

## Mine Safety Advisory Council



### Minutes 2.00pm to 5.00pm – 27 July 2011 The Cellar Room, Crowne Plaza Motel, Lovedale

No.	Item	Attachment	Action
1	<p><b>Welcome and apologies</b></p> <p><b>Present:</b>      <u>Members:</u>      Norman Jennings (Chairman), Barbara McPhee (Independent), Tony McPaul (NSWMC), Ian Cribb (NSWMC), Susan Fields (CCAA), Glenn Seton (AWU), Andy Honeysett (CFMEU), Peter Jordan (CFMEU), Alan Coutts (DTIRIS NSW).</p> <p>                         <u>Observers:</u>      Andrew McMahon (NSWMC), Andrew McColm (The Brief Group).</p> <p>                         <u>Secretariat:</u>      Jenny Nash, John Flint, Tim Crakanthorp.</p> <p><b>Apologies:</b>              Graeme Peel (Independent), Rob Regan (DTIRIS NSW)</p> <p>The Chairman welcomed members to the meeting, including Andrew McMahon as an observer from the Minerals Council and Mr Andrew McColm from the Brief Group, who is attending to update members on the review he is conducting of the Department's application of its enforcement policy since the Macken and Jennings reports in 2007.</p> <p>The Chairman also informed members that he had met the previous week with Minister Hartcher.</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>The Chairman invited members to adopt the minutes of the previous meeting as a true and correct record. Members agreed to adopt the minutes unamended.</p>	1	Minutes adopted.

No.	Item	Attachment	Action
4	<p><b>World-leading OHS Regulator</b></p> <p>The Chairman brought members' attention to item 4 on the Agenda and gave a re-cap of what was discussed in regard to the Macken schedule at the May meeting in Mudgee.</p> <p>Andrew McColm from the Brief Group updated members on progress he had made in his review of the conduct of investigations since 2007, outlining the Scope, Rationale, Underpinning Principles and Methodology of the three-stage task the Department had engaged him to do, and the general themes he had identified to date as he drew towards the end of Stage 1 – consultations with a range of individual industry stakeholders. He outlined his preliminary findings.</p> <p>Members discussed the review's progress. Andrew was invited to advise members on further progress at MSAC's next meeting on 22 September 2011 in Sydney.</p> <p>The Chairman then brought members' attention to Attachment 2, the Macken Report Schedule, and asked Jenny Nash to update them on any changes that had been made to the report schedule. Members noted the Department's Code of Conduct which was included for information in light of discussions at the previous meeting.</p> <p>Jenny outlined actions taken since the previous meeting, including those influenced by the national harmonisation of OHS laws, the National Mine Safety Framework, and changes to the NSW OHS Act by the new government. Members noted the report schedule.</p>	2	<p>Members were updated on the progress of the Brief Group review.</p> <p>Brief Group invited to provide a further update at the next MSAC meeting.</p> <p>Members noted the updates to the Macken Schedule.</p>
5	<p><b>OHS Culture Working Party (CWP) update</b></p> <p>The Chairman invited Heather Jackson, Manager of the Industry Assistance Unit (IAU), to inform members about the workshop that had just finished and on the work of the CWP, and referred members in particular to Appendix C – Pilot Outcomes.</p> <p><u>Culture Project:</u></p> <p>Heather said the workshop, with over 50 participants had been very successful, with contributions from Newcrest and Centennial on their culture programs had been very interesting. The project outcomes comprises of products that different sites can use to allow them to benchmark culture, fitting in with the CEO vision, and allowing for the capture of data (these products were in volume 2 of the MSAC papers). The project revealed that, despite work-time constraints, people do understand the importance of benchmarking and fostering cultural maturity.</p> <p>The Chairman advised members that it is the view of the CWP that, while the project can be considered complete, without a commitment from site management and above, going forward will be difficult.</p> <p>At the suggestion of the Chairman, MSAC congratulated Shaw Idea for carrying out the project, the Project Steering Committee for overseeing it and reporting to MSAC, and Heather Jackson for her efficient project management.</p> <p>Members supported the recommendation to set up a new steering committee to replace the Project Steering Committee; the new committee will establish a plan for fostering OHS cultural maturity. The Secretariat is to give some thought to membership.</p>	3	<p>Members noted the report.</p> <p>Members support establishment of a new steering committee to establish a plan for fostering cultural maturity.</p> <p>Culture Working Party to consider steering committee membership.</p>

No.	Item	Attachment	Action
	<p><u>Mudgee Pilot:</u></p> <p>Members were informed that the project is running to schedule with a grant awards ceremony being held on 3 August. The Chairman advised he had invited the Minister to the event and, whilst he is unable to attend due to Parliamentary duties, it is hoped the local MP, Andrew Gee, will be able to attend.</p> <p>A phone survey will be conducted two weeks after the event to assess the impact of the MSAC pilot branding and community grants campaigns.</p> <p>Questions were raised by some members about the criteria used to assess the applications and the apparent tenuous links between one or two proposals and OHS. The Secretariat will send members a document with information about the assessment process.</p> <p><u>Marketing and Communication:</u></p> <p>The Chairman summarised Attachment 5 and the interest from industry in a number of MSAC initiatives, such as the Young Drivers program, and the media schedule for MSAC advertising. Independent member Barbara McPhee praised the SACS Consulting paper on culture improvement strategies and encouraged further investigation.</p> <p>Members noted the report, endorsed the media schedule, and continue to support the strategic direction of the CWP.</p>	<p>4</p> <p>5</p>	<p>Report noted.</p> <p>Information on assessment criteria to be sent to members.</p> <p>Report noted.</p> <p>Members endorsed the MSAC media schedule and continue to support the strategic direction of the CWP.</p>
6	<p><b>Health Management Advisory Committee</b></p> <p>The Chairman referred to Attachment 6 and requested the Secretariat to update members on the work of the Health Management Advisory Committee (HMAC). John Flint advised that the health factsheets are very close to finalisation; consultation about the tele-survey is finalised with a mail-out to mines informing them of the survey to occur this week. It is hoped the results can be considered by HMAC at their next meeting on 8 September. HMAC is considering a pilot fatigue evaluation tool and six (6) two-day workshops on mastering fatigue management will commence in September.</p> <p>A statistical analysis of workers' compensation claims carried out for HMAC had failed to find any firm statistical trends, except for manual handling and noise. HMAC believes it would be useful to point this out in its report and show a graphical analysis of claims.</p> <p>Members noted the report and continue to support the strategic direction of the Health Management Advisory Committee.</p>	6	<p>Report noted.</p> <p>Members continue to support the strategic direction of the HMAC.</p>

No.	Item	Attachment	Action
7	<p><b>Legislation update</b></p> <p>The Chairman invited Jenny Nash to update members on the national harmonisation process since the previous meeting in May. Jenny advised members that the draft national mining regulations and codes of practice are out for public comment. It is expected that the regulations and codes of practice will be in their final form by October, after the current round of consultation and subsequent re-drafting. There is ongoing discussion on the role of codes of practice.</p> <p>In regard to non-core legislation, Jenny advised that the Ministerial Council has not yet made a decision but this is possible in August. She added that regulators are meeting next week to discuss drafting issues and co-ordination.</p>		Report noted.
8	<p><b>Monitoring of hours of work and safety incentive schemes</b></p> <p>The Chairman took members through Attachment 7 – Building capacity in monitoring hours worked on-site and in evaluating safety incentive schemes – and asked them to consider the wording of the two draft questionnaires contained in the appendices and advise the Secretariat of any concerns or changes they may have.</p> <p>While members generally thought the questionnaires were good and would be easily answered, union representatives expressed concern about confidentiality of information regarding questions relating to Smart Cards. There is continuing concern about the type and amount of personal data that could be stored on smart cards.</p> <p>Members are to provide the Secretariat with any feedback regarding the questionnaires within one month.</p>	7	<p>Report discussed.</p> <p>Members have one month to give Secretariat feedback on questionnaires.</p>
9	<p><b>Programmed work</b></p> <p><u>Summary Matrix of MSAC Programmed Work:</u></p> <p>The Secretariat reported that a new matrix of programmed work for 2011-2013 has been produced; this is in line with the 2011-2014 World leading OHS Action Plan and CEO vision. While no actions have been indicated as commencing, they are all scheduled to start in July (some have commenced) and all the actions will have their status recorded for the next meeting.</p> <p><u>Summary Status report on Programmed work schedule for 2011/12:</u></p> <p>John Flint advised that this schedule is also in line with the 2011-2014 World leading OHS Action Plan and CEO vision, containing the status of all actions identified to be carried out in the 2011-2012 financial year. The Secretariat would appreciate any comments members may have about this report within the next 2 weeks.</p> <p>The Chairman noted that his letters to the Minister seeking endorsement of the CEO Vision Points and the Action Plan were with the Minister but replies had not yet been received.</p>	8  9	<p>Report noted.</p> <p>Report noted.</p> <p>Member comments to Secretariat by 12 August.</p>

No.	Item	Attachment	Action
10	<p><b>MSAC Business</b></p> <p><u>Mine safety budget update – quarterly report (Q4)</u></p> <p>The Chairman brought members’ attention to Attachment 10, the Mine safety budget update – quarterly report (Q4). He said that he had informed the Minister about the levy and the consulting process conducted by the Director-General, and how MSAC is regularly updated on how the levy is spent. He pointed out to the Minister the very small proportion of the budget accounted for by MSAC.</p> <p>Jenny Nash reported that the budget was under-spent by \$1.4 million and that the under-spend would be returned to the Mine safety fund. She said that there will be a review of the <i>Cost Recovery Act</i>, through which the mine safety levy operates, starting later in the year. She informed members that recruitment/retention allowances for inspectors had been approved and was confident there was more to come.</p> <p><u>MSAC budget update</u></p> <p>Members then considered Attachment 11, the MSAC budget update, and were advised that the budget was under-spent by approximately \$700. It would have been more if MSAC had not commissioned items such as the statistical analysis of workers’ compensation claims (for HMAC) and the SACS consulting report.</p> <p>The MSAC budget paper was noted.</p>	<p>10</p> <p>11</p>	<p>Report noted.</p> <p>Report noted.</p>
11	<p><b>Presentation on the survey of the department’s communications mechanisms</b></p>		<p>Paper tabled.</p>
12	<p><b>Other Business</b></p> <p>The Chairman reported that he has invited the Minister to the September meeting of MSAC, being held in Sydney, as the members would like to meet with him and to learn his views concerning the role and direction of MSAC.</p> <p>The Chairman commented that he had had a long and detailed discussion with the Minister, answering many questions about MSAC and its work and relationships with other bodies, such as the competence boards. He informed the Minister that MSAC was an advisory body (no executive power) and that a unanimous recommendation from MSAC carried considerable weight. There was no discussion about MSAC’s future activities.</p> <p>The CFMEU advised members that the Minister had asked them to raise with MSAC how workers who had left the industry were surveyed on health issues (particularly lung diseases) and that this be considered.</p>		<p>Chairman has briefed the new Minister.</p> <p>Minister requests MSAC to consider health survey of industry’s ex-workers.</p>
13	<p><b>Close</b> Next meeting – 22 September 2011 in Sydney commencing 9:00 am</p>		