

Meeting	Mine Safety Advisory Council		
Meeting No.	1 of 2015	Date	17 June 2015
Location	NSW Minerals Council, Level 3, 12 O'Connell Street, Sydney	Time	10:00am
Attendees	<u>Members:</u> Dr Graeme Peel Acting Chair, Independent Mr Tony McPaul NSW Minerals Council (NSWMC) Mr Ian Cribb NSWMC Mr Scott Tipping Cement Concrete and Aggregates Australia (CCAA) Mr Andy Honeysett Construction, Forestry, Mining and Energy Union (CFMEU) Mr Peter Jordan CFMEU Mr Glenn Seton Australian Workers Union (AWU) Mr Doug Revette NSW Trade & Investment (Department) Ms Barbara McPhee Independent	<u>Secretariat:</u> Mr John Flint Department Ms Anna Kneath Department <u>Observers:</u> Mr Andrew McMahon NSWMC Ms Lee Shearer Department Mr Rob Regan Department Ms Jenny Nash Department	
Apologies	Mr Todd Hacking (CCAA)		

MINUTES

Item	Issue	Outcome
1	INTRODUCTION	
1.1	Welcome and Apologies <ul style="list-style-type: none"> The Chair opened the meeting at 10.03am. Mr Flint advised that member re-appointments are with Cabinet awaiting sign off. It was advised that the Chair of MSAC is still to be appointed. A safety briefing was provided by Mr McMahon. 	
1.2	Declaration of Conflict of Interest <ul style="list-style-type: none"> The Chair requested members declare any conflicts of interest. No conflicts of interest declared. 	No conflicts of interest declared.

Item	Issue	Outcome
1.3	<p>Acceptance of Previous Minutes and Business Arising</p> <ul style="list-style-type: none"> No changes were made to the draft minutes emailed on 11 December 2014. Mr Cribb raised that the minutes did not reflect discussions held at the last meeting regarding bullying and harassment (particularly in relation to training of inspectors). It was requested that more comprehensive notes be added to the minutes. It was agreed that Mr Cribb would email dot points to the Secretariat for inclusion in the minutes. 	<p>The minutes of the previous meeting were accepted subject to additions under Agenda Item 7 – Other Business, Bullying and Harassment (Moved Mr Cribb, seconded Ms McPhee).</p>
1.4	<p>Correspondence</p> <ul style="list-style-type: none"> Members noted that no correspondence has been received or sent since the last meeting. 	<p>Noted.</p>
2	FOR DISCUSSION AND/OR DECISION	
2.1	<p>Fatalities Review Update</p> <p>Members noted the Mine Safety Review Committee Terms of Reference.</p> <p>The Chair advised that the Minister has now published the Wilkinson report; which is available on the Department’s website.</p> <p>The Department advised that it is developing a new ACES (Activity Compliance and Enforcement System) database for compliance and enforcement. The database is built out of the Noggin system which is configurable to meet the needs of the Department. It will allow for better management and analysis of data including examining trends, workflows, decision making, timeliness of information and allow regular reporting. It is intended that COMET will be phased out and ACES will be used for recording mine safety data. ACES will allow the Regulator to be more transparent and accountable.</p> <p>Members discussed the frequency of reporting data to MSAC. It was agreed that a fatalities review update should be a standing agenda item for MSAC meetings.</p> <p>It was agreed that the Secretariat would circulate the ICMM Guidance on Critical Control Management to members.</p> <p>Ms Shearer suggested that a more regular meeting with key industry stakeholders be held. It was proposed that a group be formed with a strategic focus examining what we should be doing now and into the future, how it should be done and identifying key issues through trends. The group should meet monthly via teleconference and provide a report back to MSAC at each meeting. It was advised that it would make sense for the representative to be a MSAC member at this stage. Members may nominate an alternative in the future.</p>	<p>Secretariat to include a fatalities review update as a standing agenda item for MSAC meetings.</p> <p>Secretariat to circulate the ICMM Guidance on Critical Control Management to members.</p> <p>Members agreed to the concept of a key industry stakeholder group meeting monthly via teleconference.</p> <p>Secretariat to:</p> <ul style="list-style-type: none"> advise MSAC on the mechanics of the meetings and proposed dates seek nominations from MSAC from each stakeholder group.

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	<p>Members agreed:</p> <ul style="list-style-type: none"> • to the concept of a key industry stakeholder group meeting monthly via teleconference • that a report should be presented to MSAC at each meeting • the Secretariat would advise MSAC on the mechanics and proposed dates for the teleconferences • the Secretariat to contact MSAC members seeking nominations from each stakeholder group. <p>Ms Shearer updated members on the future arrangements for the Department given Mr Regan's upcoming retirement on 30 June 2015. The Department is proposing a model, not yet approved by the Deputy Secretary, to divide the role creating both a Chief Inspector and new Director position. Both positions will report directly to the Executive Director, Compliance and Enforcement (Ms Shearer). Mr Bill Barraclough is currently acting Chief Inspector and Ms Nash acting Director. Members were advised that from 1 July 2015, the Department would be known as the NSW Department of Industry, Skills and Regional Development (NSW Department of Industry).</p>	
2.2	<p>Medlock Review Working Party</p> <p>Members discussed the paper and the working group recommendations. It was noted that there was considerable discussion at the working group level and that the legal implications of the recommendations was unknown. Members raised the following points during the discussions:</p> <ul style="list-style-type: none"> • there are a number of ways in which a dual investigation model can be undertaken (e.g. the Department undertake two separate investigations; an independent body investigates; or an independent within the Department investigates) • ICAC model could be considered as an option • the intent is to get information out to the industry as soon as possible following an incident (eg safety alerts that allow industry to examine own practices) • the Department currently releases investigation information reports within a month • the transport industry releases information very quickly after an incident • there are operator concerns over providing information and any subsequent prosecution proceedings • MSAC agreed to the strategic direction of the working group at the November 2014 meeting • there have been significant improvements in the timeliness of the release of information since the Medlock report was written which has not been taken into consideration • the CFMEU consider it appropriate for the Regulators capacity to enforce and gather information to be increased • investigations may be a complex process requiring a lot of resources which may hinder the ability to meet the timeframes discussed. 	<p>Members agreed to recommendation 2, that the Department undertake further evaluation of the proposed models and a cost/benefit analysis.</p> <p>Members further agreed that the:</p> <ul style="list-style-type: none"> • Department provide an updated report, methodology and project timeline at the next MSAC meeting • Medlock Review Working Group has met its' Terms of Reference and it be disbanded • Medlock Report is to be kept a working document and not be made a public document.

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	<p>Members agreed to the second recommendation, that the Department undertake further evaluation of the proposed models and a cost/benefit analysis. It was agreed that the Department examine the two existing models for aviation and transport and how they might apply to the mining industry. The investigation should:</p> <ul style="list-style-type: none"> • examine all of the approaches in point 3 of the discussion paper (appendix B of the papers) • consider the thresholds for activation • be based on a risk management model • be industry wide • seek legal advice. <p>It was requested that the Department provide an updated report and methodology at the next MSAC meeting.</p> <p>Members agreed that the Medlock Review Working Group has met its' Terms of Reference and that it can now be disbanded. It was agreed that any further workings in relation to the Medlock review would be handled by MSAC directly.</p> <p>Members discussed whether or not the original document should be made public. The following points were raised:</p> <ul style="list-style-type: none"> • it was originally tabled at MSAC as a working document • it was referred to the working group as a working document • there was no intent to publish the report as a public document • the report exceeded the original brief • there is some content that may not be suitable for release to the general public. <p>Members agreed that there is no value in the report being made a public document and agreed to keep it as a MSAC working document.</p>	
2.3	<p>Fatigue Management</p> <p>It was raised that:</p> <ul style="list-style-type: none"> • only 58% currently use the MSAC guidance material • electronic access is low • contractors have always been a problem because mine operators do not have the same level of control over them compared to their own workers, there is a disconnect • contractors are a key group for consideration and a lot of work needs to be undertaken to engage and communicate with them • there is a lot of information out there that people may be referring to in addition to or instead of the MSAC guidelines • it is difficult to track fatigue management for contractors especially when working across more than one mine • there has to be a responsibility on individuals to manage their own fatigue along with the operator • there needs to be a focus on communicating the MSAC material to industry 	<p>Members agreed to recommendation 1, that the focus of the fatigue project is on a revision and update of what is considered reasonably current guidance followed up by a revitalised communication and capacity building strategy.</p>

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	<ul style="list-style-type: none"> • new legislation has come into effect since the guidelines were written • the audience was not clear when the original document was written; there is benefit in re-writing the document for right audience • the Newcrest, North Parkes and Cobar model is a good example as a starting point for contractor fatigue management (e.g. coordination of timing of shutdowns). <p>It was raised that the Department is currently undertaking an audit which may inform this project. It was questioned whether or not MSAC should wait for the results of the audit before undertaking further work. It was agreed that the project should commence and the findings of the audit be included once the project was underway.</p> <p>The issue of whether the guidelines should be a code of practice was raised. It was noted that it was difficult to have a one size fits all model for rosters especially as the coal industry is moving away from permanent staff to contractors.</p> <p>Members discussed issues around fatigue management during commuting. It was raised that:</p> <ul style="list-style-type: none"> • the current NSW guidelines are silent on long distance commuting but it is addressed in QLDs guidelines • when the guidelines were originally written it wasn't seen as an issue in NSW but things have now changed • the extent of the problem is not the same as in QLD but it does exist in NSW particularly in far west NSW • the NSW Police Force has identified four major contributors to NSW road incidents; speed, alcohol, drugs and fatigue. Highway patrol officers in far west are now asking drivers about the amount of sleep they have had • there is a concern with individuals completing a 14 hour shift then driving back to QLD or home; workers are no longer being paid for commute time so are reducing the amount of time to and from work by driving longer distances. <p>Members agreed that:</p> <ul style="list-style-type: none"> • research needs to be undertaken in relation to the nature and extent of the problem of fatigue during commuting in NSW • research should take into consideration international strategies and whether or not they have been effective. <p>Mr Flint advised that there is a small amount of funding that could be utilised to engage a contractor to undertake the research. The Secretariat could support the process by rewriting the guidelines.</p> <p>Members also agreed it would be beneficial to understand why the remaining 42% of the mining industry does not use the MSAC guidelines. It was agreed that the Secretariat would examine the data further and break up by sector.</p> <p>MSAC agreed to request the Secretariat review the guidelines, taking into consideration:</p> <ul style="list-style-type: none"> • new legislation • the audience for the guidelines • the research on commute management 	<p>Members further agreed that:</p> <ul style="list-style-type: none"> • research be undertaken in relation to the nature and extent of the problem of fatigue during commuting and contractor fatigue • a contactor be engaged to undertake the research • Secretariat update the fatigue management guidelines • Secretariat to examine the data in Health Lead Indices report further and break up by sector • HMAC to update the project outline (including a communication strategy) and present it at the next MSAC meeting.

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	<ul style="list-style-type: none"> • contractor fatigue management • the findings of the Department’s audit. <p>Members agreed that the focus of the fatigue project is on a revision and update of what is considered reasonably current guidance followed up by a revitalised communication and capacity building strategy (recommendation 1) and that a research focused intervention (recommendation 2) was not required except in relation to commuter and contractor management.</p> <p>Members agreed that the project outline should be updated by HMAC and resubmitted to MSAC at its’ next meeting. The project outline should also include a communication strategy.</p>	
2.4	<p>Bullying and Harassment</p> <p>It was raised that the paper states that bullying and harassment is ‘not an issue for all sectors of the industry’. If that is the case, then HMAC should go back to those sectors to find out what they are doing.</p> <p>Mr McMahon raised the NSW Minerals Council is currently undertaking a mental health project, “Mates in Construction”. The aim of the project is to address high suicide rates. It looks at training workers, providing avenues for workers to talk to other workers and teaches individuals to identify warning signs. Mr McMahon agreed to check with the researchers to see what the dataset is and determine if any of the research is relevant to this project. Mr McMahon advised that they are looking at establishing a mates in mining program through the ACARP grant on mental health.</p> <p>It was raised that the NSW Police Force and military have similar models.</p> <p>Members were advised that the Department currently has a number of bullying and harassment complaints being managed by the investigation unit. There has been a trend identified across a couple of sites. The Department has engaged external expertise to assist. Mr Jordan indicated that he is pleased with the feedback he received from the Department on how the matters he raised at the last meeting were being managed.</p> <p>It was requested that the following modification be made to the Bullying and Harassment Prevention Strategy document:</p> <ul style="list-style-type: none"> • Scope on page 3 – Change “Conduct” to “Review” in the first dot point under Research. <p>Members agreed that:</p> <ul style="list-style-type: none"> • there is evidence that bullying and harassment exists, given the Department is currently investigating a number of complaints • an issues focussed research invention is not required • the project should proceed under the ANTS and culture projects (recommendation 1). 	<p>Members agreed to recommendation 1, that the focus of the bullying and harassment prevention strategy is on an integrated approach with other MSAC initiatives (ANTS and culture projects) for capacity building.</p> <p>Members further agreed that:</p> <ul style="list-style-type: none"> • there is evidence that bullying and harassment exists, given the Department is currently investigating a number of complaints • an issues focussed research invention is not required • the project should proceed under the ANTS and culture projects.

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2.5	<p>Participative Ergonomic Project</p> <p>Members endorsed the Participative Ergonomics Sustainability project program proposal.</p> <p>The evaluation of the project was questioned. It was advised that the Department's Industry Assistance Unit are developing a survey which will be sent out in the near future.</p>	<p>Members endorsed the Participative Ergonomics Sustainability project program proposal.</p>
2.6	<p>Contractors WHS</p> <p>Questions were raised in relation to the statistics. It was requested that the Secretariat:</p> <ul style="list-style-type: none"> • undertake further analysis on the data by sector • provide more updated statistics i.e. post 2008. <p>It was advised that there are no allocated funds for the project in the 2015/16 financial year. It was suggested that the costs to run the forums could be reduced significantly if MSAC was to facilitate the sessions and if venues with the various services were sought rather than commercial venues.</p> <p>Members agreed:</p> <ul style="list-style-type: none"> • that the project be refined prior to progressing any further • to provide input to the Secretariat within 2 weeks on how the project can be improved. <p>The draft Contractor WHS Culture Strategy project presented was not endorsed.</p>	<p>The Contractor WHS Culture Strategy project proposal was not endorsed.</p> <p>Members agreed to provide input to the Secretariat on how the project can be improved.</p> <p>Secretariat to provide updated and refined statistics in relation to fatalities.</p>
2.7	<p>Report on Actions to 2017</p> <p>Mr Regan advised that the Mine Sub Plan has now been endorsed (strategic area 1, dot point 1).</p> <p>In relation strategic area 2, Mr Cribb raised that the QLD Board has proposed an annual combined meeting with MSAC to discuss strategies and to learn from each other. Mr McMahon indicated that WA is also interested. Members supported the idea and agreed that the Secretariat should pursue this further.</p> <p>Members agreed to hold a strategic planning session when a new chair is appointed.</p> <p>Members agreed that an update on the Actions to 2017 is not required each meeting.</p>	<p>Secretariat to pursue an annual meeting with QLD and WA.</p> <p>Secretariat to coordinate a strategic planning session once a new Chair is appointed.</p>

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2.8	<p>MSAC Constitution</p> <p>Members were advised:</p> <ul style="list-style-type: none"> the constitution was drafted based on schedule 7 of the Mining Regulation 2010 the terms of reference in the constitution is the current term of reference for MSAC the safety advisory committees referred to under the Terms of Reference (page 1) are industry safety advisory committees. <p>Members endorsed the MSAC constitution subject to the following amendments:</p> <ul style="list-style-type: none"> under 'Decision Making' (p.3) – add providing advice to the Minister via a report after each meeting under 'Decision Making' (p.3) – change 'alternate' to 'alternative' under 'Strategic Plan' – add 'and endorsed by the Minister' after the first sentence. 	<p>Members endorsed the MSAC constitution subject to the amendments.</p>
	<p>The Chair thanked Mr Regan, on behalf of MSAC, for his service over the past 16 years. The Chair acknowledged Mr Regan's depth of knowledge, negotiation skills and support he provided to the Council.</p> <p>Ms Shearer also thanked Mr Regan on behalf of the Department. Ms Shearer acknowledged the leadership Mr Regan has brought to Mine Safety Operations, his significant workload and his vision in shaping the future of mine safety for future generations. Members expressed their appreciation to Mr Regan.</p> <p><i>Ms Shearer left the meeting at 12:57pm.</i></p>	<p>Members expressed their thanks and appreciation to Mr Regan for his support of MSAC over the past 16 years.</p>
2.9	<p>Due Diligence Strategy</p> <p>Members expressed concerns over the project that it did not meet MSAC's requirements.</p> <p>Members did not agree to the recommendations in the paper to refer the report to the Culture Working Party.</p> <p>It was agreed that the Department should put together a simple guidance document to advise directors of their responsibilities under the new legislation.</p>	<p>The Department to develop a simplistic guidance document to advise directors of their responsibilities under the new legislation.</p>
3	BUSINESS FOR NOTING	
3.1	<p>Coordination of Mine Emergency Management</p> <ul style="list-style-type: none"> Members noted the report. It was requested that the Department keep MSAC updated with any changes, amendments, exercises etc. 	<p>Noted. The Department to keep MSAC up to date with any changes.</p>

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3.2	<p>Naturally Occurring Radioactive Materials (NORMs)</p> <ul style="list-style-type: none"> It was advised that the Department has received a draft report but is awaiting a final version. The Department is in discussions with ANSTO and preliminary findings indicate no major risks. Members noted the report. 	Noted.
3.3	<p>WHS Culture Benchmarking Update</p> <ul style="list-style-type: none"> Members noted the report and supported the establishment of a user group. It was agreed that MSAC would follow the progress of the project and that an update should be provided at each meeting. 	<p>Noted.</p> <p>Update to be provided at each meeting.</p>
3.4	<p>Regulator Performance Survey</p> <ul style="list-style-type: none"> Members questioned whether the Department has received any results of the survey yet. Mr Flint advised that the field work has just been completed and an analysis is currently being undertaken. No results have been advised as yet. 	Noted.
3.6	<p>MSAC Program Summary Matrix</p> <ul style="list-style-type: none"> Members noted the report. 	Noted.
4	OTHER BUSINESS	
	<ul style="list-style-type: none"> The Chair reiterated his thanks to Mr Regan on behalf of MSAC. The Chair also thanked Mr John Hannford for his efforts as previous Chair. The Secretariat was requested to draft a thank you letter to Mr Hannaford. It was agreed that Dr Peel would sign the letter as interim Chair. It was requested that a copy of the letter be tabled at the next meeting. 	Secretariat to draft a thank you letter to Mr Hannaford.
5	CLOSE	
	<ul style="list-style-type: none"> The Chair closed the meeting at 1:20pm. 	Next meeting 10 September 2015.