

## Mine Safety Advisory Council



### Minutes 9am – 12.40pm – Thursday 27 June 2013 Anzac Room, MLC Centre Level 47, 19 Martin Place, Sydney

No.	Item	Attachment	Action
1.	<p><b>Welcome and apologies</b></p> <p><b>Present:</b>     <u>Members:</u>     John Hannaford (Chairman), Barbara McPhee (Independent), Graeme Peel (Independent), Scott Lewis and Scott Tipping (CCAA), Andrew Lewis (NSW T&amp;I), Kylie Ah Wong (for Ian Cribb NSWMC), Glenn Seton (AWU), Andy Honeysett (CFMEU), Peter Jordan (CFMEU) and Jason Ingham (for Tony McPaul NSWMC).</p> <p>                  <u>Apologies</u>     Tony McPaul (NSWMC), Ian Cribb (NSWMC), Jenny Nash (NSW T&amp;I)</p> <p>                  <u>Observers:</u>     Andrew McMahon (NSWMC), Rob Regan (NSW T&amp;I), Jeff Sorrell</p> <p>                  <u>Secretariat:</u>     John Flint, Bruce Jones.                                     <u>Guests:</u>     Peter Medlock (Reviewer)</p> <p>The Chairman welcomed members or their representatives (Kylie ah Wong NSWMC, Jason Ingham NSWMC), observers, and Mr Peter Medlock who was attending to present a summary of his draft Review report to members.</p> <p>The Chairman also welcomed new member Scott Tipping who is replacing Scott Lewis as the CCAA's representative on MSAC. The Chairman wished Scott Lewis well in his new role and thanked him for his positive contribution to MSAC.</p>		
2.	<p><b>Declaration of conflict of interest</b></p> <p>The Chairman asked if any member had a declaration to make. There were no conflicts of interest to declare.</p>		Noted.
3.	<p><b>Business arising from the minutes</b></p> <p><u>Adoption of Minutes</u></p> <p>The Chairman invited members to adopt the Minutes of the previous meeting. Members agreed to adopt the minutes.</p> <p><u>Correspondence</u></p> <p>The Chairman referred members to Attachment 2 of the meeting papers containing correspondence, which was noted.</p>	1  2	Minutes of previous meeting adopted.  Correspondence noted.

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4.	<p><b>Effective Regulatory Approach</b></p> <p><u>Review into the management of investigations and communicating cause and prevention of mining incidents</u></p> <p>The Chairman invited Mr Peter Medlock, the Reviewer into the conduct of investigations and communication of cause and prevention of mining incidents, to give members an overview of his draft report before responding to any question or issue members may have.</p> <p>Mr Medlock took members through the process used and some of the options that are in Review report:</p> <ul style="list-style-type: none"> <li>• The Review has provided options for consideration, not recommendations about how investigations could run or on communication; and</li> <li>• Lessons can be learnt from other industries and it was important to have views from the expert panel.</li> </ul> <p>The Review has identified some common objectives from all stakeholders that were interviewed during the review:</p> <ul style="list-style-type: none"> <li>• The industry has a strong commitment to safety;</li> <li>• There is a strong commitment to continuous improvement;</li> <li>• People want thorough investigations and timely release of information to industry;</li> <li>• The Department of Mine Safety plays a key role in the industry; and</li> <li>• There is a role for enforcement, but it is the way that it is applied that is important.</li> </ul> <p>Mr Medlock said a mature culture (or “reporting” or “just” culture) was the aim. Although some other industries have a strong safety culture, these had developed over time and usually were in areas that involved public safety (best examples are aviation and nuclear industries). He noted that the industry cannot be complacent and referred to the Piper Alpha North Sea oil incident.</p> <p>The Review comments on a range of issues following consultation with stakeholders and the regulator, including the timely <u>release of information</u> following or during an investigation. It was noted that although recently this has improved, issues identified with Level 3 investigations are generally because investigations are protracted and focus on evidence gathering for prosecution purposes. This way engenders a lack of trust in an adversarial climate.</p> <p>Mr Medlock said that the options he proposes and suggestions he has made are for consideration for a way forward in regard to timely communication of cause and prevention. He strongly suggested that joint investigations should be considered as this method is working elsewhere. However, this would require a change of attitude in the industry. It may be that incremental change must also be considered.</p> <p>Mr Medlock was asked if he thought the expert panel members had a preference. He indicated there was a preference for independent no blame investigations.</p>	3	<p>Noted.</p> <p>Members have an 8 week consultation period and provide feedback to the Secretariat by 23 August 2013.</p> <p>MSAC to consider the document again at the September MSAC meeting.</p> <p>A later date in September is to be considered for the next MSAC meeting.</p>

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	<p>He was also asked about resourcing if changes were introduced. He advised small, incremental steps could be absorbed, however resourcing will be an issue if serious consideration is given to some changes put forward for consideration.</p> <p>Members expressed the view that they would like some time to read the report and consult with their constituencies. Members agreed to an 8 week period of consultation and that written feedback would be forwarded to the Secretariat by 23 August 2013.</p> <p>Members agreed that Mr Medlock should be available to brief stakeholder groups during the 8 week period.</p> <p>MSAC will consider the document and feedback again at the September meeting (moving the next meeting back to a date in mid to late September was proposed by the Secretariat).</p> <p>The Chairman thanked Mr Medlock for presenting the report.</p>		
5.	<p><b>Metalliferous Safety Advisory Committee</b></p> <p>The Chairman referred members to Attachment 4 of the meeting papers, which contained outcomes of discussions at the Metalliferous Safety Advisory Committee meeting in May. MSAC members feel there is no role at present for MSAC concerning LED cap lamps and specific contractor management programs past what is currently being undertaken.</p> <p>Members noted the report and recommended no further action.</p>	4	Noted and no further action required.
6.	<p><b>Associated Non-technical Skills Round Table</b></p> <p>The Chairman invited the Executive Officer to report on the outcomes from the ANTS Round Table held in April. Mr Flint reported that a "Road Map for the Future" can be developed by the Culture Working Party (CWP) if members agreed to the proposed 10 strategic directions for the ANTS Road Map.</p> <p>Members agreed to the 10 point strategic points of the Road Map and for the CWP to oversee its development.</p>	5	MSAC support the strategic directions of the ANTS Road Map. CWP to develop the ANTS Road Map.
7	<p><b>Forming Strategic Alliances with Universities</b></p> <p>The Chairman referred members to Attachment 6 of the meeting papers concerning the linkages between MSAC and the tertiary education research sector, adding that since the previous MSAC meeting he and the Executive Officer had been approached and met with Newcastle University representatives about a proposal for the establishment at Newcastle of a mine safety and health specific research centre.</p> <p>The paper (Attachment 6) considers that proposal and the existing research capacity and potential for further research funding from industry in the current industry climate. Members also considered some options that would promote the issue of health and safety for mining engineering university students.</p> <p>The Chairman Lead a discussion about the benefits and barriers of an actual alliance (e.g. loss of control of research focus) and advice from the NSWMC that they are seeing companies drawing back from connections with universities because of a real or perceived loss of control and costs.</p> <p>Members agreed that at this stage no further action would be taken regarding this issue.</p>	6	Noted and no further action.

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8.	<p><b>Mine Safety Operations (MSO) Mechanical Engineering Design program</b></p> <p>The Chairman asked members to consider Attachment 7 of the meeting papers that was tabled at the meeting and invited the Director of Mine Safety Operations, Rob Regan to brief members.</p> <p>Mr Regan spoke about the development of the existing standards system applying to mining in NSW and how the MSO feeds into this and has actively participated in international standards negotiations for some time. Mr Regan explained that as with the Electrical Engineering standards program, a similar process of international consultation is soon to commence for mechanical engineering.</p> <p>He expressed the view that if Australia does not participate in these types of discussions, then NSW will miss out and there is the possibility of current standards slipping.</p> <p>He sought MSAC support for the MSO's participation in the ISO/IEC Technical Subcommittee discussions on standards and the Commission's five year program of meetings. Benefits to NSW through participation means those standards set by the ISO/IEC and accepted by NSW means approved items do not need retrofitting in NSW.</p> <p>The four programs MSO are presently involved with are:</p> <ul style="list-style-type: none"> <li>• SC 31M PT 80079-38 "Mining equipment" (Equipment and components in explosive atmospheres in underground mines );</li> <li>• SC 31M ad hoc group AHG 5 (Internal combustion engines for use in explosive atmospheres);</li> <li>• IECEx Working Group MCWG15 (relating to equipment for use in explosive atmospheres) and ISO/TC 82 (Mining); and</li> <li>• ISO TC 127 (Earth moving machinery).</li> </ul> <p>Dates and locations for the program of standards meetings are not yet available except for the next two meetings, one being held in South Africa in November and then in Perth in February. There will be at least one overseas trip, for each of the four standards, for a departmental officer each year to attend meetings.</p> <p>MSAC members agreed to support Mine Safety Operations active participation in the four ISO/IEC international program of meetings from 2013 to 2017, agreeing that the MSAC Chairman write letters of support to the Department and Standards Australia on behalf of members.</p>	7	<p>Discussed.</p> <p>MSAC supports Mine Safety Operations participation in the (mechanical) ISO/IEC international program of meetings from 2013 to 2018.</p> <p>MSAC Chairman to write letters of support.</p>

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9.	<p><b>Legislation update</b></p> <p>Members were advised that the mine specific legislation has now passed both houses of the NSW Parliament although no commencement date (for both Act and Regulations) has been set. Consultation on the Regulations is progressing.</p> <p>In his second reading speech the Minister acknowledged all parties. The Act received bipartisan support and no negative remarks during its passage through Parliament.</p>		Noted.
10.	<p><b>Uranium exploration health and safety strategy</b></p> <p>The Chairman then asked members to consider the paper relating to uranium exploration (Attachment 8), and invited Rob Regan to comment. Mr Regan advised that although background radiation levels in NSW were very low except for Broken Hill, the Department has been active and now has established a working group concerning uranium exploration that will oversee co-ordination and issuing of exploration licences, communications strategy (about having facts available before a title is issued), and to co-ordinate with other government departments.</p> <p>The Chairman commented that on his recent visits to Broken Hill there would appear to be an information vacuum already and he seeks assurances that workers will be fully informed of any radiation issue.</p>	8	<p>Discussed and noted.</p> <p>MSAC seek assurances uranium workers will be informed of any health and safety issue.</p>
11	<p><b>General Business for noting</b></p> <p><u>Pike River Royal Commission</u></p> <p>Members were informed that the NSW members of the Legislative Working Group are now considering the recommendations from Pike River investigation and feedback from MSAC members in the consultation draft of the NSW WHS (Mines) Regulation.</p> <p>The schedules outlining the Departments actions are considered to be finalised.</p>	9	Noted.
	<p><u>WHS Benchmarking program</u></p> <p>Members were advised of stakeholder issues regarding the security and identification of data are being addressed and a statistician has been engaged to undertake data analysis and assist in the preparation of reports. The rolling out of the trial is progressing well with Xstrata / Glencore about to commence across several sites and the pilots at CSA and Chain Valley are producing positive outcomes.</p> <p>Members continue to support the strategic direction of the program.</p>	10	<p>Noted.</p> <p>MSAC continues to support the strategic direction of the program.</p>

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	<p><u>Health indices</u> The Executive Officer advised the next health indices tele-survey following the first one in 2011 was about to commence. After a call for proposals, Micromex Research has been engaged to undertake to tele-survey in August with results available to MSAC by the December MSAC meeting.</p> <p><u>Emergency Response MOU</u> Members asked where this MOU was at. Members were advised inter-agency agreed amendments are finalised and now waiting on the Minister for Police and Emergency Services to write to the Minister for Resources and Energy agreeing to the MOU.</p> <p><u>Mine Safety inspector remuneration</u> Mr Regan, Director of Mine Safety Operations (MSO) advised he had submitted a strategic HR plan for the MSO inspectorate to Treasury. He commented that with the industry possibly in down-turn, industry salaries may fall more into a more sensible zone. He advised the Plan does have a mechanism so that this current problem is handled better in the future. The Plan was tabled at the meeting for members' information. The Chairman advised that the Minister does support the case put for inspectors and may still have to resolve this through the Public Service Commissioner.</p> <p><u>ACARP research funding for mental health</u> NSWMC observer Andrew McMahon sought invite for ACARP to brief members on this program. He was advised that as a first step this should be considered through the Health Management Advisory Committee.</p> <p><u>Industry committees</u> Kylie Ah Wong asked if it is known how many WHS industry committees there are and does MSAC know what they do? Members discussed briefly and agreed that there is some overlap with CSPL but that this is due to whom a committee reports to. Members would like the Secretariat to map all industry committees concerning mine safety. Members would like the Secretariat to send members electronic version of minutes from the various MSAC sub-committees to keep them informed.</p>	11	<p>Health tele-survey to be conducted in August.</p> <p>Noted</p> <p>HMAC to discuss ACARP mental health project.</p> <p>Secretariat to map industry WHS committees. Copies of MSAC sub-committee minutes to be distributed to MSAC members.</p>
13	<p><b>Close</b> Meeting closed 12.40pm      Next Meeting: To be confirmed.</p>		