

NSW Mine Safety Advisory Council

4 December 2018 Meeting Minutes

DOC19/131431

Meeting Details	
Name	NSW Mine Safety Advisory Council
Location	Nymboida House, Level 11 215 Clarence Street, Sydney
Date/Time	Tuesday 4 December 2018, 9:00am – 12:00pm
Chairperson	Hon. George Souris
Members present	Ian Cribb (NSW Minerals Council), Rob Cunningham (NSW Minerals Council), Chris Dolden (CCAA), Andy Honeysett (CFMEU), Peter Jordan (CFMEU), Anthony Keon (alternate for Lee Shearer) (Department of Planning and Environment), Julie Armour (Independent), Tony Cartwright (Independent)
Observers present	James Barben (NSW Minerals Council), Monique Andrew (CCAA), Andrew Jefferies (CCAA), Lucy Flemming (Coal Services), Bruce Grimshaw (Coal Services), Leigh Nicholls (A/Chief Inspector of Mines)
Secretariat	Tony Linnane (Department of Planning and Environment), Anna Ormerod (Department of Planning and Environment)
Apologies	Lee Shearer (Department of Planning and Environment), Brock Skelton (AWU)

Agenda Items

Paper	Description	Outcomes/Actions
Introduction		
1	Welcome and apologies <ul style="list-style-type: none">The Chair opened the meeting at 8:57am.Ms Shearer's apology was noted. Mr Keon was welcomed as Ms Shearer's alternate.Mr Skelton was noted as an apology.The Chair welcomed Ms Armour to her first meeting.The Chair welcomed Mr Cartwright to his second meeting.The Chair noted the work of the previous Chair, the Hon Carl Scully and requested that a thank you letter be prepared on behalf of MSAC.	<i>Action:</i> <ul style="list-style-type: none">a. Secretariat to prepare a letter to the Hon Carl Scully thanking him for his time as chair of MSAC.
2	Declaration of conflict of interest <ul style="list-style-type: none">The Chair called for conflicts of interest.	No conflicts of interest declared.

- The Chair advised that conflicts of interest need to be declared for any agenda items. A declaration of interest register will be prepared by the Secretariat which all members will need to complete.

Action:

- b. Secretariat to prepare declaration of interest register prior to the next meeting.

3 Acceptance of previous minutes and actions

- The Chair asked for any amendments to the attached minutes.
- No amendments were requested.
- Members endorsed the minutes unanimously.

The minutes of the last meeting held on 5 June 2018 were endorsed as a true and accurate record.

4 Correspondence

- The Chair noted that a thank you letter to the Hon Scully was addressed at paper 1.

Members noted the incoming and outgoing correspondence since the last meeting.

For Discussion and/or Decision

5 Future MSAC focus

- The Chair requested Mr Linnane lead the discussion on the future focus of MSAC.
- Mr Linnane noted that the future focus of MSAC was raised at the last meeting on 5 June 2018. It was agreed that members would provide topics to the secretariat out of session for discussion at the next meeting. Feedback is attached to the paper at B.
- Mr Linnane confirmed that the role of MSAC under legislation is to provide advice to the minister on any policy matter relating to health and safety, and to provide advice to the minister on matters referred from the minister.
- The chair opened discussions.
- Mr Keon commented that from the Resources Regulator's point of view there has been a shift in the role of MSAC over the last few years. MSAC used to fill a gap that the Resources Regulator was leaving. However, the Resources Regulator has now matured and is taking responsibility for what it is supposed to. Mr Keon expressed concerns about ensuring MSAC does not become a Department-driven body or Department

Members agreed that the following topics be placed on the future work plan:

- vehicle interaction
- recommendations from the CMDLD Collaborative Group
- remote-controlled operations
- isolation.

Actions:

- c. Secretariat to prepare a draft work plan for consideration at the next meeting.
- d. Mr Keon to send responses to the questions on remote controlled

reporting tool. The value of MSAC is in the diversity and different viewpoints of its members.

- The Chair questioned whether there is a need to make amendments to the Act.
- Mr Cribb commented that he doesn't see the need for amendments to the Act. There hasn't been a change in the role of MSAC. MSAC's role is to provide advice to the minister. It is a tripartite meeting with the Department as a member.
- Mr Cunningham indicated support for Mr Cribb's comments. There is no change in the role and there does not need to be an amendment to the Act or Regulation.
- Mr Dolden also indicated support for Mr Cribb's comments. MSAC should use statistics and evidence to drive the next focus area.
- The Chair commented that this is a continuing item which will need to be on the agenda for the next meeting.

The future focus of MSAC was revisited after paper 13, general business.

- Mr Dolden raised the need to rediscuss the future focus of MSAC given the need for a strategic plan as per the constitution.
- Mr Cribb advised that three of the items on attachment B are on the Queensland advisory council's work plan; vehicle interaction, recommendations from the CMDLD Collaborative Group and remote-controlled operations.
- It was agreed that these three issues should be part of MSAC's future focus.
- Mr Cribb raised that isolation is an important issue for MSAC to consider as well.
- Mr Jordan advised that he is in discussions with Mr Keon in relation to remote controlled mining operations. It was agreed that the Resources Regulator's response to the questions would also be sent to MSAC members by Mr Keon once finalised.
- Mr Cribb spoke about the letter from Deborah Yates presented to Queensland's health and safety committee. Concerns were raised in the letter about the committee in relation to the lack of structure and governance, who participates and who contributes. Mr Cribb agreed to

mining operations to MSAC members.

- e. Mr Cribb to seek approval from the Queensland health and safety committee to forward a copy of Deborah Yates letter to MSAC members.
- f. Resources Regulator to provide statistics on incidents and near misses against employment status to for the next MSAC meeting.

seek approval from the Queensland committee to send a copy of the letter to MSAC members.

- Mr Jordan suggested that MSAC examine whether there is a correlation between incidents and the employment status of workers (i.e. contract labour). If evident a problem exists, MSAC should consider examining this topic as a future focus. Mr Jordan asked whether the Resources Regulator could provide statistics on incidents and near misses and employment status (contract versus permanent employees).
- The Chair stated that a table of incidents and category of workers involved for the last 3 years, as a minimum, would be useful.
- Mr Keon advised that this could be provided by the Resources Regulator. Mr Keon suggested that only the more serious incidents are examined and there are about 2000 notified incidents a year. It was agreed to provide the data to MSAC at next meeting.
- Mr Cartwright raised whether it is worth comparing NSW and Queensland statistics. Queensland put in place new contractor provisions about three years ago.

6

MSAC Constitution

- Mr Linnane advised that MSAC's Constitution is required to be reviewed every three years and is now due for review. The Secretariat has drafted changes to the document and is attached in track changes for member comment. Mr Linnane noted that the Constitution includes a term of reference and questioned whether these need to be reviewed.
- Mr Grimshaw questioned the changes made to observers only being able to attend MSAC meetings if invited by the chairperson to do so.
- The Chair indicated that from his view, observers are not considered members of the council. Members are to sit around the table and observers, if in attendance, are to be seated aside from the members.

Members agreed that:

- MSAC requires a strategic plan detailing its future work program
- the need for a strategic plan remain in the constitution.

Members endorsed the updated constitution subject to the addition of the strategic plan.

- Ms Flemming questioned why the need for a strategic plan has been deleted.
- Mr Cribb commented that it does not mean there is no dedicated work load for the council. The need for a strategic plan started in 2012 with the then chair, Mr John Hannaford, because there was no direction and things were ad hoc. The current plan is based on the purpose of MSAC and provides direction.
- Ms Flemming commented that the previous paper looked at the future focus of MSAC and the outcomes of those discussions need to be put into a plan.
- Mr Keon agreed that there is a need for a program of what MSAC is working on. Mr Keon proposed that a forward program of work, rather than a strategic plan, is presented to the minister.
- The Chair commented that there needs to be a future program that goes to the minister rather than just reporting on ad hoc arrangements. The future program of works should be the strategic plan.
- Mr Cribb supported the need for a plan that brings together MSAC's future work dealing with health and safety in the industry. Mr Cribb questioned the status of the current strategic plan which goes through to 2020.
- Mr Jordan agreed and questioned how future MSAC meetings will proceed without a strategic plan. Is MSAC coming together to just discuss issues arising over the previous three months or is it driving issues that might be happening in the industry.
- The Chair suggested that the need for a strategic plan be reinstated in the constitution.
- Mr Jordan noted the opportunities given the new chair and two new independent members of the council.
- All members agreed that the need for a strategic plan be left in the constitution.
- Members endorsed the updated constitution subject to the addition of the strategic plan.
- Mr Linnane suggested that the current strategic plan to 2020 be reviewed at the next meeting taking into consideration new members and chair.
- Members agreed.

Actions:

- g. Secretariat to add strategic plan to the constitution.
- h. Secretariat to add a review of the Strategic Plan to 2020 to the agenda for the next meeting.

Action:

- i. Secretariat to circulate Mr

- The Regulator's Quarterly safety report (July to September 2018) was tabled at the meeting.
- Mr Keon provided a verbal update on key activities since March 2018.
- A video of the Mt Arthur video was played to members.
- Mr Keon advised that the investigation report was 41 pages. A short video was prepared on the incident which has far greater reach than a large printed document. The Resources Regulator will be producing videos and resources to assist in tool box talks. This will be adopted for all major investigations. Positive feedback from industry has been received on this approach.
- The Chair asked if the information will reach all of industry.
- Mr Keon commented that information is distributed through the Department's subscriber list and all registered operators however it is difficult to reach all workers especially those on the front line. The Department is trying to examine how to engage all workers as part of the multimedia safety campaign.
- Mr Linnane advised that he presented on the Department's causal investigation policy at the major hazards forum in Victoria last week. General feedback was positive and that it was an innovative approach.
- The Chair requested that the presentation be circulated to MSAC members out of session.
- Members were shown a video provided to the Resources Regulator on a blasting incident. Mr Keon advised that a similar video was received 12 months ago. The incident is subject to an investigation.

Linnane's presentation on the causal investigation policy to members out of session.

Business for noting

8	Resources Regulator's industry roundtable report <ul style="list-style-type: none">• Mr Keon provided a verbal update on the roundtable on recent incidents. It was advised that the day was productive with a range of stakeholders workshopping the incidents. There was general recognition that the industry is becoming complacent out of not having a fatality for a while. There is a "it can't happen to me" attitude. There was a positive comment about Bulga approach to an incident inviting other mining operators to an incident debrief. All operators there saw it as a positive step.	Members noted the Resources Regulator's report on the industry roundtable.
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- Mr Keon advised that the Department has produced a communications video based on the recent near-miss incidents because of the round table. The video is not yet finalised by MSAC the Department if seeking MSAC feedback.
- The video was played to members.
- The Chair questioned the need for the music while the talking is occurring.
- Mr Keon agreed that it is not required and that there are some sound issues that need to be fixed. One comment out of the round table was that there needs to be a shock element to communications material.
- The Chair questioned if the numbers in the video are large compared to last year.
- Mr Cunningham commented that in 2016 there was a focus on reporting and interaction with the Resources Regulator. As such reporting of incidents has increased significantly. Every incident is evaluated to determine if it is reportable, which did not occur in previous years. There is not necessarily an explosion of incidents but an increase in reporting.
- Mr Honeysett commented that there is an increase in labour hire not reporting incidents. When they do report they are not given work as a casual anymore. They are fearful of not getting another shift. There are a lot of notices being issued but there are still a lot of incidents. The Resources Regulator needs greater enforcement.
- Ms Armour commented that the video contains fantastic information. Everyone is bombarded with so much information. There is a huge gap around how people get the skills to evaluate what they are doing. Example of refuelling incident is a classic. The message received is that the individual was doing the wrong thing but there were several system failures contributing to the incident. We need a change in behaviour. There is a focus on getting information out but there needs to be consideration on what to do to help people with the information.
- Mr Keon commented that the targeted assessment program tries to do that and pushes the hierarchy of controls. One of the most concerning comments from the round table “at what point does self-preservation kick in,

surely that should be a factor". There should be controls in place rather than just relying on an individual.

- Mr Jordan commented that he attended the roundtable and it was a very useful exercise. He expressed concerns about the lack of major companies not attending; no one from Glencore or BHP attended the forum. It was an opportunity provided to all the senior players in coal. As a participant in the industry it is alarming how we were only inches away from 5 or 6 fatalities. It was obvious to everyone in the room that we need to do something about it. Complacency has crept back in. The video is a useful tool that could be used during briefing or training. Rather than just sit there and talk to workers, the video is something simple they could relate to and associate with as something that could happen to them. It is worth holding a round table more often. The union got a lot of it and it is good to see that something has come out of it.
- Mr Keon reiterated that the video is an outcome of the roundtable which will be published online and made available to all of industry.
- The Chair asked if the Department is intending on having another round table. Mr Keon commented he was open to the idea and would use MSAC as the initial contact point. Members could provide input in to who should be there and what the focus should be.
- The Chair commented that a roundtable in approximately 9 months would be a good idea. The Department might then be able to produce a new or revised video.
- Mr Keon states that the Department can look to produce a regular video on incidents.

9

Multi-media safety campaign

- Mr Linnane reported that at the last meeting members agreed to the development of a multimedia campaign to target mine workers and their families. Three main focuses were agreed to: airborne contaminants, fatigue and mental health. A proposed timeframe for the campaign is attached to the papers at A. The government has now moved into election phase meaning that advertising of a government nature is to stop, with a prohibition from 29 January 2019. Mr Linnane noted that expenditure on advertising exceeding \$50,000 needs

Members noted the proposed campaign timeline.

Action:

- j. Mr Dolden to provide the CCAA nomination for the multi-media campaign sub-committee to the secretariat.

DPC approval. Mr Linnane noted the sub-committee members are attached to the paper at B and asked if there were any changes to membership.

- Mr Dolden stated that there is no one from CCAA on the committee and requested if he could make a nomination.
- Ms Armour asked about the evaluation process and what are the objectives of the program.
- Mr Linnane advised that the Department is currently developing an evaluation program which will be incorporated into this program as well.

10	Learning from disasters training package <ul style="list-style-type: none">• Mr Linnane advised that the idea behind the training package is to reinforce that catastrophic events can occur. The final materials have been developed as per the attachments to the paper. The package will form part of the maintenance of competence program for people holding practicing certificates. The Resources Regulator will be developing a communications package. The project will be piloted internally early in the new year then rolled out to industry.	Members noted the final version of the learning from disasters training package.
11	Mine safety levy report <ul style="list-style-type: none">• Mr Keon advised that most of the recommendations are on track as per attachment A. The Resources Regulator now has a dedicated levy officer so recommendations will be on target from march next year.• Mr Cribb asked if the discussion paper on the levy was open for discussion or if it was for noting. Mr Keon advised he will take that question on notice.• Mr Keon sought feedback from members on attachment B – Protocol for access to the mine safety levy reserve.• Members agreed to provide comments to the secretariat within 2 weeks.	<i>Action:</i> <ul style="list-style-type: none">k. Members to provide comments on the protocol to access the mine safety levy reserve to the secretariat by 18 December 2018.
12	Calendar of 2019 meetings <ul style="list-style-type: none">• Members agreed:<ul style="list-style-type: none">– to the meeting dates for 2019– depending on location, meetings will be held from 9am to midday– locations for each meeting will be agreed at the meeting prior.	Members agreed to the following dates for 2019 meetings: <ol style="list-style-type: none">1. Thursday 7 March2. Thursday 6 June3. Thursday 5 September

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- Mr Cribb offered to host the next meeting at Bulga followed by a tour of the mine.
- Members agreed that the next meeting will be held on Thursday 7 March 2019 at Bulga mine commencing at 9am.

4. Thursday 5
December

Action:

- I. Secretariat to send calendar invitations for the 2019 meetings to members.

Other business

13 Additional business

- Discussions reverted to paper 5 – future focus of MSAC.
- The new members, Ms Armour and Mr Cartwright and the new chair, Mr Souris provided a brief background on their experience.
- The Chair thanked the CFMMEU for hosting the meeting.
- The Chair thanked all members for their attendance.
- The Chair closed the meeting at 11:36am.

Summary of actions

Agenda Item	Action
Welcome and apologies	a. Secretariat to prepare a letter to the Hon Carl Scully thanking him for his time as chair of MSAC.
Declaration of conflict of interest	b. Secretariat to prepare declaration of interest register prior to the next meeting.
Future MSAC focus	c. Secretariat to prepare a draft work plan for consideration at the next meeting. d. Mr Keon to send responses to the questions on remote controlled mining operations to MSAC members. e. Mr Cribb to seek approval from the Queensland health and safety committee to forward a copy of Deborah Yates letter to MSAC members. f. Resources Regulator to provide statistics on incidents and near misses against employment status to for the next MSAC meeting.
MSAC Constitution	g. Secretariat to add strategic plan to the constitution. h. Secretariat to add a review of the Strategic Plan to 2020 to the agenda for the next meeting.
Regulator's report	i. Secretariat to circulate Mr Linnane's presentation on the causal investigation policy to members out of session.
Multi-media safety campaign	j. Mr Dolden to provide the CCAA nomination for the multi-media campaign sub-committee to the secretariat.
Mine safety levy report	k. Members to provide comments on the protocol to access the mine safety levy reserve to the secretariat by 18 December 2018.
Calendar of 2019 meetings	l. Secretariat to send calendar invitations for the 2019 meetings to members.