

Meeting	Mine Safety Advisory Council		
Meeting No.	2 of 2015	Date	17 September 2015
Location	CFMEU National Offices Level 11/215 Clarence Street, Sydney	Time	10:00am
Attendees	<p><u>Members:</u></p> <p>Mr Carl Scully Independent Chairman Dr Graeme Peel Independent Mr Scott Tipping Cement Concrete and Aggregates Australia (CCAA) Mr Andy Honeysett Construction, Forestry, Mining and Energy Union (CFMEU) Mr Peter Jordan CFMEU Mr Doug Revette NSW Department of Industry(Department) Ms Barbara McPhee Independent Mr Andrew McMahon NSW Minerals Council (NSWMC) (alternate for Ian Cribb)</p>	<p><u>Secretariat:</u></p> <p>Mr John Flint Department</p> <p><u>Observers:</u></p> <p>Ms Lee Shearer Department Mr Gary Parker Department Ms Jenny Nash Department Mr Tony Linnane Department Ms Monique Andrew CCAA</p>	
Apologies	Mr Glenn Seton Australian Workers Union (AWU); Mr Tony Mc Paul (NSWMC); Mr Ian Cribb (NSWMC)		

MINUTES

Item	Issue	Outcome
1	INTRODUCTION	
1.1	<p>Welcome and Apologies</p> <ul style="list-style-type: none"> The new Chairman, Carl Scully, opened the meeting at 10.00am and welcomed members, noting the apologies and that Andrew McMahon is Ian Cribb's alternate for the meeting. The Chairman commented that he looked forward to working with the members over the next few years. Andrew McMahon reiterated Tony McPaul's apology due to the tragic events at Cadia Valley Operations leading to a fatality in the Ridgway Operation on Sunday 6 September 2015. 	
1.2	<p>Declaration of Conflict of Interest</p> <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.

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1.3	<p>Acceptance of Previous Minutes and Business Arising Barbara McPhee requested an amendment in the draft minutes from the 17 June 2015 meeting in agenda item 2.9 Due Diligence in line 3 of paragraph 2 from simplistic guidance to “simple guidance”. Members agreed to the amendment and accepted the minutes as amended.</p> <p>Members noted the actions arising from the minutes and:</p> <ul style="list-style-type: none"> ○ Mr Flint gave an update on action 1.3 on amendment to 26 November 2014 indicating that no suggested amendments were received from Ian Cribb on bullying agenda item from 26 November 2014 meeting. Members agreed that this item should be closed and the 26 November 2014 minutes be finalised unamended. ○ Andrew McMahon commented that action 2.2a on Medlock should indicate that evaluation is in progress rather than complete. Members agreed this item is in progress. ○ Mr Flint indicated that action 2.7a on interactions with other advisory committees in Qld and WA that informal communication had taken place and both jurisdictions had expressed interest in receiving a formal letter. Mr Flint suggested the new Chairman write to the respective Chairpersons putting forward ideas on interaction for consideration. Members requested the Chairman write to Qld and WA. 	<ul style="list-style-type: none"> ● Minutes from 17 June 2015 as amended were accepted. ● Members noted the actions arising and agreed for; <ul style="list-style-type: none"> ○ 1.3 the 26 November minutes be finalised. ○ 2.2a be amended to be “in progress”. ○ 2.7a that the Chairman write to Qld and WA.
1.4	<p>Correspondence Members noted the correspondence in agenda paper 2 and the Chairman indicated he received an appointment letter from the Minister on 27 August 2015.</p>	<ul style="list-style-type: none"> ● Noted.
2	FOR DISCUSSION AND/OR DECISION	
2.1	<p>Regulator Performance Survey (Presentation by Jetty Research) The Chairman introduced Ms Christine Denning from Jetty Research and requested she present the findings of the perception survey of industry of the mine safety regulators performance (agenda paper 3). Ms Denning thanked the Chairman for the opportunity and tabled a hard copy of the presentation for members information.</p> <p>Ms Denning outlined the objectives and methodology of the survey of 222 people across three sectors (coal, metals & extractives) including managers, workers, check inspectors and contractors. In summary;</p> <ul style="list-style-type: none"> ○ A score of 8 out 10 should be considered good and a score of 7 as acceptable. ○ On the theme of is the mine safety regulator proactive overall the score was 7.63 with coal scoring lowest (6.86) and extractive highest (8.32). ○ Ms McPhee indicated the higher score in the extractives could be due to the well-received small mine program ○ The regulator representatives indicated they were surprised at the high scores indicating scores in 5-6 range were expected. ○ Ms Shearer indicated that as the department moves to being a risk based regulator this will bring improvements in the regulator being proactive. ○ On the theme of the regulator adding value the overall score was 7.35. What adding value means was discussed and Ms Denning indicated that operators making changes meant the regulator is adding value. 	<ul style="list-style-type: none"> ● The information in the survey was noted and members agreed; <ul style="list-style-type: none"> ○ The survey report be placed on the department’s web site. ○ The survey be done again in 2018.

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	<ul style="list-style-type: none"> • In examining perceptions of the 18 Mine Safety Regulator questions it was identified that; <ul style="list-style-type: none"> ○ Areas achieving “performed well” scores were: issuing safety alerts; providing advice and information about safety (68%); responding to complaints about safety (65%); setting appropriate safety standards (65%); and undertaking safety inspections (64%). Areas identified for improvement included: promoting health management programs (46%); providing guidance on development of documentation to meet legislative requirements (51%); supporting unions and employer organisations to promote improvement to safety and health practices (52%); and clarifying where legal responsibility lies (54%). • In examining perceptions of the 20 Inspector focused questions it was identified that; <ul style="list-style-type: none"> ○ The areas achieving performed well scores were: available to answer queries over the telephone or online (87%); knowledgeable about the industry they are inspecting (85%); treat staff with respect (84%); and approach the inspection with professionalism (83%). ○ Areas identified for improvement included: keep up with new technologies (62%); consistent in the application of the legislation (64%); provide staff with examples of how they could comply (65%); and ask objective and unbiased questions (68%). • Awareness of the services provided by the MSR was high: 100% of respondents were aware the MSR conducts inspections, with slightly lower awareness of “develops industry-based work health and safety programs” (78%), “examines candidates for competencies” (74%) and “provides forums for stakeholder consultation and decision making on work health and safety issues” (74%). <p>Further discussion on what was identified in the survey ensued and in summary;</p> <ul style="list-style-type: none"> • Ms Shearer indicated that addressing some of the issues that scored less well is difficult to address in a risk based approach as there is a move away from prescriptive approaches and the standards are set in codes of practice and guidance material, not in regulation. • There is room for improvement in gaining consistency in approach and requirements by inspectors. The regulator has been working on improving consistency through training and the development of systems. It was also noted that skills development and maintenance for inspectors is an important issue. • Mr Jordan commented that workers are seeking the regulator to resolve issues. • It was noted that some operators are seeking greater direction on what to do to meet their obligations while others are seeking flexibility. It was also noted that guidance through MDG’s needs to be updated and promoted. • Mr Flint indicated that a thematic comparison between this survey and a Western Australian survey indicated NSW is doing as well as, if not better than, WA. <p>Ms Denning concluded that this survey sets a baseline for when the survey is done again in three years (2018) and that next time more could be done to recruit workers and contractors to participate. The Chairman thanked Ms Denning on behalf of the members and she left meeting at 11:10am.</p> <p>Members agreed the survey should be placed on the department’s web site and the survey redone in 2018.</p>	

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2.2	<p>Fatalities Review Update</p> <p>The Chairman referred to paper 4 in the agenda and requested Ms Shearer discuss the 6 change projects outlined in Appendix B on the incident prevention strategy. Ms Shearer indicated as agreed at the 11 August 2015 tele-conference (Appendix A) further information on the change projects would be provided for discussion at this meeting. Ms Shearer indicated there were six priority change projects outlined and they all relate to each other. The focus is on risk based regulation and focussing on the critical controls to address the greatest risks not on everything that is reported.</p> <p>Ms Shearer lead a discussion and in summary;</p> <ul style="list-style-type: none"> • The risk based approach is a cultural shift for the regulator and the assistance of Mr Peter Wilkinson will continue to be sought during this transition. • New communication approaches are being developed and implemented. It is not just about fatalities it is about trends in the occurrence. The new “Weekly incident summary report” issued for the first time on 16 September 2015 (tabled) will be circulated weekly every Wednesday to those on the regulators email data base. • Near misses also need to be examined and reported to industry. • There needs to be a focus on what controls failed or risks not identified. • The regulator will continue to refine its communication strategies with industry. • The test will be what the industry does with the new in timely information. • The regulator is moving to a team based proactive audit approach with a focus on priority issues. <p>Members agreed that further feedback on the change projects should be provided to the secretariat within 3 weeks (8/10/2015) and that another mid-point teleconference will take place in late October or early November 2015 with MSAC members. The Chairman requested that members continue to be updated at the next meeting in December.</p>	<ul style="list-style-type: none"> • Members noted the information and agreed; <ul style="list-style-type: none"> ○ To provide further feedback to the secretariat within three weeks (8/10/15). ○ To another update teleconference before the next MSAC meeting.
2.3	<p>Medlock Review Working Party</p> <p>The Chairman referred to paper 5 of the agenda and requested the department provided an updated on the direction for evaluation of the dual investigation model. Doug Revette indicated that a method for evaluation has been considered and that the first step is look at different models of dual investigation and report back at the December 2015 meeting. Mr Revette commented that aviation and rail transport currently use a dual model, however it is through separate organisations and he reiterated that we need to get the evaluation right. Mr Revette indicated the department would examine the aviation model in more detail as part of the evaluation process.</p> <p>The Chairman asked Mr Revette if there consensus that a dual model should be evaluated to see if critical information can be communicated in a timelier manner. Mr Revette indicated there was consensus that an evaluation should take place to see what the benefits of a dual process are. The Chairman led a discussion that is summarised below;</p> <ul style="list-style-type: none"> • The Chairman commented that there appeared to be significant efforts by the department to improve timeliness and inquired if this is related to dual investigations. • Lee Shearer indicated that the department has been working hard in getting information on incidents out as quickly as possible and is seeking to continue to gain improvements. 	<ul style="list-style-type: none"> • The department to commence evaluation of different dual investigation models and report back on progress at the December meeting.

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	<ul style="list-style-type: none"> • Andrew McMahon commented that the NSW Minerals Council sees getting critical causal information out as quickly as possible is important for improving the safety performance of the industry, not just a description of the facts of what happened. He indicated that in aviation they strive to have this information out within 28 days. • Mr McMahon commented that impediments to getting the critical causal information discussed in the Medlock Working Group still exist. • The Chairman asked if self-incrimination is one of the driving issues to which Mr McMahon replied yes it is one of them. Mr McMahon indicated the NSW Minerals Council has a strong desire to examine the effectiveness of the dual process further. • The Chairman asked what the issues are for the regulator in getting the information to industry in a timelier manner. • Lee Shearer indicated she is in favour of examining the benefits of a dual process in providing critical causal information in a timelier manner. She indicated that there are legal issues to be addressed and that the current models, such as aviation, use separate organisations and legislative frameworks. • Ms Shearer further added that the issue of timely information goes deeper than solely fatalities and department now hold a regular weekly meeting to identify strategic incidents. • Peter Jordan commented that there is a different focus on fatalities, however serious bodily injuries when a worker never returns to work also occur and they need to be seen as important and that full and proper investigation needs to take place. He also referred to enforceable undertakings as an important tool for getting critical information out to industry. • Mr McMahon commented that the method in Appendix A had a timeline of 15 months. • Lee Shearer indicated she will look at different legal models and report back at the December 2015 meeting. <p>The Chairman commented that the community expects serious issues to be addressed with information coming out in a timely manner and that there is accountability. Ms Shearer indicated the regulator is obliged to ensure matters are addressed in a legally appropriate manner.</p> <p><i>Ms Shearer left the meeting at 12:10 pm.</i></p>	
2.4	<p>Fatigue Management</p> <p>The Chairman referred to paper 6 of the agenda on fatigue and requested Mr Flint to provide an update. Mr Flint indicated the projects had been updated by HMAAC following the directions from MSAC provided at its 17 June 2015 meeting. Mr Flint also indicated that the procurement process for the research on contractors and commuting had commenced.</p> <p>Members noted the updated papers and endorsed the Project Outline for the “Fatigue Management Review in the NSW Mining and Extractives Industry”.</p>	<ul style="list-style-type: none"> • Members endorsed the Project Outline for the Fatigue Management Review in the NSW Mining and Extractives Industry.

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2.5	<p>Bullying and Harassment</p> <p>The Chairman referred to paper 7 of the agenda regarding bullying and harassment. Mr Flint indicated that the project outline had been updated by the Culture Working Party following the directions from MSAC provided at its 17 June 2015 meeting.</p> <p>The Chairman asked if this is prevalent in the industry. It was noted that it is present in mining as it is in many other industries. Members indicated that definitions need to be formalised as bullying can happen only once were harassment is ongoing. Members confirmed MSAC's focus is on prevention and endorsed the Bullying and Harassment Project Outline.</p>	<ul style="list-style-type: none"> • Members endorsed the Bullying and Harassment Project Outline.
2.6	<p>Contractor Work Health and Safety</p> <p>The Chairman referred to paper 8 of the agenda on contractor work health and safety. Mr Flint indicated that the Culture Working Party intended to develop a pilot with Coal Services. Mr Flint indicated the secretariat has had informal discussions with Coal Services and that a meeting was scheduled for 12 October 2015.</p> <p>The Chairman noted that contractors appear to overrepresented in the fatalities and serious injuries as shown in the COMET data. He lead a discussions that is summarised below;</p> <ul style="list-style-type: none"> • Coal Services has workers compensation claims data on contractor in that sector as it is a specialised insurer and that it more difficult in the other sectors to identify contractors in the WorkCover statistics. • Peter Jordan indicated that in his view there are three types of contractors in the coal sector being, labour hire, roaming specialists (e.g. maintenance) and thirdly shut down contractors • There are joint responsibilities between the operator (coordinating PCBU) and the contractor PCBU. • Contractors have been traditionally difficult for the industry organisations and regulator to engage as they have no representative organisation. • There is support for a pilot jointly with Coals Services in a location such as Mudgee. • It was agreed it would be useful to see how the Central West Mining Contractor Group operates. <p>Members noted the contractor strategy that is being developed by the Culture Working Party and supports the strategic direction it is taking.</p>	<ul style="list-style-type: none"> • Members noted the contractor strategy that is being developed by the Culture Working Party and supports the strategic direction it is taking.
2.7	<p>Radon in Underground Mines</p> <p>The Chairman referred to paper 9 of the agenda being the ANSTO report on radon in underground mines. It was noted that the report was a census of all underground mines in NSW open at the time.</p> <p>The Chairman commented that there was one reading that to the uninformed may be of concern. Gary Parker indicated that a cuddy is an unventilated part of a mine that is rarely visited and the reading is not of concern. It was noted that this is a good outcome for the industry. It was also noted the report summaries work done by the department during the 1990's.</p>	<ul style="list-style-type: none"> • Members endorse the ANSTO report that further action is <u>not</u> required and; <ul style="list-style-type: none"> ○ the department is to distribute the report to the participating mines. ○ the outcomes need to be communicated

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	<p>Members accepted the recommendation to endorse the ANSTO report, that further action is <u>not</u> required and for the department to distribute the report to the participating mines. Members agreed that communication of the outcomes need to go further and the report should be posted on the department's web site with a Q&A about what it means.</p> <p>Members thanked Rob Mclaughlin who coordinated the project, the participating inspectors and mines.</p>	<p>further with the ANSTO report posted on the department's web site with a Q&A about it means.</p>
2.8	<p>Mine Safety Operations Electrical Design Program The chairman referred to paper 10 of the agenda regarding support for the department's participation in the electrical engineering International Standards Program. Members noted that MSAC had previously supported the five year program of participation in International Electro-technical Commission (IEC) meetings as it ensures the needs of NSW mines are met.</p> <p>Members noted the request for support in participating in a meeting for a Standard that had been bought forward and scheduled for Minsk in Belarus from 7-14 October 2015.</p> <p>Members unanimously supported the recommendation;</p> <ol style="list-style-type: none"> 1. to support the Department in actively participating in development and maintenance of IEC Standards 60079.11 and 19 in Minsk Belarus from 07/10/15 to 14/10/15 that will finalise a further plan into the future. 2. and to consider a new 5 year plan at a later meeting. <p>Members requested that participants provide feedback on progress at its next meeting.</p>	<ul style="list-style-type: none"> • Members support the department's participation in IEC meetings in Minsk, Belarus between 7-14 October 2015.
3	<p>BUSINESS FOR NOTING</p>	
3.1	<p>WHS Culture Benchmarking Update The Chairman referred to paper 11 of the agenda and indicated the change of name should be considered at a later date after a strategic review of the program had been under taken. Andrew McMahon commented that the name of the program needs to be meaningful to the industry.</p> <p>Members did <u>not</u> support a name change at this time. Members supported the commencement of a user's group through a symposium and workshop.</p>	<ul style="list-style-type: none"> • Members noted the brief and; <ul style="list-style-type: none"> ○ did <u>not</u> support a name change at this time ○ supported the commencement of a user's group.
3.2	<p>Associated Non-technical Skills (ANTS)</p> <p>Members noted the information in paper 12 of the agenda and supported the strategic direction.</p> <p>However members did not endorse the document for implementation in Appendix A (although endorsing the program of work) and requested it be redrafted. Members requested the secretariat meet with Barbara McPhee who will provide feedback on improvements for a redraft of the implementation document.</p>	<ul style="list-style-type: none"> • Members noted the information and supported the strategic direction of the CWP. • The secretariat meets with Barbara McPhee who will provide feedback on a

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		redraft.
3.3	<p>Coordination of Mine Emergency Management Members noted the report. Andrew McMahon commented that better communication of the role of the Emergency Management Coordination Team within the department was needed. The Mannering incident demonstrated that roles are unclear. Gary Parker indicated the department is working on improvements to the deployment model and that it will be communicated to industry.</p>	<ul style="list-style-type: none"> Members noted the brief and that the department will communicate its new deployment strategy when completed.
3.4	<p>Mining Competence Board Strategic Plan Members note the report.</p>	<ul style="list-style-type: none"> Noted
3.5	<p>MSAC Program Summary Matrix Members noted the report.</p>	<ul style="list-style-type: none"> Noted
4	OTHER BUSINESS	
	<ul style="list-style-type: none"> The Chairman raised the need for a strategic planning session for MSAC. Members agreed a session in February 2016 is warranted. Mudgee may be a suitable location for a facilitated 1 day session. Doug Revette raised the issue of the MSAC independent web site being redundant. He recommended that the web site be phased out and all the relevant information migrated to the department's Resources and Energy web site. Members agreed to this proposal. Andrew McMahon provided an update on what the NSW Minerals Council has been doing on mental health indicating the mining industry "Mental health Blue print" was launched on 9 September at a CEO Summit in Melbourne. He also indicated that "Mates in Mining" continues to be developed with participating companies and that the findings from the Obesity Project will soon be published. He also indicated that nationally the industry has been looking at tyre related incidents as there have been a number of fatalities nation-wide in recent years. <p>Andrew McMahon also indicated that he will be leaving the Minerals Council at the end of October. Members thanked him for significant contribution to MSAC programs over the last 6 years and wished him well in his future endeavours.</p>	<ul style="list-style-type: none"> Members agreed to a planning session in February 2016 possibly in Mudgee Members agreed to phase out the MSAC web site and migration the information to the department's web site. Members noted Mr McMahons feedback.
5	CLOSE	
	<ul style="list-style-type: none"> The Chair closed the meeting at 1:25pm. 	Next meeting 3 December 2015 in Sydney.