

Mine Safety Advisory Council



Minutes



10am – 1pm – Thursday 5 December 2013 Board Room, CFMEU Level 11, 215 Clarence Street, Sydney

No.	Item	Attachment	Action
1.	<p>Welcome and apologies</p> <p>Present: <u>Members:</u> John Hannaford (Chairman), Barbara McPhee (Independent), Graeme Peel (Independent), Scott Tipping (CCAA), Andrew Lewis (NSW T&I), Peter Jordan (CFMEU), Tony McPaul (NSWMC), Ian Cribb (NSWMC), Andy Honeysett (CFMEU) and Glenn Seton (AWU)</p> <p> <u>Observers:</u> Andrew McMahon (NSWMC), Todd Hacking and Gavin Horobin (CCAA)</p> <p> <u>Secretariat:</u> Jenny Nash (NSW T&I), John Flint, Bruce Jones.</p> <p>The Chairman welcomed members and observers, including Mr Gavin Horobin from the CCAA and the new State Director of the CCAA in NSW and South Australia, Mr Todd Hacking.</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>		No conflicts of interest.
3.	<p>Business arising from the minutes</p> <p><u>Adoption of Minutes</u></p> <p>The Chairman invited members to adopt the Minutes of the previous meeting. The NSW Minerals Council (NSWMC) members asked that Item 4 of the minutes be amended to correct the position of the NSWMC and the discussion. Both members stated the NSWMC does not use the 'no blame' terminology and do support the Medlock report. That is if in first instance it is established there is a case for change. The NSWMC agrees work needs to be undertaken to see if there is a case for change. The NSWMC indicated it supports a process by which lessons learnt from an investigation are communicated to industry in a more timely fashion (such as the parallel CASA model) but that there needs to be an evidence based case for change as a first step.</p> <p>MSAC members agreed to adopt the minutes and that Item 4 (paragraph 3) of the Minutes of 3 October 2013 would be amended to reflect the position of the Minerals Council and the discussion at the previous meeting.</p> <p>Members agreed the Secretariat would amend the minutes accordingly.</p>	1	<p>Minutes of previous meeting adopted with agreed amendments.</p> <p>Item 4 of 3 October Minutes to be amended to reflect Minerals Council position and discussion.</p>

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	<p><u>Correspondence</u></p> <p>The Chairman referred members to Attachment 2 of the meeting papers containing correspondence from him to Coal Services Mines Rescue, Skills DMC and the Competence Board regarding ANTS incorporation into training and competency testing and a letter to the Chairman from Coal Services Trust requesting copies of material produced or endorsed by MSAC regarding fatigue.</p>	2	Correspondence noted and endorsed.
4.	<p>Response to Medlock Review</p> <p>The Chairman referred members to Attachment 3 of the meeting papers regarding the next steps in examining the Medlock Review highlighting that considering the previous discussion there is a need to establish if there is a case for change before being able to proceed any further.</p> <p>After some discussion members agreed that although there is a desire to improve the communication of lessons learned from an investigation the Medlock review did not establish if there was a case for change and that this had still to be established through an examination of evidence. This could also show at what point a matter became litigious which may have lengthened the period of time before the sharing of lessons learned could be done with the wider industry.</p> <p>It was discussed that a number of completed level 3 investigations (from all sectors) could be examined and a literature review undertaken. The department offered to open its files for the examination and indicated that companies need to do the same to ensure the process was genuine and to obtain the full picture.</p> <p>Members discussed the options outlined in Attachment 3 and agreed that a working group be formed of members nominated by MSAC stakeholders to investigate and report on the case for change of the investigation process before examining the options put forward in the Medlock Review. Furthermore, the Executive Officer is to confer with MSAC members about membership of this group with the initial terms of reference to be to "examine whether a case for change can be established."</p> <p>The Chairman offered to act as convenor of the group for the first meeting and then have members decide on who best to convene the group.</p> <p>Meeting timeframes were also discussed and members preferred that the group should at least meet once before the next MSAC meeting in March with early February 2014 a target date. The Executive Officer will circulate a number of dates when discussing membership with stakeholders about the group's membership.</p> <p>Members agreed the group should not have a time line imposed on it at this stage but that it should report regularly to MSAC.</p>	3	<p>Discussed</p> <p>Working Group to be formed of MSAC stakeholder representatives</p> <p>Secretariat to seek nominations for membership and a meeting date.</p> <p>The initial Terms of Reference will be to "Establish if there is a case for change"</p>
5	<p>Regulator Performance Survey</p> <p>The Chairman drew members' attention to Attachment 4 in relation to a draft proposal from the department to conduct a survey to measure industry perceptions of the regulator's role and functions under the WHS Act.</p> <p>After some discussion and clarification of issues raised, members agreed with the proposal and resolved to support the strategic direction outlined for the department to develop a questionnaire in consultation with industry so that a survey can be conducted of industry perceptions of the regulator's performance. Members noted the proposed allocation of \$50,000 to support the project. MSAC members asked that they be regularly updated on this project.</p>	4	<p>Discussed.</p> <p>MSAC supports a survey of industry perceptions of the regulators performance.</p>

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6.	<p>Health Management Advisory Committee (HMAC) <u>Lead indicator tele-survey</u></p> <p>The Chairman brought members' attention to Attachment 5 and asked the Executive Officer to brief members on finalisation of the health lead indicator report.</p> <p>Mr Flint advised the 2013 survey is based on a sample size of 138 mines over all sectors (40 coal; 23 metalliferous; and 62 extractive) which is less than in 2011. However the researcher is confident the data collected is comparable at the aggregated level with the same confidence as for 2011. Mr Flint spoke about some of the highlights of the 2013 report and that overall, it appears health management systems may be improving and are more systematic. 70% of sites are using MSAC's health management guide in some way.</p> <p>He advised that to fully understand the outcomes of the report, the comments made and where HMAC should focus future initiatives will require further examination of the outcomes. HMAC will conduct further examination and discussion at its next meeting in 2014. HMAC will also determine at a future meeting whether the next health indices survey should be in 2016 rather than 2015.</p> <p>MSAC members agreed to the recommendation from HMAC that the report to be published on the department's and MSAC's websites and circulated to industry. Members look forward to further feedback from HMAC on the implications for targeted initiatives.</p> <p>Members requested that the Secretariat consider if a further breakdown into sector specific categories can be done before writing to industry thanking them for their participation and advising them the ways they can obtain a report copy.</p>	5	<p>Discussed.</p> <p>MSAC approves publication and distribution of the 2013 health lead indicator report to industry.</p> <p>Secretariat to consider sector specific breakdown of results.</p> <p>The industry should be thanked for participating</p>
	<p><u>Older Workers</u></p> <p>The Chairman asked the Executive Officer to brief members on the issues contained in Attachment 6 regarding older workers.</p> <p>Mr Flint briefed members on the discussion paper and the recommendation from the HMAC that the way to proceed was that a technical working group be established, including key health professionals that would consider the issue of older workers in two phases by considering it through a safety critical work framework.</p> <p>Phase 1 would be concerned with safety critical work in the in the industry and the basic requirements and criteria for safety critical work that will also consider a standard for health assessment and frequency of assessment. If agreed by MSAC Phase 2 of the project would then consider fitness for work evaluations and the management of workers not fit for safety critical work</p> <p>Members were encouraged that the focus was moving from age related ability to do work to a focus on ability to perform safety critical work.</p> <p>Members agreed to the formation of a Technical Working Group made up of stakeholder representatives and relevant experts, to consider the issues outlined in Phase 1 and report back to HMAC as the next step.</p>	6	<p>Discussed.</p> <p>A Technical Working Group of stakeholder representatives and relevant experts to be formed to consider the criteria for safety critical work (Phase 1) and report back to HMAC.</p>

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6.	<p><u>Naturally Occurring Radioactive Materials (NORMs)</u></p> <p>Members were then updated by the Executive Officer on work planned in relation to NORMs in NSW (Attachment 7) following MSAC's agreement that a survey of radon should be conducted in NSW underground mines and that the department seek proposals for suitable service providers.</p> <p>Mr Flint advised that the department issued a request for proposal to conduct a survey of radon exposure in NSW underground mines from ANSTO and SGS Australian Radiation Laboratory (ARL). The scope of work included:</p> <p><u>Part 1</u> – Review and propose theoretical exposures taken from past sampling in the 1990's</p> <p><u>Part 2</u> – Area monitoring in all 41 underground mines in NSW in a number of locations</p> <p><u>Part 3</u> – Worker Exposure monitoring for radon (and its daughters) of 6 mines</p> <p><u>Part 4</u> – Reporting</p> <p>Mr Flint advised members that HMAC at its 21 November 2013 meeting considered the proposals from ANSTO and ARL. HMAC members agreed that at this stage only Parts 1 and 2 should be conducted and that parts 3 and 4 should await the outcomes;</p> <p>Following consideration of the proposals HMAC members unanimously recommended the department engage ANSTO to conduct parts 1 and 2; The Secretariat has \$50,000 allocated for this project in its 2013/14 budget. MSAC members accepted the HMAC recommendation for ANSTO to conduct parts 1 and 2 at this stage. MSAC members continue to support the strategic direction of this project.</p>	7	<p>Discussed.</p> <p>MSAC members accepted the recommendation to select ANSTO to conduct Parts 1 and 2 of the project.</p> <p>Members continue to support the strategic direction of this project.</p>
	<p><u>Diesel Emissions</u></p> <p>The Chairman brought members' attention to Attachment 8 regarding diesel particulate issues and asked the Executive Officer to brief members on measures being taken by the department to manage diesel engine emissions and endorsed by the HMAC. Mr Flint advised the strategy being taken by the Department is to encourage the industry to manage the risk of worker exposure to as low as reasonably practicable through a multi-faceted planned approach within a mine site's safety management system and its principle mining hazard management plans, rather than only regulating through a worker exposure standard for diesel particulate.</p> <p>It was noted that other mining jurisdictions are also looking at this issue. Members noted the strategic direction of this project and noted the project outline in the department's Diesel Engine Exhaust Emissions Strategy.</p>	8	Noted.

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7.	<p>WHS Culture Working Party (CWP)</p> <p>At the request of the Chairman, members were then updated on business dealt with by the CWP in attachments 8 and 9 by the Executive Officer.</p> <p><u>ANTS Action Learning Program</u></p> <p>The Executive Officer advised the CWP had endorsed the Action Learning Program (consisting of three resource booklets) –</p> <p><u>Facilitators Resources</u>: This volume implements the program and delivers workshop guidelines for ANTS.</p> <p><u>Train the Coach Resources</u>: This volume is a self-directed process for coaches to expand their knowledge.</p> <p><u>Coaching Guide</u>: This volume allows the learner to practice ANTS in association with technical skills.</p> <p>Mr Flint advised that at its 30 October 2013 meeting the CWP recommended the ANTS resource tools be circulated to industry operators and to company CEO's as well as being published on the departmental and MSAC websites. The CWP also agreed that an implementation strategy should also be developed by the department.</p> <p>The Chairman advised, as per the correspondence already noted, that Coal Services were now considering incorporation of ANTS in their existing training courses and that Centennial Coal is going down this path as well. The Minerals Council representatives agreed incorporation of ANTS into existing courses through teaching practice is preferred (rather than a separate course or competencies). The CCAA representatives also advised they also agree ANTS should be incorporated into the courses they sponsor at the supervisory level.</p> <p>Members endorsed the ANTS Action Learning Program resource tools to be published on the departmental and MSAC websites and agreed for it to be circulated to operators and company CEO's accompanied by a letter from the MSAC Chairman.</p>	9	<p>Discussed and endorsed.</p> <p>ANTS Action Learning Program resource tools be published on the departmental and MSAC websites.</p> <p>ANTS resources tools to be circulated to operators and company CEO's with letter from Chairman.</p>
	<p><u>Culture Benchmarking Project</u></p> <p>In reference to Attachment 10, members were updated by the Executive Officer on about the Culture Project including increased industry participation in the survey work, development of a modified version for the small mines sector, the data management policy, qualitative data analysis, corroboration of the health and safety climate and culture assessment, and on-going discussions with the Nordic network of safety researchers to understand the process of benchmarking against the international NOSACQ-50 data base.</p> <p>Members were advised options for developing a web page and portal where mines/quarries can compare their individual results against industry and sector specific results are being considered by the department. The Executive Officer also advised that as common themes for improvement emerge at sites about health and safety culture it is proposed that programmes will be developed by the Industry Assistance Unit to address these issues to drive the process of continuous improvement for the industry.</p> <p>Members noted the update and support the strategic direction of the project.</p>	10	<p>Noted.</p> <p>Members continue to support the strategic direction of the project.</p>

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8.	<p>Health and Safety Community Grants Program 2013/14</p> <p>The Chairman asked the MSAC Executive Officer to update members on the grants program for 2014, referring members to Attachment 8.</p> <p>Mr Flint reported that a draft public relations program for the 2013/2014 grants program for the Central West and West has been prepared and with the co-operation of the Minerals Council and the CCAA health and safety executives, planning is underway to ensure that localised stories using real miners and their families can be utilised. The draft plan was endorsed by the CWP at their 30 October meeting as were:</p> <ul style="list-style-type: none"> o NSWMC and CCAA committing to active participation in the promotion of the grant to media outlets, local mines and identifying local heroes in the target regions for media stories; o Supporting the MSAC Chairman's intention to have local launches and generally to get greater involvement in the program by local operators; and, o Support for the MSAC Chairman to raise the grants program directly with their respective organisations and with the major mines and quarries in the targeted areas to try to achieve sustainability into the future by trying to link the timing of existing company community grants with Health and safety. <p>Mr Flint summarised key elements of the program regarding messaging, media, targets and goals.</p> <p>He added that at the recent Minerals Industry Safety Advisory Committee (MISAC) meeting the reception to a briefing he gave about the grants program was inconclusive. He also advised that to date the former Minister had not approved the proposal for the grants program being conducted in 2014 and that it was unknown what the new Minister would decide. He indicated that Ministerial approval was required before the grants could proceed.</p> <p>MSAC members endorsed the draft regional grants public relations plan for 2014 and for their organisations to actively participate.</p>	11	<p>Noted.</p> <p>It was noted that Ministerial approval was required for the grants to proceed</p> <p>Regional grants public relations plan for 2014 endorsed and MSAC stakeholders to actively participate in program.</p>
9.	<p>Review of Consultative Committees</p> <p>The Chairman brought member's attention to Attachment12 and began discussion by reminding members that this issue was raised because of concerns about either overlapping membership or business amongst the various industry WHS committees. Members discussed the issue at some length and resolved that the NSWMS will discuss further with its members. The Secretariat is to discuss the matter further with stakeholders to gauge what the desire is for change and how this could be achieved.</p> <p>Members raised in the discussion the issue of appointments to the Competence Board and were advised that nominations had been approved except for the independent members. MSAC members expressed concern that this issue was holding up the completion of appointments to the new Board and the Chairman said he would raise the issue with the Minister.</p>	12	<p>NSWMC to discuss the matter further will its members.</p> <p>Secretariat to discuss with stakeholders to see if change is required.</p>

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10.	<p>General Business for noting</p> <p><u>Due Diligence strategy</u></p> <p>The Chairman brought members attention to Attachment 13 of the papers regarding Due Diligence. He reminded members that this issue has been raised because under the new WHS legislation directors are expected to demonstrate due diligence when it comes to the health and safety of operations they have responsibility for. He is very concerned because in his discussions with some directors he has been quite concerned at the apparent low level of understanding of those responsibilities and that as a consequence directors are not fulfilling their duties.</p> <p>He reported on discussions he has had with the Australian Institute of Company Directors (AICD) about the roles and responsibilities of directors in relation to health and safety and they have provided a draft proposal as a starting point for discussions with directors. The AICD has suggested a two phased approach:</p> <ol style="list-style-type: none"> 1. Identify a person to conduct either one on one or small group discussions with mining industry company directors from all sectors (Coal, Metals, Quarrying) about their knowledge and understanding of director due diligence obligations and what support would assist in broadening that knowledge; then, 2. Proceed with programs to be developed by the AICD for directors about their health and safety responsibilities. <p>The Executive Officer advised he is seeking an allocation of \$50,000 in its budget for 2014/15 to support this project.</p> <p>Members discussed the issues raised and the AICD proposal and support the strategic direction of this project. The Chairman is to have further discussions with the AICD about the choice of a person to lead discussion with company directors (Phase 1) and a report is to be made back to MSAC after Phase 1 is completed to decide on the next steps.</p>	13	<p>Discussed.</p> <p>Members support the strategic direction of this project.</p> <p>\$50,000 sought for 2014/15 budget to support this project.</p> <p>Chairman to discuss with the AICD choice of person to lead discussion with company directors (Phase 1).</p> <p>MSAC to decide next steps after Phase 1 is completed.</p>
	<p><u>MSAC Program Summary Matrix</u></p> <p>Members noted Attachment 14 that contained an updated program summary matrix.</p>	14	Noted
	<p><u>Response to Pike River RC</u></p> <p>Members noted Attachment 15 regarding updates to response to recommendations of the NZ Pike River Royal Commission.</p>	15	Noted
11.	<p>2014 MSAC meeting dates</p> <p>Members noted the proposed meetings dates in 2014 for MSAC.</p>	16	Noted
12.	<p>Close</p> <ul style="list-style-type: none"> • Meeting closed 12.30pm <p>Next Meeting: Wednesday 2 April 2014 in Sydney (MLC Centre, Martin Place)</p>		