

Mine Safety Advisory Council



Minutes 9am – 12.40pm – Thursday 6 December 2012 Hamilton 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), Graeme Peel (Independent), Tony McPaul (NSWMC), 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), Jeff Sorrell.</p> <p> <u>Secretariat:</u> Jenny Nash, John Flint, Bruce Jones.</p> <p>The Chairman welcomed all members and observers. The Chairman also noted that members Ian Cribb, Tony McPaul and Glenn Seton have all been reappointed to the Council by the Minister.</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> <p>The Chairman advised that he had received advice that he had been re-appointed as a part-time Examiner (covering Queensland) to the National Crime Commission and he had accepted only on the basis that his commitments as MSAC Chairman would not be impinged.</p>		Noted.

No.	Item	Attachment	Action
3.	<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 his letter to the NSW Public Service Commissioner (PSC) about the issue of suitable remuneration for Mine Inspectors, as agreed at previous MSAC meeting. The Chairman advised that he had received a response advising that the PSC had referred the matter to the NSW Industrial Relations Commission (IRC). The Chairman advised he may consider meeting with the IRC to discuss the matter in the future. Mr Regan advised that the strategic personnel plan is still to be submitted to the department.</p>	1 2	Minutes of previous meeting adopted. Correspondence noted.
4	<p>General Business for noting</p> <p><u>MSAC Budget update</u> The Chairman referred members to Attachment 3 of the meeting papers and invited the Executive Officer, John Flint, to brief members on aspects of the budget relating to the current financial year. Mr Flint advised that despite the apparent pro-rata overspend, to date expenditure is on track as some items, such as the grants program and Leaders Congress had significant expenditure in the first half of the financial year. He is confident the budget is running to plan. The budget will be presented in future against projected cash flow. The Chairman stated he had been doing a fair amount of travel which had proved to be worthwhile, in the interests of getting to meet people and visit mining operations that has enabled him to get a better grasp of health and safety issues. Members concurred that it was important for the new Chairman to meet people in the industry and that it also aids in raising MSAC's profile.</p> <p><u>Leaders Congress – 11 September 2012</u> The Chairman referred members to Attachment 4 of the meeting papers, regarding the Leaders Congress that was held in September and invited the Executive Officer to give a summation of the event and evaluation. Mr Flint advised the event had been well attended and seen as a success. The presentation by the guest speaker Dr Lagan fitted well. The Minister launched the MSAC Actions to 2017 consultation paper and culture benchmarking manual. The CWP is of the view that the next event should be after the next State election. MSAC members discussed the timing of another meeting of industry leaders. It was agreed it would be scheduled for 2015.</p>	3 4	Budget noted. In future Budget to be presented in cash-flow reporting format. Members support the Chairman's travel to meet stakeholders. Report on Leaders Congress noted. Next Congress to be scheduled for 2015.

No.	Item	Attachment	Action
	<p>Members discussed the concepts behind the grants and that, apart from some recognition for MSAC and the principles it had been promoting in the industry, members agreed that the underlying principle of the grants was to raise awareness of the world-leading mine health and safety standards and how they should be encouraged into mining communities at large.</p> <p>Members agreed with the Chairman that the Illawarra would be their preferred area if the program is run again. The Executive Officer advised that no program could be held until the second half of 2013 as there are no funds left in the MSAC budget this financial year.</p> <p>The Chairman advised he will be speaking with the Minister before Christmas and will advise that while the evaluation of the 2012 program is still being done.</p> <p><u>Work Health and Safety Benchmarking Program</u></p> <p>The Chairman referred members to Attachment 6 of the meeting papers, regarding the WHS Culture Benchmarking program, asking that members should note the report. Members noted the report.</p> <p>Industry members commented that the trial of the tool had expanded to take in more operations across the various mining sectors, and that already the tool is having an impact and people are taking notice.</p> <p>After further discussion members agreed that the IAU be requested to produce a 2 page factsheet on the culture tool.</p>	6	<p>Chairman to report further to Minister about grants.</p> <p>Report noted and discussed.</p> <p>IAU to produce culture tool fact sheet.</p>
5	<p>Emergency Management and Mines Rescue Working Group</p> <p>The Chairman referred members to Attachment 7 of the meeting papers, regarding progress made by the inter-agency working group on emergency management, which he chaired.</p> <p>He thanked members for their support and stated that work is on track. An agency agreed Memorandum of Understanding (MOU) for agency CEOs to sign is being considered by the Minister. The MOU requires a sub-plan to be developed. The sub-plan will then be rolled out at the regional and local level. Further consultation will take place when this occurs.</p> <p>Members agreed that this should be an item on the agenda of the next MSAC meeting.</p>	7	Report noted.

No.	Item	Attachment	Action
6	<p>Pike River Report</p> <p>The Chairman referred members to Attachment 8 of the meeting papers, regarding the NSW response to the Pike River underground coal mine Royal Commission (PRRC) recently concluded in New Zealand. He invited Jenny Nash to update members on the department's responses to the Commission's report released in early November. Ms Nash advised:</p> <ul style="list-style-type: none"> • A more detailed analysis is still underway but it appears that nothing in the PRRC report impacts significantly on the application of the WHS Act on mines in NSW. • The items of relevance to NSW from the report concerns impact on: <ol style="list-style-type: none"> 1. mine specific legislation; 2. emergency response; 3. competencies; and 4. safer technical design. • The department needs more time to finalise its position. Consideration of the PRRC recommendations will be assessed by the Legislation Working Group (LWG) establish under the COAG sponsored National Mine Safety Framework Tri State process. The first step is for NSW to look at the matter and then expand the process with the Queensland Coal counterparts. <p>She tabled a first draft response the department had written for the information of members and a schedule relating to legislation. Members agreed to consider the draft report from the department and provide feedback, if any, to Ms Nash by 17 January 2013. The Chairman requested that the LWG look at all four (4) of the issues outlined above and that an update on the NSW response be provided at the next MSAC meeting in March 2013.</p>	8	<p>Report discussed.</p> <p>Draft departmental response tabled. Members to make comment by 17 January 2013.</p> <p>Full departmental response to PRRC to be tabled at 14 March 2013 MSAC meeting.</p>
7	<p>Effective Regulatory approach</p> <p>The Chairman brought members' attention to Attachment 9 of the meeting papers, regarding a Review the Minister has asked MSAC to oversee into the communications of lessons learned from mining incidents to industry. He thanked members again for their input into the terms of reference (ToR) discussions.</p> <p>The Chairman discussed the short list provided to the Minister for consideration. Members noted that all on the list are suitable and that the Review would probably benefit from having a new set of eyes from someone outside the industry, conduct the initial review.</p> <p>Members agreed that the terms of reference are sufficiently broad to include a review of the conduct of investigations, but that this should be explicit in the title of the ToR which should be: <i>Review into the conduct and management of investigations and communicating the cause and prevention of safety incidents in the NSW mining industry.</i></p>	9	<p>Noted and discussed.</p> <p>The Minister be advised the title to include "conduct and management of investigations" in ToR title.</p>

No.	Item	Attachment	Action
8	<p>MSAC Strategic Actions to 2017</p> <p>The Chairman referred members to Attachment 10 of the meeting papers and invited the Executive Officer to update members on a response to comments received following the Minister's launch at the Leaders Congress of the Actions to 2017 consultation paper.</p> <p>Mr Flint advised that while there had been over 1,000 visits to the "Have your say" website and that nearly 500 copies of the document had been downloaded, only 8 submissions had been received. He advised that there was nothing in those 8 submissions that was not being dealt with already through existing under one or more of the five MSAC strategic action areas.</p> <p>The Chairman requested that all those who made a submission should be thanked. Secretariat to prepare letters of thanks.</p> <p>Members endorsed the document and agreed that it should be recommended to the Minister for approval and publication.</p>	9	<p>Members updated.</p> <p>Letters of thanks to be sent to people who made submissions.</p> <p>MSAC recommends the Minister approve and publish <i>Actions to 2017</i> document.</p>
9	<p>Health Management Advisory Committee</p> <p>The Chairman brought members attention to the four attachments (11, 12, 13 and 14) relating to the work of the Health Management Advisory Committee (HMAC) and products that have been developed and are recommended for endorsement by MSAC and asked the Executive Officer to brief members on work done by the HMAC.</p> <p><u>Focus On Health series:</u></p> <ul style="list-style-type: none"> • The Focus On Health Series of education resources have evolved from being a suite of health toolbox talks to a more interactive health risk management training program. • Four Focus On Health education resources have been completed with full production values and consultative comments addressed. A delivery guide has been developed for 3 of the 4 Focus On Health education resources as the topics were complex and supporting resources for trainers implementing education were necessary. <p><u>Fatigue Evaluation Kit.</u></p> <ul style="list-style-type: none"> • The Fatigue Evaluation Manual with accompanying tools and instructions for use has had MSAC production values included. The tool was piloted with metal mines in the central west and one Hunter Valley coal mine. It takes a participative approach to evaluating the maturity of fatigue risk management. • A short sample business case that sites can use has been included if required for consideration by an organisation's management. <p>Members agreed to endorse both products for web publication and circulation to the industry.</p>	11	<p>Members endorsed both the:</p> <ul style="list-style-type: none"> • <i>Focus On Health</i> series; and • <i>Fatigue Evaluation Kit</i> <p>for web publication and circulation to industry.</p>

No.	Item	Attachment	Action
	<p><u>Older workers</u></p> <p>The Executive Officer then summarised work the HMAc was doing regarding older workers which, following the last meeting of HMAc on 5 November recommends that:</p> <ul style="list-style-type: none"> • Older worker guidance that includes obligations under anti discrimination legislation be developed for the industry; and • The needs of older workers during functional assessments and implications of mining work be examined. A Technical Working Group (TWG) has been established to examine the matter with the following Terms of Reference (ToR): <ol style="list-style-type: none"> 1. Identify the health implications of aging (through a literature review); 2. Understand the functional requirements of mining; 3. Understand how older workers are enabled to do mining work; and 4. Identify processes to minimise the risks. <p>The TWG will develop a discussion paper as a formative document for a wider consultation process with the industry. The outcomes of the TWG is intended to feed into wider consultation through a future Round Table / Symposium discussion. The first meeting of the TWG will be on 12 December in Maitland. The report from that meeting will be considered by HMAc on 28 February 2013, who will then consider the next step for wider consultation.</p> <p>MSAC members:</p> <ul style="list-style-type: none"> • Agree that guidance material for older workers that includes obligations under anti discrimination legislation should be developed; • Agree the TWG should develop a technical discussion paper for consideration of HMAc and MSAC <u>before the next step</u> of wider industry consultation is taken by HMAc, • Continue to support the strategic direction of HMAc in respect to older workers; and <p>Wish to see the outcomes from the TWG before agreeing to a wider consultation process.</p>	14	<p>MSAC continues to support the development of guidance for older workers.</p> <p>MSAC wishes to consider the outcomes of the TWG before agreeing to proceed with the next step.</p>

No.	Item	Attachment	Action
10	<p>Associated Non-Technical Skills (ANTS)</p> <p>The Chairman referred members to attachment 15 of the meeting papers, concerning work being done on non-technical skills. He invited the Executive Officer to go through developments with members.</p> <p>Mr Flint advised members that the WHS Culture Working Party (CWP) is progressing ANTS through:</p> <ul style="list-style-type: none"> • From the trial of the ANTS Action Learning Program workshop at CoalPac's Invincible Colliery on 14 November 2012, where it was determined that the resource still requires further work to facilitate its' delivery independent of the Industry Assistance Unit (IAU). Invincible Colliery's management have undertaken to implement the coaching element after the Christmas break, in late January 2013. • The CWP is in continuing discussions with Skills DMC about the integration of ANTS into the mining training packages. It was identified that ANTS is an issue that is broader than the mining and extractives industry and has greater application for industry than just Work Health and Safety. • It is recommended that a Round Table of relevant people be held in mid April 2013 to examine how to continue to promote and embed ANTS into the industry and agree on a road map for the future, with the outcomes reported to the NSW Mineral Council OHS Conference in late May 2013. • An identified opportunity for ANTS to be incorporated into the RiskGate 'Bow-tie' risk management industry resource. RiskGate may be able to integrate organisational and human performance risks and identify the relevant ANTS in a process or event. This knowledge may identify learning opportunities to improve outcomes. <p>Members discussed the above and continue to support the strategic direction of the CWP relating to non-technical skills promotion, including the proposal to conduct a Round Table in mid April 2013.</p>	15	<p>Report discussed.</p> <p>ANTS Round Table in mid-April 2013 outcomes to be reported to the NSW Mineral Council OHS Conference held in May 2013.</p> <p>Members continue to support the strategic direction of the CWP.</p>
11	<p>Performance Measures report</p> <p>The Chairman asked members to note attachment 16 of the meeting papers, regarding the latest performance measures report. MSAC members await the final report being published.</p>	16	Noted.

No.	Item	Attachment	Action
12	<p>Other Business</p> <p><u>Training for overseas miners</u></p> <p>The Chairman informed members that the Minister was looking at promoting health and safety training to China. The Chairman sought member's views. After some discussion it was agreed that a total package (including WHS legislation) would be required and that currently there is no large-scale training provider in NSW that could cope with operating in places such as China. Members agreed to support an initiative only if such an agreement received State and Commonwealth government support and only if any practical assistance could actually be provided.</p> <p><u>Improving quality of equipment</u></p> <p>The Chairman asked what drives manufacturers in equipment design. Can Australia, a relatively small sector, have any input into global manufacturing output?</p> <p><u>Competence Board</u></p> <p>CFMEU member Peter Jordan said he understood that over 50% of the Competence Board is still not appointed. The Director of Mine Safety Performance, Jenny Nash, advised that now the former coal-specific and metalliferous-specific competence boards have been amalgamated and despite other delays such as new mine-specific WHS legislation, Mr Brian Davis is to be appointed as the new Chairman of the combined boards, and the other vacancies will be sorted out.</p> <p><u>2013 proposed meeting dates</u></p> <p>A schedule of meeting dates for 2013 was tabled and except for the proposed date in September (which will be moved either to the week before of the week after) all members agreed on the proposed dates. Secretariat to circulate alternate meeting date for September.</p>	17	Proposed dates agreed. September meeting changed to Thursday 5 September 2013.
13	<p>Close</p> <p>Meeting closed 12.40pm Next Meeting: Thursday 14 March 2013 - Sydney Thursday 27 June 2013 Thursday 5 September 2013 Thursday 5 December 2013</p>		