

## Mine Safety Advisory Council



# Minutes



**10am – 1pm – Thursday 3 October 2013  
Jumbanna Room, MLC Centre Level 47, 19 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), Scott Tipping (CCAA), Andrew Lewis (NSW T&amp;I), Peter Jordan (CFMEU), Tony McPaul (NSWMC), Ian Cribb (NSWMC),</p> <p>                  <u>Apologies:</u>     Graeme Peel (Independent), Andy Honeysett (CFMEU) and Glenn Seton (AWU)</p> <p>                  <u>Observers:</u>     Kylie Hargreaves (NSW T&amp;I), Gavin Horobin (CCAA), Jeff Sorrell, Bill Barraclough (for Rob Regan NSW T&amp;I), Heather Jackson (NSW T&amp;I)</p> <p>                  <u>Secretariat:</u>     Jenny Nash (NSW T&amp;I), John Flint, Bruce Jones.</p> <p>The Chairman welcomed members and observers, including Mr Gavin Horobin from the CCAA and the new Deputy Director General Resources and Energy, Ms Kylie Hargreaves.</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>		Noted.
3.	<p><b>Business arising from the minutes</b></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.</p> <p><u>Correspondence</u></p> <p>The Chairman referred members to Attachment 2 of the meeting papers containing correspondence including a copy of a letter from the Chairman to Rob Regan advising him of MSAC support for Mine Safety inspector participation in the ISO/IEC round of international technical meetings to 2017. He also advised he had recently received a letter regarding uranium exploration that will be circulated to members. Members noted the correspondence.</p>	<p>1</p> <p>2</p>	<p>Minutes of previous meeting adopted.</p> <p>Correspondence noted.</p> <p>Late correspondence to be circulated.</p>

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4.	<p><b>Effective Regulatory Approach</b></p> <p><u>Review into the management of investigations and communicating cause and prevention of mining incidents</u></p> <p>The Chairman referred members to Attachment 3 regarding the Medlock report and the appended written submissions from members relating to the report. The Chairman noted the responses seem to indicate that an MSAC Working Group (WG) needs to be established to consider the implications of the report's options, including the cost benefit and opportunity cost associated with any proposed reform.</p> <p>Mr Tipping from the CCAA advised members that both the CCAA's national and state executives support in principle the proposal of a group to consider the options including the costs involved and the legal implications, and would like the advantages and disadvantages of all the options to be clear. The CCAA feel there is not enough information to support options at this stage.</p> <p>Mr McPaul agreed there are complicated issues that a WG would need to consider. He felt there was a common theme from employers supporting the Medlock report. In the first instance it is not established there is a case for change. Both NSWMC representatives indicated work needs to be undertaken to see if there is a case for change and support a process by which lessons learnt from an investigation are communicated to industry in a timely fashion (such as the aviation industry model as a starting point), however, there needs to be an evidence based case for change as a first step.</p> <p>The Chairman asked the CFMEU representative if the CFMEU feels that any of the report's options may diminish the current system of investigations. Mr Jordan said comments in the report about the "views" of 'unions' do not include views of the CFMEU, as for various reasons the CFMEU had not had any interview with Mr Medlock. Mr Jordan reiterated what the CFMEU submission stated, that the CFMEU is fundamentally opposed to any change that would allow a no-blame category. He said the CFMEU does believe there are improvements to be made but that the current system is not broken.</p> <p>It was noted that there had been no submission received from the AWU.</p> <p>The Chairman invited the Department to respond to comments. Jenny Nash advised that the cost of any reform may be an issue with any of options the Medlock report has proposed. Increased cost should not stop proposed reforms if they demonstrate a benefit of significant safety outcomes that out ways the cost, particularly as some policy reform could be adopted at little or no cost. She indicated that the Working Group should consider integrated schemes, not a shopping list of options.</p> <p>Jenny Nash further advised that any reform that required legislative change would need to be evidence based due to the National Framework and legislative process at this stage. The Chairman then asked for member views on the make-up of a Working Group. Members agreed –</p> <ol style="list-style-type: none"> <li>1. The Working Group should have members representing MSAC stakeholders (and others if agreed by stakeholders).</li> <li>2. The Secretariat to discuss membership with all stakeholders with nominations in writing to the Secretariat by Friday 15 November, 2013.</li> <li>3. The Secretariat is to propose Terms of Reference (with agreed principles) and framework for the Working Group for consultation prior to the next meeting. It was agreed that no time-frame should be set at this stage.</li> <li>4. Members also agree that funding from the Mine safety Levy should be available to support the Working Group.</li> </ol>	3	<p>Discussed.</p> <p>Comments in report attributed to unions do not include the views of the CFMEU.</p> <p>No submission received from the AWU.</p> <p>Members agreed a Working Group appropriately supported to be formed.</p> <p>Nominations in writing to Secretariat by 15 November 2013.</p> <p>Secretariat to propose Terms of Reference and framework for consideration.</p>

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5.	<p><b>Associated Non-technical Skills Road Map for the Future</b></p> <p>The Chairman referred members to Attachment 4 regarding the ANTS Road Map for the Future and feedback from both some presenters and delegates to the ANTS Round Table in April. The Executive Officer gave a brief run through the comments received. He indicated some points made by Skills DMC warranted detailed consideration, as they form part of the national process to determine skills training and are not limited to NSW.</p> <p>Some members would like to know how a Tri-State competency body, if it is created, may impact on plans MSAC has in this area, and how ANTS capabilities can be tested when simulating real scenarios, be they above or below ground.</p> <p>Independent Member Barbara McPhee said the Skills DMC feels some things may be too hard. She indicated that maybe Skills DMC need to relate some points they make to concrete initiatives so ANTS can be taught as part of training packages.</p> <p>The Department is of the view that someone has to lead this process and at this stage NSW is doing that as there are opportunities in the coal sector for deputies, supervisors and check inspectors and for Health and Safety Representatives in both the metals and quarrying sectors. There are also opportunities overall in Safety Management System training. The Department's Industry Assistance Unit has been developing an ANTS action learning program that has been piloted and will be available shortly.</p> <p>Ms Hargreaves advised the NSW Public Service Commission is developing an ANTS testing framework that may be worth reviewing.</p> <p>As the submission from Skills DMC makes several constructive suggestions, members recommended that David Ellis will be invited to attend the next Culture Working Party (CWP) meeting, as the comments received have still to be considered by the CWP.</p> <p>Order 34 (which applies to Coal Services Pty Ltd, as one of its functions, to "approve training schemes required for a health and safety management system under the Coal Mines Health and Safety Act 2002") was discussed and it was considered this could be a starting point to get some "rubber on the road" even if limited to the coal sector.</p> <p>Members resolved to:</p> <ol style="list-style-type: none"> <li>1. Consider the Road Map further and provide feedback on concrete actions to the Secretariat by 18 October 2013 that can also be considered at the next CWP meeting in late October.</li> <li>2. Support the Chairman writing to Skills DMC, Mines Rescue and the Mining Competence Board promoting ANTS development as an issue they need to be addressing.</li> <li>3. Consider whether wider consultation is required at a later stage.</li> </ol>	4	<p>Discussed.</p> <p>How tri-State competency body will impact on ANTS initiative to be investigated.</p> <p>Skills DMC to be invited to next CWP meeting.</p> <p>Road Map to be considered further with comments to Secretariat to get concrete actions by 18 October 2013.</p> <p>Chairman to write to Skills DMC, Mines Rescue and Mining Competence Board on issue of ANTS.</p>
6.	<p><b>WHS Benchmarking Program</b></p> <p>The Chairman then brought member's attention to Attachment 5 regarding the WHS benchmarking program and invited Heather Jackson from the Industry Assistance Unit (IAU) to update members on progress.</p> <p>Ms Jackson reminded members that this program has been designed to measure cultural maturity against to CEO 10 Vision Points. She advised testing is going well and now has agreement with the Nordic Group to share our information with them and use any</p>	5	Noted and discussed.

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	<p>comparable data (international mining companies and possibly oil operations) Nordic has to make comparative analysis possible. The CWP has also endorsed arrangements to ensure data control and management is retained within the Department. In addition to this an optical data scanner has been purchased to scan completed questionnaires and a statistician has been engaged on a part-time basis to analyse the data collected. Any information gathered does not identify a company, but there is not enough data at present to release any information. More data is still to be collected to ensure validation of results.</p> <p>Trial results already indicate the benefits of the process for sites and for continuous improvement. NSWMC member Ian Cribb asked could this be replicated at Xstrata sites in Queensland and this will be looked into, as resourcing is an issue and members not sure the Queensland regulator would approve if NSW Trade and Investment was involved.</p> <p>Members support the Department implementing the Data Management Policy.</p> <p>Members noted the brief and continue to support the strategic direction of the project.</p>		<p>Members support the Department adopting the Data Management Policy.</p> <p>Members continue to support the strategic direction of the project.</p>
7.	<p><b>MSD PSG update</b></p> <p>The Chairman again invited Heather Jackson to update members on the work of Musculoskeletal Disorders Project Steering Group (MSD PSG) relating to Attachment 6.</p> <p>Ms Jackson commented on a report prepared by Jetty Research detailing the results of a survey of MSD knowledge, interest and action consisting of 1,316 respondents was which was reviewed by the MSD PSG. The HMAc recommend the report should be published pending approval from MSAC.</p> <p>Members agreed that the MSD survey should be published on the Departmental and MSAC websites and sent to industry.</p> <p>Ms Jackson also discussed the research that been done on achieving traction in the workforce about MSD issues and the trial of some innovative communication tools developed from the research by Cat.Dog.</p> <p>CCAA representatives indicated they are ready to implement the Participatory Ergonomics program with a supporting communications strategy and are waiting for permission to do so from the Department.</p> <p>Ms Jackson said results from testing at Tahmoor colliery indicate the project has had a positive impact. The IAU is now taking steps to gain approval of the tools through a targeted media campaign in specific areas of the State through the Government's Peer Review process. The Peer Review panel are supportive of a communications initiative getting cut-through which is aimed not just at workers but getting the message to families as well. However they are worried about the risk of the "Don't be bloody useless" tag if only one person objects to the language used.</p> <p>Members discussed the issues raised and do not want to see such an innovative program to not proceed.</p> <p>The Chairman said he would like this matter to be discussed with industry associations with a view to them conducting public communication strategies in regional areas where the Participatory Ergonomics programs are being implemented with the</p>	6	<p>Noted and discussed.</p> <p>MSD survey approved for publication on the Departmental and MSAC websites and communicated to industry.</p> <p>Promotion of PE public campaign to be explored by the department with stakeholders.</p>

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	<p>Department providing a supporting role through the PE Program.</p> <p>After some discussion members agreed that the “Don’t be useless” supporting Public Communication Strategy should go ahead through the industry associations. Because the CCAA and NSWMC members strongly support the initiative they agreed they would take up the issue of promoting and using the material developed with their organisations.</p> <p>The Secretariat is to assist by exploring further options to promote the tools developed, such as through social media, and how the Department can help industry use the strategy that has been developed.</p>		<p>Department to look at how the media product can be further supported as part of a regional program implementation.</p>
8.	<p><b>Health indices</b></p> <p>Members were advised that the second round of Health indicator survey (Attachment 7) is half completed with the collection of data from WorkCover of workers compensation claims (Lag indicators) in coal, metal and extractives sectors for MSD, slips trip and falls and noise, first published in 2011 now updated and endorsed by the Health Management Advisory Committee (HMAC).</p> <p>The HMAC also agreed that a second survey be conducted in August – September 2013 to enable a comparison or benchmark of Lead Health indicators. It is envisaged that the outcomes will be reported to HMAC at its 21 November 2013 meeting.</p> <p>Members endorse the updated lag indicator report and agree for it to be published on the department’s and MSAC’s websites, replacing the old report from 2011, and for the report to be circulated to the industry via the department email list.</p>	7	<p>Updated lag indicator report to be published on department and MSAC websites.</p> <p>Report to be circulated to industry via department’s email list.</p>
9.	<p><b>Health and Safety Community Grants Program 2013/14</b></p> <p>The Chairman asked the MSAC Executive Officer to brief members on the proposal for the grants program to be run again, referring members to Attachment 8.</p> <p>Mr Flint reported that a draft proposal for a 2013/2014 grants program for the Central West and West was tabled at the CWP in July 2013 meeting which incorporates all the evaluation points and feedback from the 2012 program.</p> <p>The Secretariat has also had discussion with NSWMC about the public relations focus and that is being further enhanced with strong support expected from the Minerals Council in promoting the grants with companies in the targeted areas and gaining more free promotion in the media than the Department has been able to in previous years. Members agreed this was desirable and be included in the grant Public Relations program including the Local Heroes concept.</p> <p>Mr Flint said CWP members expressed general support for the proposal but noted that the program is currently unfunded and has no specific allocation in the current MSAC budget. This would mean that MSAC is likely to be over budget this financial year if the grants were to go ahead.</p> <p>MSAC members noted that no funds as yet have been allocated for the grants and agreed to endorse the grants program for 2013/14 proceeding as proposed in the State’s Central West and Western regions, with a budget of \$120,000 that includes</p>	8	<p>Noted</p> <p>MSAC supports enhanced PR program being developed with NSWMC to play key role.</p> <p>MSAC endorses draft grants proposal for 2013/14 in the Central and Far West of NSW.</p> <p>Agreed funding to be</p>

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	\$80,000 in grants and revised eligibility and assessment process. Members agreed that funding should be identified within the Mine Safety Budget for 2013/14.		identified in Mine Safety Budget.
10	<p><b>General Business for noting</b></p> <p><u>Department response to Pike River Royal Commission</u></p> <p>The Chairman brought member's attention to Attachment 9 and asked Mr Flint to comment on the matrix prepared by the Secretariat indicating the issues raised by the Royal Commission and the department's schedule of action to be taken. Members noted the report.</p> <p><u>Emergency Response MOU</u></p> <p>Members were advised the MOU is still waiting on the Minister for Police and Emergency Services to approve and to write to the Minister for Resources and Energy agreeing to the MOU. Members noted the report and asked the Secretariat to continue to pursue matter.</p> <p><u>Targeted Communications Project</u></p> <p>The Executive Officer advised members:</p> <ul style="list-style-type: none"> <li>o That following research conducted into the MSD issue by Cat.Dog they were asked to focus on how the department can actively engage with the supervisor / middle management groups in the workplace health and safety sphere and encourage them to make positive health and safety decisions for the organisations and for their subordinates.</li> <li>o Cat.Dog developed a strategy for "cut-through" to middle management in the industry and the key message suggested to target middle management was "S#*t doesn't just happen."</li> <li>o CWP members agreed that the thrust of this project links well with the objectives of the ANTS and Culture Projects but they acknowledged that the language may be offensive to some people in the industry.</li> <li>o Minerals Council and union representatives at the CWP meeting were supportive of focus testing and agreed to test this message with their members and provide feedback to the Industry Assistance Unit (IAU).</li> <li>o Testing by the IAU in the Illawarra indicates the messaging was positively received with no objections about the language.</li> <li>o CWP members are agreed that to get "cut-through" the messaging must use language which is acceptable in the industry and see value in pursuing this.</li> <li>o The department is of the view that the messaging supports the Culture Program, ANTS and the PE programs but that due to the language contained in the messaging, there are sensitivities around community acceptance.</li> <li>o The department would be required to submit the communications campaign proposal to the peer review process through the</li> </ul>	<p>9</p> <p>10</p> <p>11</p>	<p>Noted.</p> <p>Noted</p> <p>Discussed</p>

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	<p>Department of Premier and Cabinet and it is felt unlikely that Cabinet would approve the campaign.</p> <ul style="list-style-type: none"> <li>o The department is willing to explore other avenues to promote the use of the message such as through the industry associations or unions.</li> </ul> <p>CFMEU member Peter Jordan said he was unaware of any testing, as stated, had occurred in the CFMEU's Northern District, and that comments he's had indicate the Northern District doesn't support the wording.</p> <p>NSWMC member Ian Cribb felt that the industry would be interested in running with this idea as it reflects the language used in the industry.</p> <p>The Chairman expressed the view that due to the language issue even if the proposed strategy was approved by a Peer Review panel, Cabinet would not, and the Deputy Director General agreed.</p> <p>Members noted the brief and agreed to refer the matter back to the CWP for its members to discuss how to move the issue forward. The Secretariat is also to have further discussion with industry associations on how to advance this further.</p> <p><u>MSAC program matrix</u></p> <p>The Executive Officer advised the MSAC strategic plan to 2017 has now been formatted in a matrix for members' convenience.</p> <p><u>Mine Safety budget</u></p> <p>The Director of Mine Safety Performance advised members that the 2013/14 mine safety levy has been determined to be \$33.005m. Savings of \$1.14m from the 2012/13 year have been brought forward into the Mine Safety Budget for the current financial year. The 2013/14 Mine Safety Budget has been set at \$33.6m.</p> <p>The MSAC budget has been set at \$766,000 for the financial year which is less than last year.</p> <p><u>Participation in international electrical and mechanical standards committees</u></p> <p>NSWMC members asked why industry not involved with the international standards (ISO) committees. The Executive Officer advised he would find out all the parties involved and get this information to stakeholders.</p>	12	<p>Matter to be referred back to CWP to determine if and how to be advanced.</p> <p>Secretariat to hold further discussion with industry associations.</p> <p>Noted.</p> <p>Noted.</p> <p>Information on ISO membership to be sent to stakeholders.</p>
	<p><u>Review of Committees</u></p> <p>NSWMC have asked about the matter raised at the last meeting regarding a review of WHS committees. The Executive Officer advised that discussions are being held with Andrew McMahon at this stage.</p>		
12	<p><b>Close</b></p> <p>Meeting closed 12.50pm                      Next Meeting: CFMEU – Clarence Street, Sydney, at 10am on 5 December 2013</p>		