

NSW Mine Safety Advisory Council Independent Chairperson Information Pack

Background

The NSW Mine Safety Advisory Council (MSAC) was established administratively in 1998 in response to inquiries into mine safety following a number of serious incidents in the NSW mining industry during the 1990's. These inquiries were the 1997 Mine Safety Review by Susan Johnston and the Gretley Inquiry by Justice Staunton that reported in 1998.

In 2002 MSAC was formally established under legislation, and includes representation from peak industry and employee organisations. MSAC's purpose is to foster an industry with safety and health as a core value, and to provide advice to the Minister on strategic safety and health policy and other matters in the NSW mining industry. MSAC has an agreed Terms of Reference.

MSAC was revitalised in 2006 as recommended by the Wran Mine Safety Review and is supported by a small Secretariat within the Mine Safety Performance Branch of the Department of Trade and Investment. The Secretariat has a small budget to support policy development and program implementation.

Policy Advice to the Minister

There are two avenues for policy matters to be placed on the MSAC agenda for consideration. These are through either a request by the Minister for advice or a recommendation by all MSAC members through the Chairman for the Minister's consideration.

MSAC currently uses a consensus approach and implements conflict resolution techniques where stakeholder perspectives are divergent. Negotiations, if required, are undertaken in a collaborative spirit until the relative positions of all stakeholders are accommodated in a final unanimous outcome.

MSAC currently provides advice to the Minister on strategic policy direction, small "s" standards or guidance on specific issues and oversight of strategy development and implementation on priority MSAC issues, as agreed by the Minister.

A mechanism for strategy development and implementation is the use of Working Parties or Project Steering Groups reporting to MSAC that have defined Terms of Reference. There are currently two working parties providing advice to MSAC on, firstly, WHS Culture and secondly, coordination of Health related issues.

This structure enables MSAC to remain a strategic policy development body with oversight of implementation programs in partnership between industry, workers and government agencies.

The Role of Chairperson

The Chairperson should be independent of mining industry stakeholders. It is not essential to have mining experience, although it would be beneficial. The Chairperson may receive annual remuneration. Attributes of the Chairperson would include;

- A highly developed capacity for analytical and critical thinking;
- Extensive experience in convening meetings at a senior level and leading negotiations between stakeholder groups with diverse perspectives;
- The ability to gain consensus on collaborative approaches acceptable to stakeholders;
- The ability to provide high level advice to the Minister on Council outcomes;
- The ability to act as a high level advocate for the Council and represent it at industry conferences and events;
- The ability to treat sensitive and confidential information appropriately and ethically.

MSAC Initiatives

MSAC employs a number of strategies to research and examine mining industry safety and health policy issues. These strategies are;

- **Seeking advice and research services from Australian and World-Leading experts** in specific areas for MSAC or its working parties consideration (e.g. health, fatigue, WHS culture, contractor WHS assessment, collection of MSD and health indices, review of workers compensation claims data, physiological underpinning of communication strategies) to ensure that evidence based decision making occurs.
- **Conducting industry consultative workshops** to canvas industry, worker, contractor and technical expert views (e.g. WHS culture, health Indices, fatigue, safety incentive schemes, WHS management systems) to ensure that all perspective are understood and opportunities to share stories of success and failure are provided.
- **Engaging industry and worker leaders** at the CEO level through the CEO summit strategy, to enable sharing of views and convergence of perspectives on policy direction and vision for the industry. Another CEO event was conducted on 11 September 2012 where a WHS culture lesson from other high hazard industries was the focus.
- **Monitoring health performance measures** through examination of lag indicators such as workers compensation claims and the Department's COMET database, and developing leading indicators on WHS Culture, Health and WHS Management Systems that aid in the identification of emerging issues.

- **MSAC planning and evaluation** day to review policy direction and alignment of strategic direction based on new and emerging evidence that may impact current initiatives.
- **Coordination of emergency management.** Following the Pike River underground coal mine tragedy coordination of mine emergency management became a focus.
- **Timely communication of outcomes from investigation.** MSAC has been examining how to improve the timeliness of communicating outcomes from mining industry investigations.
- **Preventing fatalities.** Following a spate of fatalities in the NSW industry in 2014 MSAC commissioned a review into the fatalities and is currently overseeing the implementation of the reviews recommendations.

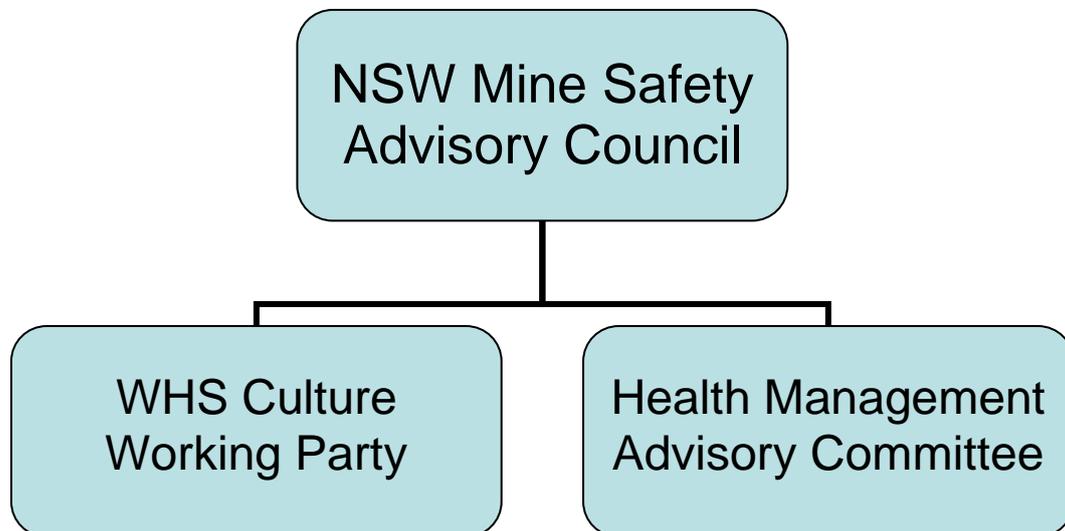
The collaborative process through MSAC, in keeping the industry World-leading WHS vision, ensures that all stakeholder perspectives, including the Department, employers and workers are known and understood. Many of the initiatives are implemented by the Department on behalf of MSAC.

Organisations represented on MSAC

There are equal numbers of employer and worker representatives in MSAC. The composition is as follows;

- Chairperson
- NSW Minerals Council (coal representative)
- NSW Minerals Council (metals representative)
- Cement Concrete and Aggregates Australia (NSW Branch)
- CFMEU – Mining and Energy Division
- CFMEU Mining and Energy Division
- Australian Workers Union (Greater NSW Branch)
- Department of Trade and Investment
- Independent WHS experts (currently 2 members)

Current MSAC Working Parties and Project Steering Committees



Note: The members of the working parties are nominated by MSAC member organisations, they are not required to be members of MSAC.

Terms of Reference - WHS Culture Working Party

The WHS Culture Working Party, overseen by MSAC:

- examine drivers and barriers to improving the industry's WHS culture
- consider how to embed the outcomes of the CEO WHS Culture Summit into the industry
- develop and recommend strategies and action to MSAC on implementing the outcomes of the CEO WHS Culture Change Summit
- develop and recommend a targeted communication for "World-Leading WHS" to address MSAC priorities
- consider the MSAC Terms of Reference (safe technology, innovation competent people) when making recommendations
- oversee implementation of WHS culture change strategies and actions at the request of MSAC.

Terms of Reference - Health Management Advisory Committee

The Health Management Advisory Committee, in consultation with industry and workers, reports to the NSW Mine Safety Advisory Council on the following:

- identification of health issues in the NSW mining industry
- monitoring and evaluation of health issues
- development and coordination of collaborative approaches to health risk management
- reporting on health issues to industry
- an annual program for endorsement.

Extracts from *Work Health and Safety (Mines) Act 2013* regarding the Mine Safety Advisory Council

60 Establishment of Council

The Minister is to establish a Mine Safety Advisory Council that includes representation from peak mine operator and mine worker organisations.

61 Functions of Council

The Mine Safety Advisory Council has the following functions:

- (a) to provide advice to the Minister on any policy matter relating to work health and safety in mines,
- (b) any other advisory function relating to work health and safety in mines that is prescribed by the regulations.

62 Regulations

The regulations may make provision for or with respect to the constitution, members and procedure of the Mine Safety Advisory Council.

NSW Mine Safety Advisory Council Terms of Reference

- To establish strategic safety and health direction and goals.
- To analyse and review the safety performance of the industry and to provide information to stakeholders so that safety performance can be improved.
- To provide leadership to the mining industry to develop safe and healthy workplaces within a framework of co-operation, and sets the strategic direction for the industry in developing competent people.
- Advances a legislative framework which leads to safe mining practice and national standards.
- To interact with the safety advisory committees to enable them to lead their industry sectors, and to inform the work of the Council.