

Mine Safety Advisory Council



Minutes 9am – 12.30pm – Thursday 14 March 2013 Board Room, NSW Minerals Council, Level 3, 12 O’Connell Street, 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), Tony McPaul (NSWMC), Ian Cribb (NSWMC), Andy Honeysett (CFMEU) and Peter Jordan (CFMEU).</p> <p> <u>Apologies</u> Graeme Peel (Independent), Scott Lewis (CCAA), Andrew Lewis (NSW &I)</p> <p> <u>Observers:</u> Andrew McMahon (NSWMC), Rob Regan (NSW T&I), Jeff Sorrell, Steve Millington (NSW T&I).</p> <p> <u>Secretariat:</u> Jenny Nash, John Flint, Bruce Jones.</p> <p> <u>Guests:</u> Peter Medlock (Reviewer), Paul Healey (Mines Rescue) and Lucy Fleming (CSMR)</p> <p>The Chairman welcomed all members and observers, and introduced members to Mr Peter Medlock who was attending to update members on the Review he has now commenced.</p> <p>He also welcomed Mr Steve Millington, Manager of the Investigations Unit to the meeting and advised that later Paul Healey from Mines Rescue and Lucy Fleming from Coal Services Health will be in attendance.</p> <p>The Chairman also noted that Andrew Lewis had been appointed as the Department’s member of MSAC to replace Mark Duffy.</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.

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3.	<p>Effective Regulatory Approach</p> <p><u>Review into communicating cause and prevention of incidents</u></p> <p>The Chairman thanked members for allowing Mr Peter Medlock, the Reviewer into the conduct of investigations and communication of cause and prevention of mining incidents, to meet and report to MSAC. He invited Mr Medlock to update members.</p> <p>Mr Medlock took members through the process and timeframe he had established for the Review:</p> <ul style="list-style-type: none"> • He is still digesting the documentation the Department had provided him; • He has met with the Directors of Mine Safety Operations and Performance, some other departmental officers and spoken with Mr Steve Millington, Manager of the Investigations Unit; • He intends contacting MSAC members very shortly to find out about any stakeholder issues relating to the Review, but would welcome any issue they may wish to convey at the meeting; • He already has one report from a member of the expert advisory panel and expects to have all panel reports by the end of March; • In April he will be reviewing the expert reports on other jurisdictions and regulators and then he will develop options for consideration; and • He expects he will have a draft report prepared in time for the next MSAC meeting in June 2013. <p>The Chairman explained that it was decided to form an expert panel due to the delay over December and January in establishing the Review. It was considered that without a panel of experts feeding into the Review, it would be difficult to meet the June deadline and a report may not have been available until December 2013, without the extra assistance the panel will provide the Reviewer.</p> <p>The Executive Officer advised that a list of expert panel members will be sent to MSAC members although a panel position for someone from the nuclear industry is still to be finalised.</p> <p>NSWMC member Tony McPaul reflected that even at the first CEO Summit in 2008 legislation was identified as an inhibitor to world-leading work, health and safety, followed by the way it was administered and the delay in informing industry of the incidents investigated and any lessons learnt that could assist other operators.</p> <p>The Chairman stated that this Review was fundamentally a review of structure and to get to a point of making recommendations to the Minister about best practice. The chairman encouraged all members to meet with Mr Medlock.</p>	5	<p>Noted.</p> <p>Reviewer to have discussions with MSAC members.</p> <p>Draft Reviewer report planned to be ready for June MSAC meeting.</p> <p>Secretariat to send expert panel membership list to MSAC members.</p>

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4.	<p>Business arising from the minutes</p> <p><u>Adoption of Minutes</u> The Chairman invited members to adopt the Minutes of the previous meeting. Members agreed to adopt the minutes.</p> <p><u>Correspondence</u> The Chairman referred members to Attachment 2 of the meeting papers, containing correspondence from the Minister and from Ms Vicki Telfer, Executive Director of NSW Industrial Relations in The Treasury.</p> <p><u>Ministerial Correspondence:</u> A letter of thanks from the Minister, for the MOU which resulted from the Inter-agency Emergency Response and Mines Rescue Working Group, which the Chairman had chaired. The Minister thinks it is appropriate for MSAC to maintain oversight of the MOU implementations and of the sub-plan that will be developed, and has asked to be kept informed.</p> <p><u>Ms Vicki Telfer, Executive Director of NSW Industrial Relations in The Treasury:</u> Ms Telfer is the Chair of the Treasury's Wages Policy Taskforce about the issue of suitable remuneration for Mine Inspectors letter from the Chairman that had been referred to her. She clarified the Government's wages policy requirements. She advised that salary increases above 2.5% per annum must be offset by achieved employee related savings. In relation to this Rob Regan (Director – Mine Safety Operations) advised that his Strategic Human Resource Plan containing 15 key strategies is about to be submitted to the Department. The Chairman advised he would be happy to meet with Ms Telfer to express support for increased inspector salaries, if members thought this would be worthwhile. Jenny Nash advised that although this issue would have no impact on the levy she is aware of other industry funded bodies that have had difficulties where a claim is in excess of 2.5%, and in this matter it is possible there may be a case for a separate award. After discussions, members agreed that although the letter of support in the inspector matter had full MSAC support, separate expression of support from industry employer stakeholders could be more explicit in their support, as the argument needs to be about the market demand for experienced people needed for inspector positions. NSWMC agreed to consider writing again in support of realistic salaries for inspectors. Members agreed they would wait until after the Strategic Human Resource Plan has been submitted to determine if MSAC can be of further help in this matter.</p>	<p>1</p> <p>2</p>	<p>Minutes of previous meeting adopted.</p> <p>Correspondence noted.</p> <p>MSP to submit Strategic Human Resource Plan (SHRP) very soon and MSAC to consider issue again after SHRP submitted.</p> <p>Employer stakeholders to write again in support.</p>

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5.	<p>Health Management Advisory Committee – Older Worker Technical Working Group update</p> <p>The Chairman referred members to Attachment 6 of the meeting papers, which contained an update on the work of the Older Worker Technical Working Group (TWG) and a discussion paper on older workers prepared by Peter Proctor.</p> <p>Members discussed the outcomes from the TWG including the discussion paper and the 13 questions it had raised, and then discussed the proposed consultation process. In the discussion the following issues were raised:</p> <ul style="list-style-type: none"> ○ The question still needs to be addresses about what is exactly an older worker (different jurisdictions have different interpretations) and is could be that age is irrelevant; ○ Should there be a standard? ○ Are health assessments a way of validating employment considering they are viewed by some as a means to get people out of the industry?; and ○ The process needs to be enabling – not restrictive. <p>Members agreed that stakeholders should have time to review the discussion paper and forward any feedback to MSAC by mid-July and feedback discussed at the next HMAc meeting on 8 August 2013. If the paper is then endorsed by MSAC, it could be released for public comment leading to a Round Table type process.</p>	6	<p>Discussed.</p> <p>Member feedback on the Older Workers TWG discussion paper to Secretariat by mid-July 2013.</p>
6.	<p>Mine Safety Operations (MSO) Electrical Design program</p> <p>The Chairman asked members to consider Attachment 7 of the meeting papers that was tabled at the meeting and invited the Director of Mine Safety Operations, Rob Regan to brief members.</p> <p>Mr Regan spoke about the development of the existing standards system applying to mining in NSW and how the MSO feeds into this and has actively participated in international standards negotiations for some time. Mr Regan explained a similar process of international consultation is soon to commence for mechanical engineering. He expressed the view that if Australia does not participate in these types of discussions, then we miss out and there is the possibility of standards slipping.</p> <p>He sought MSAC support for the MSO's participation in the International Electro-technical Commission (IEC) discussions on standards and the Commission's five year program of meetings. Benefits to NSW through participation means those standards set by the IEC and accepted by NSW means we do not have to do tests ourselves.</p> <p>MSAC support for a Revision of AS/NZS 4761 - Competencies for working with electrical equipment for hazardous areas series, was also sought by Rob Regan.</p> <p>MSAC members agreed to support Mine Safety Operations active participation in the IEC international program of meetings from 2013 to 2018 and for the review of AS/NZ 4761, agreeing that the MSAC Chairman write letters of support to the Department and Standards Australia on behalf of members.</p>	7	<p>Discussed.</p> <p>MSAC support Mine Safety Operations participation in the IEC international program of meetings from 2013 to 2018.</p> <p>MSAC Chairman to write letters of support.</p>

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	<p>WHS Benchmarking Program</p> <p>The Chairman asked the Executive Officer to briefly run through the update paper (Attachment 9) on the WHS Benchmarking Program and Mr Flint reported on:</p> <ul style="list-style-type: none"> o the commencement of program at CSA in Cobar and LDO Chain Valley; o CSA had requested an accelerated 'train the trainer' schedule, but it was found to be unworkable; o Xstrata have just commenced the program at their Glendell site with a further 3 sites in the Mudgee area commencing in April; o consultation on the scheduling and design of the program is continuing; and o some more large companies are also showing an interest in the program. <p>Mr Flint said the management of the data collected and is being managed by the Department and any concerns raised by industry participants are being addressed.</p> <p>Members noted the update and continue to support the strategic direction of the program.</p> <p>Health and Safety Community Grants</p> <p>The Chairman then moved to the matter of the community grants program (Attachment 10 of the meeting papers) and reported that the Minister had indicated to him his continued support for the program. The Chairman asked the Secretariat to quickly update members on the current status of the program. The Executive Officer took members through the summary of the program evaluation for the 2012 grants contained in the briefing and what was said at the last Culture Working Party (CWP) meeting. He reported that:</p> <ul style="list-style-type: none"> o CWP members are agreed that areas can be improved to better meet the objectives of the program; o the CWP agreed that the grants work best in mining communities where the mining operations are located, not in major population centre adjacent to mining areas (e.g. Newcastle and Port Stephens); and o one of the issues identified is the departmental media policies which restricts public servants being involved in public relations activity and the NSWMC has offered to actively participate in the PR program for the next round of grants. 	<p>9</p> <p>10</p>	<p>Noted.</p> <p>MSAC members continue to support the strategic direction of the program.</p> <p>Noted.</p>

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	<p>The Executive Officer said the CWP had agreed on several 'next steps':</p> <ul style="list-style-type: none"> ○ A complete grants program proposal will be prepared by the Secretariat for the next CWP meeting on 18 July 2013 for implementation to mining communities areas not previously targeted. ○ The Secretariat and the NSWMC will meet and discuss how the NSWMC can actively participate in the development and delivery of an improved PR program and increased media opportunities in the future. ○ The proposal for a 2013-14 grants program will consider other grant models and propose a model to be used. ○ The proposal will consider if the program can link with local mine operations in the implementation of grants in their local area. The proposal will also consider how stakeholders, such as the NSWMC and local mining operations, can assist in this process. ○ The proposal will consider improved grants eligibility criteria (Conditions of Entry) and an assessment process for applications that is clear for all applicants. ○ The CWP will make recommendations at their July 2013 meeting to MSAC about the grants program for 2013-14. <p>Members noted the strategic direction the CWP regarding the delivery and effectiveness of the regional grants program.</p>		<p>A proposal is to be prepared for consideration by the CWP at its July 2013 meeting</p> <p>CWP to make recommendations to MSAC July meeting on the grants program for 2013-14.</p>
9	<p>General Business for noting</p> <p><u>Uranium exploration</u></p> <p>The Chairman had updated the Minister on the study undertaken by the Australian Radiation Protection and Nuclear Safety Agency (APANSA) into naturally occurring radioactive material at NSW mine sites. The Chairman reported that the Minister is concerned about the adverse impact on the industry and negative community attitudes towards uranium that could create problems similar to those that have occurred in the oil and gas (incl. coal seam gas) sectors which could impact on the issue of uranium exploration.</p> <p>NSWMC member Ian Cribb expressed the view that the Government was not speaking enough in support of industry and the benefits from mining. Independent member Barbara McPhee said she thought there was a lot of misinformation on the issue with the general public.</p> <p>While MSAC members said they saw no role in this matter for MSAC, the Director of Mine Safety Performance said the Department wants to deal with the issue of uranium rigorously on health and safety issues as there is a lot of evidence to counter the vacuum of information in the community.</p> <p>The Director of Mine Safety Operations advised that the State Radiation Council feeds into APANSA (which is part of the National Uranium Council) and all these bodies look at health and safety standards for the uranium industry, including the transportation of product. Mr Regan also advised that a study on background radiation across the State shows where the hotspots are and only in Broken Hill does the radiation level pass the safety threshold zone.</p>		<p>The department to prepare a WHS strategy for uranium exploration and any future developments</p>

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	<p><u>Coal Seam Gas</u></p> <p>The Director of Mine Safety Operations advised there will be a more rigorous examination of applicants in the future as a result of the recent announcement by the Commonwealth Government.</p> <p><u>Strategic alliance with tertiary education sector</u></p> <p>The Chairman also reported that the Minister would like to see established some form of (or a better) strategic alliance between MSAC and the tertiary sector, possibly through the establishment of a research centre, that would do things of benefit to the industry and increase co-operation.</p> <p>Andrew McMahon said there is evidence – such as the recent announcement by the Minerals Council of a research partnership with the University of Newcastle – that research interest is developing.</p> <p>Rob Regan said there are already significant amounts spent on research through the ACARP process.</p> <p>After some discussion it was agreed that the Secretariat should prepare an options papers for consideration that would also include a business case to support it.</p>		<p>Secretariat to prepare options paper on establishing better links with the tertiary sector.</p>
13	<p>Close</p> <p>Meeting closed 12.40pm Next Meeting: Thursday 27 June 2013</p>		