

# Minutes

MEETING	<b>Mine Safety Advisory Council</b>		
MEETING NO.	4 of 4 for 2014	DATE	26 November 2014
LOCATION	Hamilton Room - MLC Centre	TIME	10:30am – 1:00pm
ATTENDEES	<p>John Hannaford (MSAC Chairman), Barbara McPhee (Independent), Peter Jordan (CFMEU), Andy Honeysett (CFMEU), Tony McPaul (NSWMC), Gavin Horobin (alternate for Scott Tipping CCAA), Glenn Seton (AWU), Ian Cribb (NSWMC), Doug Revette (T&amp;I), Lee Shearer (T&amp;I)</p> <p>Observers and Secretariat: Andrew McMahon (NSW MC), Jenny Nash, John Flint, Bruce Jones and Rob Regan from T&amp;I.</p> <p>Guest: Peter Wilkinson (Noetic Group)</p>		
APOLOGIES	Dr Graeme Peel (Independent), Andrew Lewis (T&I), Scott Tipping (CCAA)		
PREPARED BY	John Flint		

## Welcome and preliminary business

Action	Status
<p><b>Introductions</b></p> <p>The Chairman welcomed members and introduced Mr Douglas Revette the Acting Executive Director Governance with Trade and Investment to members.</p> <p><b>Declaration of conflicts of interest</b></p> <p>The Chairman asked if there were any conflicts of interest to declare and there were none.</p> <p><b>Minutes from the previous meeting</b></p> <p>Members accepted the Minutes from the last meeting.</p>	<p>No conflicts of interest declared</p> <p>Minutes accepted</p>

## This meeting

Item	Issue	Action
1.	<p><b>MSAC fatalities review</b></p> <p>Following a request from the Minister seeking advice from MSAC regarding the recent series of fatalities, Mr Peter Wilkinson from Noetic Solutions was engaged to conduct a Review. The Chairman drew members' attention to Attachment 3 three of the papers and requested Mr Wilkinson to present his findings. Mr Wilkinson discussed his findings and gave three recommendations as follows;</p> <p><b>Recommendation 1:</b> MSAC should consider how information on the implementation of risk controls for significant risks could be routinely collected, analysed and used to support a data led incident prevention strategy.</p> <p><b>Recommendation 2:</b> Drawing on the discipline of human factors, including human and organisational factors expertise, identify the reasons which make it more likely risk controls will be successfully and reliably implemented.</p> <p><b>Recommendation 3:</b> Consider if the regulator should explicitly focus on critical controls for significant risks as part of an incident prevention strategy.</p> <p>MSAC accepted the recommendations and supported the department's proposed strategic direction to get the basics right through the development of an evidence base incident prevention strategy.</p> <p>The strategy will be managed through the "Mine Safety Review Committee" (MSRC) a multidisciplinary group recently established within the department. The MSRC will be supported by three new analysts and an improved data collection database NOGGIN. The department will also request Peter Wilkinson to assist in providing peer review on the department's implementation. Mr Wilkinson agreed.</p> <p>The MSCR will have a focus on collecting information on the effectiveness of controls implemented to manage critical mining hazards. Mr Wilkinson agreed to assist the department and participate in the committee. The MSRC will enable more rapid examination and communication of information. The information will be communicated back to MSAC and industry on a regular basis.</p> <p>MSAC agreed that Mr Wilkinson's report should be provided to the families of the fatality victims first and then made public.</p> <p>Members agreed the Minister should be advised to accept Mr Wilkinson's recommendations and support the department's proposed implementation strategy. The Chairman indicated he would provide that advice through his report on the meeting. The Chairman also requested the department provide MSAC with regular updates on implementation</p>	<p>MSAC accepted the Reports three recommendations</p> <p>The department to implement the proposed strategy through the Mine Safety Review Committee</p> <p>The report is to be sent to the victims' families before being made public.</p> <p>Minister to be advised to accept the three recommendations.</p> <p>MSAC to be updated by the department on a regular basis</p>
2.	<p><b>Medlock Review Working Group</b></p> <p>The Chairman held discussions with Working Group members regarding a set of principles that may underpin a policy that would enhance a 'cause and effect' inquiry into Level 2 and 3 mining incidents with the aim of securing the</p>	

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	<p>earliest communication of a 'cause and effect' report from that inquiry to the public.</p> <p>The Chairman drew members' attention to Attachment 4 of the papers and MSAC considered the current status of the Medlock Working Group. Members noted that there was no conceptual opposition to the proposed "Inquiry Team" model that may run in parallel within the department to a formal criminal investigation by the department in respect to some level 3 incidents.</p> <p>MSAC also noted the Working Group believed that there was no conceptual opposition to the model as proposed, while it was understood that the practical implementation of such a model needed to be worked through before any agreement could be reached. The Working Group did not think it was in a position to make a recommendation to MSAC at this time. The department agreed to prepare a more detailed document for Working Group consideration. Working group members indicated that the new initiatives such as the Investigation Information reports should continue to be implemented by the department.</p> <p>The Working Group is scheduled to meet again on 15 January 2015 to consider the paper developed by the department.</p> <p>Members supported the strategic direction of the Working Group and support the Working Group in the preparation of a document for MSAC consideration.</p>	<p>Information from the Working Group was noted</p> <p>MSAC supports the strategic direction of the Working Group and supports the Working Group in the preparation of a document for MSAC consideration.</p>
3.	<p><b>Contractors</b></p> <p>The Chairman drew members' attention to Attachment 5 of the papers regarding the development of a project to support contractors. I noted they are over represented in the COMET statistics. The Chairman also indicated he understood that Coal Services was interested in conducting a program with contractors.</p> <p>Members agreed that an inclusive, regionally based engagement strategy with operators and contractors be developed. The engagement should seek to understand the different perceptions of the WHS issues for operators, contractors and workers and identify common ground and divergent views and their respective drivers. Members noted that the view of the Culture Working Party is that the forums should be facilitated by an external party with the aim of identifying gaps in WHS management and proposes a range of options for MSAC to consider.</p> <p>Members' agreed the Culture Working Party should develop a proposal for MSAC consideration.</p>	<p>MSAC agreed that a program for contractor WHS be developed by the Culture Working Party.</p> <p>The department will also discuss the issues with Coal Services</p>
4.	<p><b>Older Workers</b></p> <p>The Chairman drew members' attention to Attachment 6 of the agenda papers and noted that HMAAC did not think a program should be put in place for older workers. Members agreed that older workers need to be considered in current projects such as; Safe Design; Fatigue, and Participatory Ergonomics. The department should liaise with CSPL and WorkCover about workers compensation data with respect to older workers and other vulnerable workers.</p> <p>Members resolved that the issue be revisited in three (3) years.</p>	<p>MSAC agreed that older workers be considered when conducting MSAC programs.</p> <p>The issue is to be revisited in 3 years.</p>
5.	<p><b>Associated Non-Technical Skills (ANTS)</b></p> <p>The Chairman drew members' attention to Attachment 7 of the agenda papers regarding an integrated program to</p>	<p>Members agreed to the</p>

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	<p>promote ANTS the next generation through a series of videos and focus-on training materials. Members supported the Culture Working Party in finalising the program for development. Members noted the funding estimate of \$100,000.</p> <p>Members wished for the decision making module to be rolled out first and that the spousal message that was so effective in the Participative Ergonomic Communication Strategy should be taken advantage of in this new series of videos.</p> <p>Members noted the discussions the MSAC Chairman held with the Mining Competence Board at its first meeting.</p>	<p>development of an integrated program and support the strategic direction of the program.</p>
6.	<p><b>Business for Noting</b></p> <ul style="list-style-type: none"> <li>• Coordination of Emergency Management</li> <li>• MSD / PE</li> <li>• NORMs</li> <li>• Fatigue</li> </ul> <p>The correspondence from the Chief Inspector (Attachment 2) was discussed as was the progress of the current field program. Members agreed to refer the letter to the Health Management Advisory Committee for consideration in conjunction with the Audit outcomes.</p> <ul style="list-style-type: none"> <li>• Culture Project</li> <li>• Survey of Regulator</li> <li>• MSAC Program Summary Matrix</li> </ul>	<p>Noted Noted Noted</p> <p>HMAC to consider correspondence from Chief Inspector.</p> <p>Noted Noted Noted</p>
7.	<p><b>Other Business</b></p> <ul style="list-style-type: none"> <li>• <b>Bullying and Harassment</b> Peter Jordan raised the issue of Bullying and Harassment and noted that it is in MSACs Strategic Action Area 5 for education and assistance programs. Peter indicated that Bullying and Harassment complaints were not well managed by the department and provided a number of contemporary examples to make his point. Peter Jordan expressed concern on behalf of the CFMEU that the issue was not being suitably addressed and that it needs to be on the MSAC agenda now. Members agreed that HMAC be requested to examine what further guidance and information may be needed, and that the department look at how complaints are managed.</li> </ul> <ul style="list-style-type: none"> <li>• Legislative Update</li> <li>• Mining Competence Board</li> <li>• Next meeting</li> </ul>	<p>HMAC is to examine what further guidance and information may be needed.</p> <p>The department is to look at how Bullying and Harassment complaints are managed.</p> <p>Noted Noted TBA</p>

**Next meeting**

TBA 2015 - Level 47, MLC Centre, Martin Place Sydney