the WG meeting expressed differing views on a number of matters, the Chairman advised that the WG had agreed as follows:</p> <ul style="list-style-type: none"> <li>○ That improvements trialled by the department during recent investigations be embedded.</li> <li>○ The information it examined indicates there is a delay in communicating to the public details on causal factors identified during formal investigations by the department.</li> <li>○ There is a case for improvement in the timeliness of communicating to the public details on causal factors identified during formal investigations by the department.</li> </ul> <p>The Chairman led a discussion summarized below:</p> <ul style="list-style-type: none"> <li>• Members agreed information on causal factors needs to be publically available quickly and should have best practice timeframes.</li> <li>• The department indicated its targets are 2 weeks for Investigation Information Reports (IIR) and 9 months for detailed report on causal factors, and considers it good practice. The department indicated that in its view the IIR's provided detailed information on cause factors.</li> <li>• The NSWMC indicated that if the department was world-leading the timeframe for detailed information on causal factors should be 3 months, not 9 months. Different processes may be required to achieve this. They also indicated that in their view the IIR's did not deliver the detail required.</li> <li>• The CCAA wished the industry to achieve best practice timeframes.</li> <li>• The CFMEU indicated that the WG should be asked to examine what best timeframes are for making causal factors publically available.</li> <li>• Graeme Peel indicated that causal information must be made available as soon as reasonably practicable. In other high risk industries this is a priority. The timeframes indicated by the department should be quicker.</li> <li>• Members thought a collaborative process may achieve improvement in timeframes.</li> </ul>	3	<p>Discussed</p> <p>Members accepted the WG finding there is a case for improvement in communicating causal factors of a mining incident.</p> <p>MSAC agreed WG is to review current processes and examine what needs to be addressed, changed, modified or improved to achieve world-leading dissemination of causal factors and the resources required..</p>

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	<ul style="list-style-type: none"> <li>• The Chairman commented that in summary MSAC needs to identify what is achievable to become world-leading in the dissemination of causal factors.</li> </ul> <p>Members considered the WG recommendations and agreed the WG are to review current processes and examine what needs to be addressed, changed, modified or improved to achieve world-leading dissemination of causal factors.</p>		
5.	<p><b>Continuous Improvement Project</b></p> <p>The Chairman then referred members to Attachment 4 regarding the department's response to draft recommendations from the Continuous Improvement Project review of Mine Safety field operations (2008-2011).</p> <p>The Chairman advised that the update contained a policy schedule which was tabled at the 2 April 2014 meeting and members had resolved to send any comment to the Secretariat by 16 May. Only one member had made comment and further updates to the schedule since 2 April 2014 are marked as track changes.</p> <p>The Chairman asked if there were any further comment from members. No comment was made and members noted the report.</p>	4	Report noted.
6.	<p><b>Coordination of Emergency Management</b></p> <p>The Chairman then brought member's attention to Attachment 5 concerning the progressing of agency co-ordination roles in emergency response and mines rescue. He asked the Executive Officer to brief members on what has happened recently following the response from the former Minister for Police and Emergency Services on how to move matters forward and meetings he and the Executive Officer had been at, as now some progress has been made. The Draft MoU will not be progressed and an alternative process through the State Emergency Management Committee is being pursued. Following Discussion members noted the brief.</p>	5	Noted.
7.	<p><b>Due Diligence</b></p> <p>The Chairman then moved to agenda item 7 and referred members to the briefing contained in Attachment 6. He asked Mr Flint to update members. Mr Flint advised –</p> <ul style="list-style-type: none"> <li>○ After further discussions with the Australian Institute of Company Directors (AICD) in Sydney and Sinclair Knight Merz (SKM) in Perth, the Secretariat has received costed proposals from them to develop and conduct three focus group workshops;</li> <li>○ Outcomes from the workshop process aim to identify what currently is known by directors about their WHS obligations and what can assist them in good WHS risk management governance</li> <li>○ The proposals from AICD and SKM including the price of approximately \$27,000 were noted.</li> </ul> <p>Members briefly discussed the progress and continue to support the strategic direction of this project.</p>	6	<p>Noted.</p> <p>Members continue to support the strategic direction of this project.</p>

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8.	<p><b>Survey of Regulator Performance</b></p> <p>Bringing members' attention to Attachment 7 the Chairman asked the Executive Officer to update the Council on the development of a project to survey industry about what they think of the Regulator's performance.</p> <p>Some members expressed concern the survey may take too long or the results may be too general. Members would like to see some identifier, such as the regional mining area, included in the survey.</p> <p>Mr Flint welcomed these suggestions and explained that the survey is still in draft format and, with MSAC approval of the next steps, a round of consultation with stakeholders will commence to take on board comments and when a contractor is engaged to conduct the survey a decision will be taken at that stage about the final length and conduct of the survey.</p> <p>He advised the project is on track to be fully commenced in the 2014/15 financial year as agreed by MSAC at its 3 December 2013 meeting.</p> <p>Members agreed:</p> <ol style="list-style-type: none"> <li>1. That stakeholder consultation on the survey should commence;</li> <li>2. The department should seek a suitable service provider to conduct the survey and consult with stakeholders; and,</li> <li>3. To support the strategic direction of this project for the department to develop and conduct a survey of industry perceptions of the Regulator's performance.</li> </ol>	7	<p>Discussed.</p> <p>Members agreed stakeholder consultation to commence and survey service provider be engaged.</p> <p>Members continue to support the strategic direction of this project.</p>
9.	<p><b>Health Management Advisory Committee (HMAC)</b></p> <p>As there had been no meeting of HMAC since the last MSAC meeting, the Secretariat provided members with an update on HMAC project activities.</p> <p><u>Musculoskeletal Disorders / Participative Ergonomics</u></p> <ul style="list-style-type: none"> <li>o The Central West program has worked very well and is now set to be replicated on the North Coast.</li> <li>o Awards night previous week in Orange for Central West participants a great success and shows how IQA, CCAA, MSAC and the department can co-operate.</li> <li>o There is further interest to replicate program in larger sites in Cobar area but details still to be finalised.</li> <li>o Recent workshop on safe design for screens with the extractives industry a positive exercise.</li> </ul> <p>In regard to the Safe Design workshop, CCAA indicated this was a very good exercise and would like this to be a permanent addition to the HMAC agenda. The Chairman said he looked forward to a paper on this issue that can be considered at the next HMAC meeting.</p>	8	<p>Discussed and noted.</p> <p>A paper on Safe Design to be presented at next HMAC meeting.</p>

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	<p><u>Fatigue Management</u></p> <ul style="list-style-type: none"> <li>○ Members updated on this project and that preparations set for evaluation of the Fatigue Management Plans of a representative sample of 47 mines across all mining regions.</li> <li>○ The evaluation report will be produced in an aggregated format for publication.</li> <li>○ NSW Minerals Council asked that each mine participating get a copy of their mine site's evaluation report so that they can compare against the aggregated version. MSAC members supported this request.</li> </ul> <p><u>Naturally Occurring Radioactive Materials (NORMs)</u></p> <ul style="list-style-type: none"> <li>○ Members advised this project proceeding on schedule with responses from coal preparation plants being analysed and follow-up letters are being sent to any who have not responded to the Chief Inspector's original letter.</li> <li>○ A decision about what action to take will wait until it is known if the CSIRO will succeed in obtaining an ACARP grant to look at the issue of radioactive scale in coal washery water, as the department had been advised about this by the CSIRO since the last MSAC meeting.</li> <li>○ Radon monitors have been deployed in every underground mine in the State and will be collected in three months for analysis.</li> </ul> <p>Members noted the report on HMA activities and continue to support the strategic direction of the Health Management Advisory Committee.</p>		<p>MSAC noted the Fatigue Audit plan and requests each mine receive copy of their survey results to compare to the aggregated version.</p> <p>Members continue to support the strategic direction of the Health Management Advisory Committee.</p>
10.	<p><b>WHS Culture Working Party (CWP)</b></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 9.</p> <p>In regard to ANTS Mr Flint advised the CWP had endorsed concrete plans to progress the uptake of the ANTS Action Learning Program –</p> <ul style="list-style-type: none"> <li>○ Members supported the direct mail strategy regarding the ANTS Action Learning Program tools.</li> <li>○ Invitation letters were posted late May to registered training organisations and to mines about where and when the Train the Trainer sessions are being conducted.</li> <li>○ CWP members agreed that for the medium term a series of short videos (5 minutes or less) to promote ANTS, a series of tool box talks on ANTS that are simple and easy to use on site by supervisors and a small card (or playing cards) on ANTS that fit in a workers' pocket be developed, and that ways of embedding ANTS into a sites Human Resources system (for use in inductions, training etc.) be looked at as a longer term strategy.</li> </ul> <p><u>Culture Benchmarking Project</u></p> <p>Members updated on further data collection.</p>	9	Reports noted and endorsed.

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	<p><u>Future initiatives</u></p> <ul style="list-style-type: none"> <li>○ MSAC advised that at their May meeting the CWP considered WHS and training issues likely to arise from new technology and materials currently being developed, and how they are predicted to change the nature and type of work in the future.</li> <li>○ The Working Group determined that a focus on ANTS and WHS culture is still required for the next 10 years.</li> <li>○ The CWP views Contractor WHS Culture as a re-emerging issue that needs to be addressed and deserves to have a specific initiative focusing on them. A proposal on this subject will be developed out of session.</li> <li>○ Once a proposal has been developed by the CWP it will be put to MSAC for consideration prior to implementation.</li> </ul> <p>NSW Minerals Council representative Ian Cribb suggested major contractor companies be included in the Due Diligence project.</p> <p>MSAC members continue to support the strategic direction of CWP projects.</p>		<p>A proposal on contractor WHS issues to be prepared for MSAC consideration.</p> <p>Members continue to support the strategic direction of CWP projects.</p>
11.	<p><b>Department's response to Pike River Royal Commission</b></p> <p>Update noted.</p>	10	Noted.
12.	<p><b>MSAC Program Summary Matrix</b></p> <p>Update noted.</p>	11	Noted.
13.	<p><b>Other Business</b></p> <p><u>Letter from Minister requesting MSAC undertake a review of safety after 5 fatalities in 8 months</u></p> <ul style="list-style-type: none"> <li>○ The Chairman advised he had received a letter from the Minister that morning before the MSAC meeting commenced.</li> <li>○ With 5 fatalities in eight months the Minister is concerned and requests MSAC to undertake a review of all the circumstances around the recent fatalities and identify any mine safety improvements that may be required.</li> <li>○ The Minister believes MSAC is well placed to collectively identify appropriate mechanisms to undertake an examination of any systemic or underlying issues that may be contributing to serious incidents.</li> <li>○ The Director of Mine Safety Performance advised while there currently is no common factor between the 5 fatalities except possibly human factors, more information may change that and department wants to know all underlying facts.</li> <li>○ Members discussed the Minister's request and agreed that while there is anecdotal information it would be good to know if there are systemic problems or if something needs changing to gain further improvement.</li> </ul> <p>Members agreed to undertake a collaborative review which will engage with unions and industry employers, guided by an expert.</p> <p>After discussion the Chairman suggested members need time to discuss this request with their stakeholder organisations and members agreed the Secretariat is to circulate an "out of session paper for members' consideration with –</p> <ul style="list-style-type: none"> <li>▪ Recommendations on how to proceed</li> </ul>		<p>Members agreed to Minister's request to undertake a collaborative review of the circumstances surrounding the recent mine fatalities.</p> <p>Secretariat to circulate out of session paper of options for review mechanism and structure.</p>

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	<ul style="list-style-type: none"> <li>▪ Draft Terms of Reference</li> <li>▪ Name(s) of expert facilitator and suggested review team structure</li> <li>▪ A time period for MSAC member to give informed feedback.</li> </ul>		
	<p><u>Department restructure</u></p> <p>The Chairman advised members he had met with the Deputy Secretary of Resources and Energy, Ms Kylie Hargreaves, the preceding day and was advised by her of a restructure of her area. He had strongly recommended consulting about the proposed restructure with all stakeholders and advised her no stakeholder would agree to any diminution of safety as a consequence of a restructure.</p> <p>The department representative Andrew Lewis circulated a new organisational map of the proposed structure and gave members more background to the restructure. He advised that suggestions are welcomed and that Ms Hargreaves was intending to consult with all stakeholders.</p> <p>With Mr Lewis's agreement, the Chairman asked that should members have comments about the proposed restructure and the impact it may have on mining safety in NSW, they should comment as soon as possible through Mr Lewis.</p> <p>NSW Minerals Council member Ian Cribb requested all MSAC members be sent a copy of the redacted version of the consultant's recommendations about the restructure, so their comments are better informed. Mr Lewis indicated that the stakeholder organisations may wish to do a limited circulation of the redacted report to the executive of their respective organisations following consultation.</p>		<p>Members advised of proposed restructure of department.</p> <p>Members not clear about impact on safety.</p> <p>Stakeholder organisations to make redacted version of report available to their executive</p>
14.	<p><b>Close</b></p> <ul style="list-style-type: none"> <li>• There being no further business the Chairman thanked members and observers for attending and for their contributions.</li> <li>• He closed the meeting at 12:50pm</li> </ul>		
	<p><b>Next Meeting:</b> Thursday 4 September 2014 in Sydney (Level 47 MLC Centre Sydney)</p>		