

Minutes

9:00am–1:00pm 24 June 2010

Training Room 4, Coal Services/Mines Rescue, Woonona

| No. | Item | Attachment | Action |
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| 1. | <p>Welcome and apologies</p> <p>Present:</p> <p><u>Members:</u> Norman Jennings (Chairman), Barbara McPhee (Independent), Bob O'Neill (alternate for Glenn Seton AWU), Graeme Peel (Independent), Ian Cribb (NSWMC) via telephone, Alan Coutts (I&I NSW), Tony McPaul (NSWMC), Keith Shaw (alternate for Ian Murray CFMEU), Trevor Schram (alternate for Wayne McAndrew CFMEU)</p> <p><u>Attending:</u> Jenny Nash (I&I NSW), Andrew McMahan (NSWMC Observer), Peter Maher Regional Manager CS Health</p> <p><u>Secretariat:</u> John Flint (I&I NSW), Tim Crakanthorp (Acting EO), Bruce Jones (Acting SPO)</p> <p>Apologies: Susan Fields (CCAA), Ian Murray (CFMEU) Wayne McAndrew (CFMEU), Glenn Seton (AWU), Rob Regan (I&I NSW/DMSO)</p> <p>Peter Gosling from Coal Services Mines Rescue welcomed MSAC to their site and gave a short briefing on emergency procedures. The Chairman thanked Coal Services Pty Ltd (CSPL) and Mines Rescue for their hospitality in hosting the Council's meeting and invited them to remain if they wished.</p> <p>The Chairman then welcomed MSAC members, acknowledged the alternates for members and introduced Jenny Nash to members, informing them that she is shortly to take up the duties of Director of Mine Safety Performance. He also advised members that the media had been informed of the meeting and had been invited to come at 10am to conduct interviews.</p> | | |
| 2. | <p>Declaration of conflict of interest</p> <p>The Chairman reminded members that at the April Council meeting it was agreed that members make a verbal declaration of any conflict with an agenda item for recording in the minutes, and declarations of a conflict of interest was now a standing agenda item. He asked if any member had a declaration to make. There were no conflicts of interest to declare.</p> | | |
| 3. | <p>Business arising from the minutes</p> <p><i>Adoption of Minutes from last meeting</i></p> <p>The Chairman invited members to adopt the Minutes of the previous meeting. Members wished to discuss the minutes and that</p> | 1 | |

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| | <p>discussion ensued as follows:</p> <p>NSWMC member Tony McPaul sought clarification regarding the National Mine Safety Framework matter (section 8 of the minutes) that where it mentioned “NSW position”. He assumed that this referred to the “NSW Government”, not an industry-wide position. This was confirmed and the previous minutes will be adjusted to include the word “Government” after NSW.</p> <p>Barbara McPhee raised three matters for clarification:</p> <ul style="list-style-type: none"> • Where it mentioned the co-ordination of work being done on ANTS with CSPL (section 3 of the minutes), she asked if this is happening. She was advised that this was raised at the previous meeting of the I&I NSW and Coal Services meeting. • She asked if the footage of the NSWMC OHS conference in May was available; Andrew McMahon advised he is going through the footage at moment and it will be available shortly. • Regarding the OHS Culture Project, she asked who will have the intellectual property (IP) rights of information and tools generated by the project and was informed that the contract states that I&I NSW has rights over all IP that flows from the project. <p>Members then agreed to adopt the minutes.</p> <p><i>Responses from the Minister</i></p> <p>Macken Board of Inquiry – The Chairman said that the former Minister had written that he had formed the opinion that the Inquiry’s findings had been overtaken by events at the National level, as per the attached correspondence. The Chairman welcomed comments from members as follows:</p> <ul style="list-style-type: none"> • Ian Cribb referred to the Terms of Reference of the inquiry Section 11 (Review of the Inspectorate). Alan Coutts advised that the Macken outcomes didn’t come up with anything substantial in this area, nor did the Jennings Inquiry – that the findings were based largely on anecdotal rather than factual information. Nonetheless, the Department had increased the level and frequency of training of new and current inspectors in order to address the causes of the complaints that had arisen. • Members agreed that as this was the Minister’s position, then Wran recommendation 23 can now be considered complete. <p>Response to the Chairman’s letter – The Chairman reported that a response from the former Minister to his letter of 23 December 2009 had been received in early May. He said:</p> <ul style="list-style-type: none"> • The former Minister had endorsed the Marketing strategy and the Educating Mining Communities and mine safety website projects, and that the Minister continued to support MSAC’s strategic direction. • He is hoping that there will be more involvement between MSAC with the new Minister Paul McLeay. • Mr Coutts said he has met with Mr McLeay and his staff with fortnightly meetings now scheduled; he has raised the CEO review event and has put forward dates which he will follow up next week; he said the meeting was preliminary and is still to give the Minister’s Office a full run through of MSAC activities and mine safety issues. | 2 | <p>MSAC minutes 22 April 2010 page 7 to include “Government” after NSW.</p> <p>Minutes adopted as amended.</p> <p>Wran Recommendation 23 can now be considered as being complete.</p> |
| 4. | <p>NSW Mining Industry Health Working Party (HWP)</p> <p>The Chairman brought members’ attention to Attachment 3, an update on work by the Health Working Party regarding health indices and recommendations from it regarding completion of the HWP terms of reference, and invited the Acting Executive Officer to take members through the presentation (Attached).</p> | 3 | <p>Members agreed that Recommendations 6, 7, 8 and 9 have now</p> |

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| | <p>After a comprehensive presentation, including recommendations that the Health Working Party's terms of reference had been met and that a standing Health Management Advisory Committee (HMAC) should commence to oversee the implementation of changes, data collection and co-ordination between agencies, the Chairman asked for comments or questions –</p> <ul style="list-style-type: none"> • Independent member Barbara McPhee questioned the lack of lag indicators for dust and was advised by John Flint that the primary reason was lack of recording for all dust related diseases and that current data collection is too small to be meaningful; claims data will provide evidence and now there is growing co-ordination between I&I NSW and CSPL and an alignment of CSPL measuring with I&I NSW standards (effectively a broadening of collected data) meaningful data results should be the result. • NSWMC observer Andrew McMahon commented that, as a member of the HWP, he sought MSAC's acknowledgement of the work done by HWP members. Although; there was more they would have liked to do, they recognised the need to take a step forward with the formation of a HMAC. • The Chairman sought clarification about the budget for HMAC and I&I NSW advised that the likely HMAC budget has been factored into the Mine Safety budget. <p>The Chairman then went through each recommendation from the HWP. Members accepted the proposed Project Outline and, in doing so, accepted that the HWP has completed its terms of reference. Members agreed that the Chairman write to the Minister advising that the HWP has met its terms of reference and, consequently, MSAC has completed Wran Review recommendations 6-9. Members agreed that on receipt of the Minister's acceptance of MSAC's advice, MSAC establish the HMAC.</p> <p>Members agreed that MSAC will determine membership of the HMAC and will ask the I&I NSW Director-General to write to Coal Services and WorkCover seeking their co-operation in appointing suitable representatives to the HMAC; and that the Chairman will write to MSAC member bodies seeking their nominations to HMAC.</p> <p>It was suggested that independent member Dr Graeme Peel was an appropriate expert to have on the new committee. Dr Peel said he was happy to be a member of HMAC but, as he is shortly going to Afghanistan until February as part of his RAAF duties, he could not participate physically until his return. He would be available via e-mail however. Members welcomed Dr Peel's participation in the proposed HMAC, endorsed his nomination, and wished him all the best for his new assignment.</p> | | <p>been completed.</p> <p>Chairman to write to the Minister advising him that the terms of reference for the HWP have been met and, consequently, MSAC has completed Wran Review recommendations 6-9, and that the Health Management Advisory Committee can be established,</p> <p>I&I NSW Director-General to write to Coal Services and WorkCover seeking their co-operation in appointing suitable representatives to the HMAC,</p> <p>The Chairman to write to other MSAC member bodies seeking their nominations to HMAC.</p> |
| | <p>During the Morning tea break the Chairman was interviewed by local media.</p> | | |
| 5. | <p>National OHS Legislation</p> <p>The Chairman invited John Flint (I&I NSW) to update members on the National Mine Safety Framework (NMSF). A presentation was provided (attached) after which discussion followed:</p> | 4 | |

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| | <ul style="list-style-type: none"> • Members appreciated being brought up to date by the presentation; Mr Flint said that negotiations have been protracted and this is the first time things have really been clear. • Barbara McPhee asked that members be provided with a copy of the excellent presentation and Mr Flint agreed • Tony McPaul asked why NSW is planning to have separate, additional legislation to the National safety legislation. Alan Coutts advised that this is a Government position to have mining industry specific legislation, as have WA and Qld, because the current legislative framework works well in covering the safety and health issues of mining – and reflects our mining history – but while there was a desire to have uniform legislation there was a determination not to dilute the present safeguards. • Mr Flint noted that a lot changes in the proposed legislation reflect the wishes of employers. • NSWMC member Ian Cribb said he thought there was only going to be the National legislation, without additional State mining legislation and regulations; Mr Coutts advised this is not what was agreed as the National OHS legislation doesn't fully cover the safety aspects covered by the specific NSW mining legislation. • Mr Cribb also asked about agreement on the core provisions of the National OHS legislation and inquired if it was true that NSW wanted to revisit drafting. • Mr Coutts replied that this information was incorrect; the non-core supplementary legislation is being developed by working groups from NSW, Qld and WA. • Barbara McPhee emphasised the importance of consistency; Mr Flint said the Government's position has been consistent throughout the process. <p>The Chairman thanked Mr Flint for the presentation.</p> | | Copy of presentation to be sent to MSAC members. |
| 6. | <p>World-leading OHS Culture Working Party</p> <p>The Chairman brought members' attention to the next item of business and Attachments 5, 6, 7 and 8 regarding updates on the work of the World Leading OHS Culture Management Working Party (CWP).</p> <p>OHS Culture Project update</p> <p>The Chairman informed members:</p> <ul style="list-style-type: none"> • That since the last Council meeting, the Culture Project being conducted by Shaw Idea Pty Ltd is moving steadily forward but the selection of pilot sites is still being finalised, with NSWMC and CCAA helping. • He said it was important to get things right and choose appropriate sites. This is why the finalisation of pilot sites is taking a little longer than anticipated. • The Project Steering Group meets in two weeks and the Chairman will keep members informed. <p>ANTS Project</p> <p>The Chairman reminded members of the background to this project, what has happened so far and advised:</p> | 5 6 | Noted Noted. |

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| | <ul style="list-style-type: none"> • The draft ANTS report has been reviewed by the CWP with the consultant David Caple, who took their comments into account before submitting the final version of the report, which will be considered by the CWP at their meeting next month. • He expects that the ANTS Report, which has some major findings (regarding education, senior managers and competence boards), will allow the CWP to advise an ANTS strategy that can be considered by MSAC in August. • The Report is important as it will feed into the Culture Project. • The ANTS process is on track to meet the original timelines and that this project will still be ready for reporting on at the Summit Review event later in the year. <p>Marketing Project</p> <p>The Chairman invited the Acting Executive Officer to summarise the marketing activities since the last MSAC meeting. He advised:</p> <ul style="list-style-type: none"> • After a meeting with I&I NSW's Communications Unit on 27 May 2010, Peach proposed moving the project forward in three phases being: the confirmation of campaign territory; development of a campaign strategy; and the development of an action plan to implement the campaign. • Peach's project proposal was presented to the Culture Working Party at its meeting on 20 May 2010. The working party chose a territory that emphasised team work as the preferred option. This option will guide language/direction for the campaign, campaign material and underpin the campaign strategy. • Peach are now working on phase two of the project to develop a campaign strategy that will be presented at the next CWP meeting for comment. It will include strategy and concept development, consultation with media and research in the chosen test market, plus the development of proposed media and PR action plans. <p>Educating mining communities strategy</p> <p>The Acting Executive Officer advised that, in response to the Chairman's letters to the General Managers of Bathurst and Blayney Councils, seeking their approval for the RSO to conduct a pilot program in conjunction with MSAC, both Councils have agreed to the use of their Road Safety Officer (RSO) by MSAC for the development and delivery of a road safety community engagement program in the Cobar region, at no cost to those Councils. He also advised:</p> <ul style="list-style-type: none"> • The Road Safety Officer's current work plan does not allow for delivery of this program in Cobar prior to October 2010 and the cost to be incurred by MSAC for the delivery of this program is approximately \$5,000. • I&I NSW Communications Unit is co-ordinating the implementation of the program with the Bathurst/Blayney RSO. • The MSAC Chairman raised the issue of participation in the program by Cobar area mining companies at the Metalliferous Industry Safety Advisory Committee meeting held in early May, and letters are being prepared as a follow-up to those companies now that Bathurst and Blayney councils have given their approval for the use of their RSO. <p>NSWminesafety Website</p> <p>The Acting Executive Officer updated members on this project:</p> <ul style="list-style-type: none"> • CWP members chose Peach as the preferred website developer. Members agreed that Peach's custom-built content | <p>7</p> <p>8</p> <p>9</p> | <p>Noted.</p> <p>Noted</p> <p>Members to provide a 100 word biography and a</p> |

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| | <p>management system and custom-built search engine better suit the requirements for the MSAC website.</p> <ul style="list-style-type: none"> • Peach are now progressing with the development of the MSAC website and the framework for the website should be completed in late July 2010. • Once the content has been uploaded and tested the website will be ready to go live. • In updating the MSAC pages for the website, a photograph and small biography of each MSAC member (up to 100 words) would be included. This was agreed. • CWP members had discussed whether an official launch of the website is appropriate and, if so, when and where. The Chairman suggested that the official launch could be at the CEO Summit Review event in November this year. • It was agreed that stakeholders need to provide 5 resources for the new website and I&I NSW is to provide 10 • The Chairman also advised that website material will be largely maintained by the Communications Unit of I&I NSW with input from stakeholders where necessary. <p>In response to the timing of an official launch, the NSWMC observer indicated that he supports it being at the Review Event later in the year as this would be a deliverable for the Summit and, by this time, the wrinkles should have been worked out. After discussion, members agreed that the official launch of the website should be timed with the CEO Review Event and that the new Minister will be invited to launch it.</p> | | <p>photograph for the new website.</p> <p>Members agreed that an official website launch be timed with the CEO Review Event and that the new Minister be invited to launch the website.</p> |
| 7. | <p>Industry Assistance Unit Update</p> <p>The Chairman brought members' attention to Attachment 10 on the work of the Industry Assistance Unit (IAU) and asked John Flint to provide an update. Mr Flint advised:</p> <ul style="list-style-type: none"> • That the workshops have gone well, including those on fatigue; workshops have been developed for specifically for small mines. • The IAU has also developed facts sheets and guides that will shortly be loaded onto the I&I NSW website. • The fatigue workshops have been well attended. The feedback from all workshops has been positive and constructive – the IAU does respond to feedback and has adjusted workshop delivery where needed. • The new managers' and workers' fatigue fact sheets were tabled for the members' information. <p>The Chairman said the success of the workshops was a good justification for the establishment of the IAU, and that turning publications into practical instruments is also working well; Mr Flint said if unions were having forums on safety and wished the IAU to participate, please let the IAU know; he also said Queensland have asked for copy of both the Fatigue Guide and the HMP for them to adapt and use.</p> | 10 | Noted |

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| 8. | <p>Programmed Work Wran Schedule</p> <ul style="list-style-type: none"> The Chairman introduced the Wran Schedule and MSAC Programmed Work agenda items and commented that at the beginning of the meeting they had discussed whether Wran Recommendation 23 (Boards of Inquiry) could be marked as complete and also, through the acceptance of the recommendations of the report from the HWP, that Wran Recommendations 6, 7, 8 and 9 could also be considered as being complete. <p>Summary Matrix of MSAC Programmed Work</p> <p>The Acting Executive Officer advised the following:</p> <ul style="list-style-type: none"> A community awareness strategy and marketing has commenced but is still not on track and that the CEO review event has been changed, to not being on track; this will be changed when the Minister confirms a date for the event. The Culture Change Project is still not on track due to the delayed start and contractor selection, but members could look at realigning and moving over 6 months. The ANTS project is still on track and the consultant's report and the CWP's recommendations and strategy will be presented at the next MSAC meeting. The development of a data set on fatigue has changed from green to orange on the matrix, as data set has not been done; and the good practice project has started but is not on track. Education and awareness products have been well received and are continuing to be developed and recommendations on Health Indices performance measures can now be changed to green. <p>In regard to the Culture Project, the Chairman commented that the reality is that pilot sites are still being determined and the matrix is a guide, not set in concrete; Barbara McPhee said it also is an illustration how some things are set but, despite good intentions, can turn out to have been overly ambitious. Members agreed to the suggestion that the Culture Project be realigned by 6 months.</p> <p>Programmed work schedule for 2010/11</p> <p>The Acting Executive Officer advised members that matters from the work schedule had been dealt with earlier during meeting.</p> | <p>11</p> <p>12</p> <p>13</p> | <p>Noted. Recommendations 6, 7, 8 and 9 now complete. Recommendation 23 now complete.</p> <p>Noted That the Culture Project realignment be realigned by 6 months.</p> |
| 9. | <p>MSAC Business</p> <p>MSAC 2009-10 Budget update</p> <p>The Acting Executive Officer took members through the MSAC budget update. He advised:</p> <ul style="list-style-type: none"> The MSAC budget under estimates are due to delays in programs like the community grants scheme. More will be spent on printing and consultancies (such as ANTS) before the end of the financial year. Salary expenditure reduced due to no administrative assistant since March but a temporary appointment has now been made. | <p>14</p> | <p>Noted</p> <p>MSAC Secretariat</p> |

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| | <p>John Flint commented that Secretariat had been under some stress in the last 6 months but the things that needed to be done have been done. The absence of an administrative assistant is reflected in the underspend on salaries... The Chairman congratulated the Secretariat for doing so well under difficult circumstances.</p> <p>MSAC Member Evaluation Survey of the MSAC Secretariat</p> <p>The Chairman reminded members that the last survey of the MSAC Secretariat was completed in 2008 and that a new survey for members' feedback is being provided and will also be emailed to members for return to the I&I NSW Communications Manager, for compilation and reporting on at the next MSAC meeting.</p> | | <p>evaluation survey distributed for return to I&I NSW Communications Manager.</p> |
| 10. | <p>Other Business</p> <ul style="list-style-type: none"> • The Chairman reminded members that Mines Rescue has invited members to tour their training facilities at the conclusion of the meeting. • The Chairman advised members that the next meeting of MSAC will be held in Sydney on 19th August 2010 • NSWMC observer Andrew McMahon expressed his organisations' gratitude for the I&I NSW attendance and help at their OHS conference in May. He said planning for their 2011 conference has started for the first week in May and the theme is technical safety and emergency response; he welcomes ideas and suggestions for speakers. Mr McMahon encouraged members to consider attending their Environment and Community Conference in Wollongong from 19 September until 21 September 2010. Mr McMahon also said the Minerals Council is conducting OHS forums in Dubbo over 3 days in November targeting the metalliferous sector; this will be opportunity also for a mini-trade show and welcomes I&I NSW's involvement, and hopes members of the Industry Assistance Unit will be able to attend. <p>The Chairman closed the meeting, thanking members or their representatives for their attendance.</p> | | <p>Next MSAC meeting to be held in Sydney on 19 August 2010 – venue to be advised.</p> |
| 11. | <p>Close Meeting closed at 1.00 pm. Several members toured the CSPL facilities.</p> | | |