

Minutes

9:00am–1:00pm 19 August 2010
MLC Centre – Parkes Room
Level 47, 19 – 29 Martin Place, Sydney

No.	Item	Attachment	Action
1.	<p>Welcome and apologies</p> <p>Present:</p> <p><u>Members:</u> Norman Jennings (Chairman), Barbara McPhee (Independent), Glenn Seton (AWU), Susan Fields (CCAA), Wayne McAndrew (CFMEU), Tony McPaul (NSWMC), Rob Regan (I&I NSW), Andrew McMahon (alternate for Ian Cribb, NSWMC), Jenny Nash (alternate for Alan Coutts, I&I NSW)</p> <p><u>Observers:</u> Megan Davidson (Minerals Council of Australia), Grant Cook (QLD Resources Council), David Todd (Chamber of Minerals and Energy of WA), Heather Jackson (I&I NSW)</p> <p><u>Secretariat:</u> John Flint, Tim Crakanthorp</p> <p>Apologies: Ian Cribb (NSWMC), Graeme Peel (Independent), Alan Coutts (I&I NSW), Ian Murray (CFMEU)</p> <p>The Chairman welcomed MSAC members, acknowledged the alternates for members and introduced the observers, noting that they were in a position to observe but not speak unless asked to do so.</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>		
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 discussion ensued as follows:</p> <p>The CFMEU asked why Recommendation 23 was now considered complete. The response was that this recommendation was discussed at the previous meeting and it was agreed by members that, since the former Minister, in response to the Chairman's correspondence, had said that the Macken Board of Inquiry findings (and the Jennings Inquiry findings) had been overtaken by the new proposed OHS legislative events at the national level. Thus the two reports were no longer relevant. Members then asked if</p>	1	<p>Minutes adopted as amended.</p> <p>MSAC to revisit recommendation 23 if there is a change in</p>

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	<p>the new Minister had the same view. The Department advised that the new Minister may have different thoughts on this issue. It was agreed that MSAC would wait to see what happens and, if there is a change in the situation pending further Ministerial advice, revisit the issue.</p> <p>The CFMEU then raised the issue of lag indicators for dust-related disease on dot point 1, page 3 of the Minutes. It was pointed out that the current figures for dust collection are too small to be statistically meaningful. General discussion then ensued and it was agreed that there is a distinction between dust in mines as a workers' health issue and dust from mining activity in the general community as an environmental and community health issue. The NSWMC offered to provide an update on dust in mining communities at the next MSAC meeting, which was well received.</p> <p>Members agreed to adopt the minutes.</p> <p>Ministerial Correspondence</p> <p>Completion of Wran Review recommendations 6-9 – The Chairman is waiting on a response from the Minister. Once a response is received, MSAC can form the new Health Management Advisory Committee. The Chairman said he met with the Minister on 9 August 2010.</p>	2	<p>circumstances before the next meeting.</p> <p>NSWMC to provide an update on dust in mining communities at the next MSAC meeting.</p>
4.	<p>Health Management Advisory Committee Update</p> <p>The Chairman brought members' attention to Attachment 3, an update on the establishment of the Health Management Advisory Committee (HMAC) and an update on the MSD PSG. The Chairman informed members that he had written to the Minister to advise him that the terms of reference for the Health Working Party have been met and that it was now time to establish the HMAC. The Chairman is waiting for a response.</p> <p>A report back was then provided from the Prevention of MSD PSG on the MSD Validation Report. The steering group is satisfied with the final report and has commissioned a two-page summary of the report. The steering group is requesting MSAC's endorsement of the validation report.</p> <p>The Chairman considered the report to be a good one and he congratulated the MSD PSG on their work to date.</p> <p>Members noted the progress on the formation of the Health Management Advisory Committee. They also endorsed the MSD validation report and agreed to a two-page summary, both being made available on the Department's internet site, and continued to support the MSD PSG's strategic direction.</p>	3	<p>Members endorsed the MSD validation report and the proposed 2-page summary, agreed to it being made available on the Department's internet site and continued to support the MSD PSG's strategic direction.</p>
5.	<p>National OHS Legislation Update</p> <p>The Chairman invited I&I NSW to update members on the National Mine Safety Framework (NMSF). A verbal brief was provided as follows:</p> <p>National OHS Laws</p> <ul style="list-style-type: none"> • Model Work Health and Safety Act is intended to commence on 1 January 2012. Development of regulations is underway 	4	

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	<p>at the national level and I&I NSW has been providing input through WorkCover.</p> <p>National Mine Safety Framework</p> <ul style="list-style-type: none"> • All jurisdictions will adopt agreed so-called “Core” Drafting Instructions (DIs); with some states (Vic, SA, NT, Tas) adopting the “Core” DIs as regulations under the model <i>Work Health and Safety Act</i>. • It is NSW Government policy that NSW should continue to have separate mine health and safety legislation, supplementary to the <i>Work Health and Safety Act</i>, to ensure that NSW will maintain its current legislated protections. • NSW will adopt the “Core” plus additional “Non-Core” provisions which will address legislative gaps in the “Core”. • Work is underway to compare existing legislation in NSW and Queensland to develop requirements relating to Coal, which will form the basis of DIs. • A similar process will also be undertaken with WA and Queensland for the metalliferous/extractives industry, in order to meet the timeframe for development of the Non-Core Drafting Instructions by the end of 2010. <p>Statutory Review of Mine Health & Safety Act</p> <ul style="list-style-type: none"> • As the Act only commenced in 2008, and in light of the national reforms, the review focuses on whether the policy objectives remain valid. The discussion paper, with a closing date for comments of 2 September 2010, is available on the I&I NSW website. <p>Members appreciated being brought up to date and asked some general questions. Members noted the brief. The Chairman thanked I&I NSW for its report.</p>		Noted
6.	<p>CEO Summit review event</p> <p>The Chairman brought members’ attention to Attachment 5, an update on the CEO Summit Review Event. The Chairman said that when he met with the Minister last week, the Minister agreed to be the patron of the event and that 18 November 2010 would be a suitable date. The Minister agreed to open the meeting and launch the website. The Minister will stay for the stakeholder presentations and leave at approximately 11am. The Members’ Dining Room in Parliament House has been secured for the event.</p> <p>The Secretariat had put together a briefing package for members as Volume 2 of the attached papers. General discussion then ensued on the event as follows:</p> <ul style="list-style-type: none"> • It was agreed that the Secretariat is on the right track with the submissions to date. • Stakeholders agreed to provide an updated list of invitees within a week. • The CFMEU recommended that we not only look at impediments but to also look at what has been achieved by MSAC to date. They also thought that MSAC should lead the stakeholder views in that session. • The Chairman suggested that we have a general session where the impediments are weaved in (without a specific 	5	

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	<p>impediment section). It was agreed that the program should be finalised by the event planning committee.</p> <ul style="list-style-type: none"> • The CFMEU thought that the National Legislative agenda may come into the discussion and it was agreed that this may occur. • The issue of a facilitator was discussed and it was agreed that it would be preferable to have one. James O’Loughlin was suggested for continuity from the last CEO Summit and the fact that he would be familiar with the format and content to a larger degree than other possible facilitators. It was agreed that this would be further discussed at the planning meeting of the event planning committee. <p>The Chairman thanked members for their input and said that the planning committee was meeting directly after this meeting and would take these issues on board and report back to members in due course.</p>		<p>The event planning committee should proceed ASAP.</p>
7.	<p>World-leading OHS Culture Working Party</p> <p>The Chairman brought members’ attention to the next item of business and Attachments 6, 7 and 8 regarding updates on the work of the Culture Working Party (CWP).</p> <p>OHS Culture Project update</p> <p>The Chairman informed members:</p> <ul style="list-style-type: none"> • The Culture Project is on track with the Stage 3 ‘deliverable’ submitted on 22 July 2010 and accepted by the steering committee. • Recruitment of sites to participate in the pilot was complete but one open-cut site withdrew due to financial difficulties. Two alternative sites have been approached. • Baseline assessments will be reviewed following the completion of the pilot, and the CEO Summit Vision matrix will be updated to include pilot outcomes, including industry views on the role of the regulator in contributing to OHS culture improvement, particularly in consultation and systems development and implementation. • Data collection tools were ‘user tested’ at the CSA mine in Cobar on 15 and 16 July 2010. Interview participants reported that they found the interviews interesting and assessment workshop participants found the process useful and effective. • The Pilot commenced on 15 July 2010 with user testing at CSA mine. Assessments have been conducted with the two extractives clusters. • The steering committee has been requested to identify industry champions to participate in a capacity building for change management activity. The committee had discussed using the OHS Summit Review event to launch the change management workshops and commence the process of identifying industry champions. 	6	<p>Members continue to support the project.</p>

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	<ul style="list-style-type: none"> The role of the regulator in influencing culture and culture change has been included in the qualitative data collection tools. I&I NSW recognise the important role of the regulator in influencing OHS culture. <p>Members noted the report and continue to support the project.</p> <p>ANTS Project</p> <p>The Chairman brought members' attention to the next item of business, Attachment 7, reminded members of the background to this project, what has happened so far and asked the secretariat to take members through the ANTS Final Report and the revised ANTS Project Outline. The Secretariat duly did so with the following highlights:</p> <ul style="list-style-type: none"> The final ANTS report was endorsed by the Culture Working Party (CWP) which suggested that the ANTS Project Outline be revised in line with the report's findings. The report will also feed into the Culture Project. The CWP agreed to and endorsed (in principle) the revised Project Outline as well as the "Closing the Disconnect" strategic matrix. The matrix addressed all ten ANTS Report findings and attempted to integrate these into existing or proposed programs that MSAC has done to date or is doing on ANTS, according to the Project Outline. The Secretariat revised the matrix which was circulated out of session as part of the revised project outline for CWP members' approval. The final approved version of the ANTS Project Outline is attached for MSAC members' endorsement. \$50,000 is allocated for the ANTS Project in the 2010/11 MSAC Budget. <p>The Chairman then summarised the timeline of what has been done with ANTS by MSAC and where we are going with this strategy. Members agreed to endorse the ANTS Report, the findings and the updated ANTS project outline that includes the ANTS strategy for implementation under the supervision of the CWP.</p> <p>The Chairman advised that he met with the Coal Competence Board on the 17 August 2010 to discuss ANTS. The Board is addressing ANTS in its program of work. He intends to meet with the Metals and Extractive Industry Board on 1 September.</p> <p>World-leading OHS Marketing Project</p> <p>Educating mining communities strategy</p> <p>The Secretariat advised that following the Chairman writing to mines in the Cobar region seeking support for the road safety program, he has had a positive response from Peak Gold Mine and is still waiting to hear from the other mines. Iris Dorsett, the Road Safety Officer engaged to run the program, is getting in touch with the mines with a view to running the program in October 2010. North Parkes mine is interested in a program being run in its area if the opportunity arises.</p>	7	Members agreed to endorse the ANTS Report, the findings and the updated ANTS project outline that includes the ANTS strategy for implementation under the supervision of the Culture Working Party.
		8	Noted

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	<p>Summary Matrix of MSAC Programmed Work</p> <p>The Chairman brought members' attention to Attachment 11; the Summary matrix of MSAC programmed work. The Secretariat took members through the matrix. It was agreed that the item regarding approaching competence boards to develop a discussion paper on ANTS competencies was now redundant (since a discussion paper on ANTS had already been produced for industry) and could be removed from the matrix.</p> <p>Programmed Work Schedule for 2010/11</p> <p>The Chairman brought members' attention to Attachment 12, the Programmed work schedule for 2010/11, The Chairman advised members that matters from the work schedule had been largely dealt with earlier during meeting and unless there were any questions we would progress to the next agenda items. There were no questions.</p>	<p>11</p> <p>12</p>	<p>The item regarding approaching competence boards to develop a discussion paper on ANTS competencies can be removed from the matrix.</p>
9.	<p>MSAC Business</p> <p>Final quarter report 2009/2010 levy report to MSAC</p> <p>The Chairman brought members' attention to Attachment 13, the final quarter report 2009/10. Members felt there are still gaps in this report relating to expenditure on salaries.</p> <p>The technical advisor to the Chairman explained that Mine Safety Operations (MSO) is working on filling the vacancies in the inspectorate. This has been an ongoing problem and there is a submission with the Department to gain support for offering additional remuneration to attract new inspectors. MSO is also training current inspectors to higher levels to fill the gaps.</p> <p>MSAC 2009-10 Budget update</p> <p>The Chairman brought members' attention to Attachment 14, the 2009/10 MSAC budget update. The Executive Officer advised that there was a small pro-rata underspend as consultants have not been engaged to date and events have not yet been scheduled. Members noted the report.</p> <p>MSAC Member Evaluation Survey</p> <p>The Chairman brought members' attention to Attachment 15, the MSAC member evaluation survey. He said that while it was a shame that not all members had responded; the outcome was very positive and the Council should be proud and grateful for the quality of the Secretariat's work. The Committee congratulated the Secretariat.</p>	<p>13</p> <p>14</p> <p>15</p>	<p>Noted</p> <p>Noted.</p> <p>Noted.</p>

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	<p>MSAC Planning Day for 9 December 2010</p> <p>The Chairman reminded members of the proposed planning day on 9 December 2009. Members agreed that Mudgee would be a good location for this meeting.</p>		<p>The Secretariat will arrange the Planning Day.</p>
10.	<p>Other Business</p> <p>The NSWMC representative reminded members that they are holding an OHS Safety Forum in Dubbo on 4 – 5 November as well as sponsoring Mr Peter Sandman to present to the NSWMC on 22 September 2010.</p>		
11.	<p>Close</p> <p>The Chairman closed the meeting at 1.03pm, thanking members or their representatives and observers for their attendance. The next meeting will be on 28 October 2010 at NSWMC offices.</p>		<p>Next MSAC meeting to be held in Sydney on 28 October 2010 – at NSWMC offices.</p>