



<b>Meeting</b>	<b>Mine Safety Advisory Council</b>				
<b>Meeting No.</b>	3 of 2017	<b>Date</b>	Thursday, 28 September 2017	<b>Time</b>	11:30 – 14:00
<b>Location</b>	North Parkes Mine - Bogan Rd Parkes				
<b>Members</b>	Mr Carl Scully (Chairperson), Mr Andy Honeysett (CFMEU), Ms Barbara McPhee (Independent), Mr Brock Skelton (AWU), Mr Chris Dolden (CCAA), Dr Graeme Peel (Independent), Mr Rob Cunningham (NSWMC),				
<b>Observers</b>	Mr Bruce Grimshaw (Coal Services), Mr Dave McLean (Department), Mr James Barben (NSWMC), Ms Mel Brown (Department), Ms Lucy Flemming (Coal Services), Ms Monique Andrew (CCAA), Mr Todd Hacking (CCAA), Mr Tony Linnane (Department), Mr Anthony Keon (Department)				
<b>Secretariat</b>	John Flint, Rebecca Allan				
<b>Apologies</b>	Ms Lee Shearer (Department), Ian Cribb (NSWMC), Peter Jordan (CFMEU)				

<b>Item</b>	<b>Issue</b>	<b>Actions</b>
<b>1</b>	<b>INTRODUCTION</b>	
1.1	<p><b>Welcome and Apologies</b></p> <ul style="list-style-type: none"> <li>The Chair opened the meeting at 11:35am and thanked everyone for their attendance.</li> <li>The Chair thanked Mr Cunningham and the Northparkes Mine for hosting the meeting.</li> <li>The Chair welcomed new attendees Ms Brown and Ms Allan.</li> <li>The Chair noted that Ms Flemming and Mr Grimshaw had been delayed.</li> <li>Apologies were noted from Ms Shearer, Mr Cribb and Mr Jordan</li> </ul>	
1.2	<p><b>Declaration of Conflict of Interest</b></p> <ul style="list-style-type: none"> <li>The Chair requested members declare any conflicts of interest.</li> <li>No conflicts of interest were declared.</li> </ul>	

Item	Issue	Actions
1.3	<p><b>Acceptance of Previous Minutes</b> (Paper 1)</p> <ul style="list-style-type: none"> <li>The minutes of the last meeting on 15 June 2017 were endorsed.</li> <li>The status of actions arising from last meeting's minutes was noted.</li> </ul>	
1.4	<p><b>Correspondence</b> (Paper 2)</p> <ul style="list-style-type: none"> <li>Members noted the incoming correspondence.</li> </ul>	
1.5	<p><b>Overview of North Parkes Mine</b></p> <ul style="list-style-type: none"> <li>Mr Cunningham presented an overview of Northparkes Mine and its operations</li> </ul>	
<b>2</b>	<b>FOR DISCUSSION AND/OR DECISION</b>	
2.1	<p><b>Regulatory Report (Paper 3)</b></p> <p><u>MSAC Quarterly Safety Update Report</u></p> <ul style="list-style-type: none"> <li>Mr Keon addressed the meeting in regards to the MSAC Quarterly Safety Report. He explained that this is the first time this report has been created. The purpose of the report is to provide an overview to MSAC of Resources Regulator activities in the Quarter and also major issues that have occurred post quarter end.</li> <li>Mr Keon highlighted key points in the report including the commencement of causal investigations. Mr Keon provided an overview of how the two causal investigations that have occurred were carried out. He noted that the introduction of these investigations has been positively received by industry.</li> <li>Mr Keon highlighted that methane gas exceedances had been an issue within the quarter and a discussion on the three incidences occurred, with Mr McLean providing details on Appin incident.</li> <li>Mr Scully suggested that there may be a broader learning from this issue.</li> <li>Mr McLean agreed, suggesting that risk assessments require a holistic review i.e. risk assessments of multiple items should be completed in conjunction not in isolation.</li> </ul>	<ul style="list-style-type: none"> <li>a. Resources Regulator to advise at the December MSAC meeting whether mental health incidences should be notifiable incidences and whether any have previously been reported</li> <li>b. MSAC members to provide recommendations for changes or inclusions, if any, on Quarterly Report to MSAC Secretariat by <b>Friday 13 October</b></li> <li>c. MSAC members to provide feedback, if any, on draft Health &amp; safety performance report to MSAC Secretariat by <b>Friday 13 October</b></li> </ul>

Item	Issue	Actions
	<ul style="list-style-type: none"> <li>• Mr Keon highlighted the issue of drivers being hit by truck tailgates e.g. fatality at Rix's Creek on 13 December 2016 and two further incidences since. Mr Keon stated that the Regulator is acting and more information will be available the week commencing 1 October 2017. Mr Keon acknowledged that the Regulator needs to raise awareness with the target audience and the challenge is to reach the appropriate people, which may include advertising in appropriate publications.</li> <li>• A discussion occurred regarding mental illness and the requirement, or otherwise of these to be notifiable incidents e.g. attempted suicide or breakdown in workplace. Mr Linnane stated that it would be on a case-by-case basis and he was unaware if we had had any previous notifications for such incidences.</li> <li>• Mr Scully thanked the Resources Regulator for the report and noted that this report addresses previous concerns regarding the spending of the levy.</li> <li>• Mr Flint requested that any suggestions for changes or inclusions to the quarterly report be sent through to the MSAC secretariat for consideration.</li> </ul> <p><u>Health and Safety Performance Report</u></p> <ul style="list-style-type: none"> <li>• Mr Keon addressed the meeting in regards to the draft Health &amp; safety performance report for July 2017 seeking feedback from members.</li> <li>• Mr Keon requested that MSAC members review report and provide feedback by Friday 13 October 2017.</li> <li>• Ms McPhee suggested that this report should include trends identified by other stakeholders such as union and employers. Mr Keon advised that there is opportunity for stakeholders to identify trends and communicate these to the Regulator through its engagement strategy, which will include quarterly meetings with relevant stakeholders.</li> </ul>	
2.2	<p><b>Regulatory Strategies (Paper 4)</b></p> <ul style="list-style-type: none"> <li>• Mr Keon gave an overview of Regulatory Strategies, which are formulated every six months. Mr Keon noted that these were six monthly rather than annually to</li> </ul>	

Item	Issue	Actions
	<p>allow the Regulator to be agile and adapt to any emerging trends identified.</p> <ul style="list-style-type: none"> <li>Mr Keon advised that the Regulator has introduced a suite of guidance documentation dealing with compliance and enforcement obligations and that only minor feedback had been received regarding these documents.</li> <li>MSAC members noted the update and introduction of guidance documentation that included updated policies on prosecutions and enforceable undertakings. No further comments were made.</li> </ul> <p><i>Note - Ms Flemming and Mr Grimshaw joined the meeting at this point and gave their apologies for the delay.</i></p>	
2.3	<p><b>Airborne Contaminants (Paper 5)</b></p> <ul style="list-style-type: none"> <li>Mr Flint gave an overview of this paper and the responses that have been received from the relevant stakeholders on the recommendations arising from the QLD report.</li> <li>Ms Flemming stated that it was pleasing that stakeholders were reasonably aligned in their responses to the recommendations.</li> <li>Ms Flemming gave an overview of the key issues for Coal Services which included the fact that many of the recommendations are already in place in the coal sector. Ms Flemming also stated that an evidence based approach is needed when determining prescriptive dust limits and as SafeWork Australia has been tasked with this, MSAC should wait for this outcome before recommending any specific limits.</li> <li>Ms Flemming indicated that clarity was required in terms of what is required from Regulator and what is required from MSAC.</li> <li>A discussion occurred regarding retired workers and strategies to identify such workers.</li> <li>Discussion also occurred regarding real time dust monitors and it was agreed that these are part of the solution but not the 'silver bullet' to solve the problem. Mr McLean suggested that the key is dust mapping which allows</li> </ul>	<p>a. MSAC secretariat to examine feedback received on the QLD recommendations from all stakeholders and formulate a document (3-4 pages) to be considered by the council at the December MSAC meeting.</p>

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	<p>identification of high risk areas within mines.</p> <ul style="list-style-type: none"> <li>Ms Andrew gave an overview of the CCAA response including the recent development from the national working group on silica to formulate an industry guideline on the CCAA obligations. Ms Andrew noted that this is a recent development and the scope of the guide is not yet clear.</li> <li>Mr Scully was pleased that this emerging issue is being addressed by the CCAA and asked if this action was enough to satisfy the Regulator. Mr McLean stated that the Regulator is working closely with the industry and, whilst it is still gathering information, the key may lie in education. This may include a campaign on dust mapping in each sector, however, nothing has yet been finalised in this space.</li> <li>Mr Cunningham spoke to the issue from a metalliferous perspective and indicated support for the development of a code of practice or MDG in order to be proactive rather than reactive on the issue.</li> <li>Mr Scully requested a document that summarises what the Regulator requires advice in from MSAC. The MSAC secretariat will examine feedback received on the recommendations from all stakeholders and formulate a document to be considered at the December MSAC meeting.</li> <li><i>Added as per Mr Skelton's feedback on draft minutes –</i> I recall the discussion with CCAA and their update on the national working group. I agree with what has been recorded, however I would like my comments noted in regards to the industry collecting and storing medical information, similar to the practice in the Coal industry through Coal Services. This is key, to identifying the common hazards in the industry (if there are any) and tracking the health of the employees throughout their working life.</li> </ul>	
2.4	<p><b>Fatigue Management (Paper 6)</b></p> <ul style="list-style-type: none"> <li>Mr Flint stated that MSAC secretariat has consolidated feedback and TAP findings and included these in the draft Fatigue Management Guide as requested by the council.</li> <li>Mr Honeysett spoke to the letter submitted by Mr Jordon on 26 September 2017 which states that the CFMEU's position is that guidance is not adequate and that</li> </ul>	<ul style="list-style-type: none"> <li>a. Resources Regulator to consider the CFMEU's position in regards to the regulation of fatigue and present its position to MSAC in its December meeting.</li> <li>b. Resources Regulator to consider the</li> </ul>

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	<p>regulation is what is needed.</p> <ul style="list-style-type: none"> <li>• Mr Scully noted that this position from the CFMEU now changes the discussion from the modernisation of the Fatigue Guide to the possible introduction of regulations. Mr Scully noted that, whilst this may not be the intent of the union, the focus of this discussion must be on addressing the safety risk of fatigue and should not be used as the basis for an industrial campaign by the union. Mr Honeysett clarified that this was not the case and the call for regulation was from a safety stand point as the current approach of risk management has not reduced the negative impact of fatigue in the industry.</li> <li>• A discussion occurred regarding the legislation’s focus on risk management rather than prescription of requirements and whether the Regulator needs to consider the introduction of regulation. Mr Linnane stated that Regulator guidance helps describe what is reasonably practicable and can lead to enforcement and clarified that there is a policy not to prescribe working hours due to the risk based legislation.</li> <li>• Mr Keon stated that it was the Regulator’s view that there has been some real issues on risk assessment on fatigue. The preference is to get the guidance document published whilst considering whether regulation is required. Mr Keon noted that the Regulator had not had a chance to consider the CFMEU’s position prior to the meeting due to when Mr Jordan’s letter was received.</li> <li>• A discussion occurred on the publishing of the Fatigue guide and it was decided that this would be postponed until after the December MSAC meeting.</li> <li>• Mr Scully requested that the Regulator consider the CFMEU’s view on regulating working hours and provide a case to MSAC for consideration at the December meeting as to why it wishes to maintain as a guide only and not regulate the issue of fatigue.</li> <li>• Ms McPhee questioned why the MSAC logo had been removed from the guide. Mr Keon explained that the removal moves the document from a consensus basis to consultative, which reduces timelines for delivery of documents.</li> <li>• It was requested that the Regulator consider the appropriateness of removing the MSAC logo from the Fatigue Guide and present its position to the council in the December meeting.</li> </ul>	<p>appropriateness of removing the MSAC logo from the Fatigue Guide and present its position to the council in the December meeting.</p>

Item	Issue	Actions
2.5	<p><b>Learning from disasters (Paper 7)</b></p> <ul style="list-style-type: none"> <li>• Mr Flint gave an overview of this paper and indicated that the Regulator intends to develop a workshop on the issue of learning from past disasters.</li> <li>• Mr Scully stated that the report was excellent and should be made available for wider dissemination.</li> <li>• Ms Brown stated that this would need to occur after the Regulator had mapped the findings/recommendations in the document to the current legislation to see if any gaps exist. It was agreed that the MSAC secretariat would complete and present this to the Council for consideration in the December meeting.</li> <li>• MSAC secretariat was also tasked with the editing/formatting of the report in preparation for wider dissemination</li> </ul>	<ul style="list-style-type: none"> <li>a. MSAC secretariat to map the findings/recommendations in the report by Mr Parcell to the current legislation and present findings to MSAC in the December meeting</li> <li>b. MSAC secretariat to edit/format report, due in December 2017, in preparation for wider dissemination.</li> </ul>
<b>3 FOR DISCUSSION AND/OR DECISION</b>		
3.1	<p><b>MSAC Strategic Plan (Paper 8)</b></p> <ul style="list-style-type: none"> <li>• MSAC noted the activities completed relating to the endorsed MSAC Strategic Plan to 2020. No further comments were made.</li> </ul>	
3.2	<p><b>Closure of MSAC Independent Website (Paper 9)</b></p> <ul style="list-style-type: none"> <li>• MSAC noted the closure of the MSAC website. No further comments were made.</li> </ul>	
3.3	<p><b>Expression of Interest Independent Member (Paper 10)</b></p> <ul style="list-style-type: none"> <li>• Mr Scully noted that current independent MSAC members, Mr Peel and Ms McPhee, will not be seeking renomination when their terms expire on 30 November 2017.</li> <li>• Mr Scully thanked Mr Peel and Ms McPhee for their valuable contributions over the 11 years they have served on the council.</li> <li>• Ms McPhee stated that MSAC had been the most harmonious working group</li> </ul>	

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	<p>she had been involved in during her career. Lively discussions had taken place and numerous achievements made such as the Digging Deeper report and the Fatigue Guide, which is nearing completion. Ms McPhee also mentioned the great improvements in consultation during her time on the Council.</p> <ul style="list-style-type: none"> <li>• Ms McPhee spoke to the importance of MSAC, particularly the independent nature of the Council. Ms McPhee is concerned that over the years MSAC has lost its budget and may lose its relevance if its importance is not recognised by the Department.</li> <li>• Ms McPhee stated that MSAC must continue to aim for world leading practice and work together to achieve this.</li> <li>• Mr Peel spoke to the achievements and improvements that he has seen during his time as an MSAC member. He also noted the importance of MSAC and its ability to identify emerging issues, build programs and advise the Minister.</li> <li>• Mr Peel acknowledged that the Department is more robust compared to when he commenced his MSAC role and that the Department is now driving improvements whereas MSAC previously was required to take the lead.</li> <li>• Mr Peel stated that the Council had been very productive and well-funded, particularly in the research space.</li> <li>• Mr Peel concluded by stating that MSAC still has a key role to achieve, drive and challenge and to ensure all stakeholders are kept focused on key issues, with the aim of achieving world leading practice.</li> </ul> <p><i>Note – Mr Flint informed members via email post meeting (29 September) that applications for independent members are now open and close 20 October 2017.</i></p>	
3.4	<p><b>Implications of pyritic coal dust for coal workers’ pneumoconiosis (Paper 11)</b></p> <ul style="list-style-type: none"> <li>• The Council noted the article and Mr Scully requested that Coal Services consider this paper further and report back during the December MSAC</li> </ul>	<p>a. Coal Services to review article and report back to MSAC in December meeting</p>

Item	Issue	Actions
	meeting.	
3.5	<p><b>Mining Petroleum Competence Board (MPCB) Update (Paper 12)</b></p> <ul style="list-style-type: none"> <li>MSAC noted that the Resources Regulator has introduced practising certificates and implemented the Maintenance of Competence Scheme, as recommended by the MPCB.</li> </ul>	
3.6	<p><b>Sponsorships (CCAA, NSWMC, Mines Rescue Challenge) – Verbal</b></p> <ul style="list-style-type: none"> <li>This item was not addressed during the meeting.</li> </ul>	
<b>4</b>	<b>Other Business</b>	
4.1	<p><b>December MSAC Meeting</b></p> <ul style="list-style-type: none"> <li>Meeting to be held at CFMEU Boardroom, Hunter Valley (Aberdare) on Thursday 7 December 2017.</li> </ul>	
4.2	<p><b>Causal Investigations Policy</b></p> <ul style="list-style-type: none"> <li>Mr Keon noted that small changes have been made to the policy and an updated document published. Update involved the removal of references to the internal committee within the document only, with no impact on the practical application of the policy.</li> <li>MSAC noted this updated policy</li> </ul>	
4.3	<p><b>Memorial Day Service – Address by Peter Jordan</b></p> <ul style="list-style-type: none"> <li>MSAC noted the opening address given by Peter Jordan at the 22<sup>nd</sup> Annual Memorial Day Service.</li> </ul>	
<b>5</b>	<b>Close of meeting</b>	
	The Chair closed the meeting at 1:52 pm	



Meeting	Industry Consultation Session				
Consultation Session No.	1	Date	Thursday, 28 September 2017	Time	14:30 – 15:30
Location	North Parkes Mine - Bogan Rd Parkes				
Industry Attendees	Jim Fowler (Northparkes Mine), Stacey Kelly (Northparkes Mine), Rachael Whiting (Northparkes Mine), Noel Huggett (Northparkes Mine), Shae Martin (Peak Gold Mine), Kirsty Jermyn (Peak Gold Mine), John Miller (Tritton Resources Limited)				
Apologies	Cameron Hope (Tomingley Gold Operations), Jon Lamont (Tomingley Gold Operations),				

- The Chair opened the session and thanked those present for their attendance at this first MSAC Industry Consultation session.
- The Chair gave a short presentation on MSAC, its role and recent achievements, and then opened the floor for discussion on current issues in the industry.
- The table below summarises the points raised by participants during the session.

Issue	Comments
Fatigue	<ul style="list-style-type: none"> <li>• Fatigue management was the dominant theme of discussion</li> <li>• Challenge is the worker/industry preference for longer shifts vs the impact this has on worker fatigue and safety.</li> <li>• Contractor management and fatigue also an issue as these workers can work at multiple mines. A discussion occurred regarding an industry-wide system of contractor sign on/off. The issue is this system would require mines to agree and align and the Regulator cannot enforce alignment.</li> <li>• The benefits and barriers to prescribing maximum hours of work was discussed.</li> <li>• Issues of residential locations of workers affecting sleep opportunity, new and inexperienced employees and the need for training on the issue of fatigue were also raised.</li> </ul>

Issue	Comments
Sharing of data on worker medicals	<ul style="list-style-type: none"> <li>• Industry participants raised the issue of the inability for individual mines in the metalliferous space to access historical medical records for its workers.</li> <li>• Ms Flemming from Coal Services outlined the approach the coal sector takes to this and the challenges that could be faced when implementing across other sectors (e.g. need for quality data, robust systems and funding). Ms Flemming suggested that if this is desired by other sectors, it may be achieved through stronger lobbying.</li> </ul>
Risk Assessments	<ul style="list-style-type: none"> <li>• The need to ensure the right people are present during risk assessments was discussed. In particular, the need for technical experts was acknowledged and the need for assessments to be more specific and detailed.</li> </ul>
Focus on High Risk	<ul style="list-style-type: none"> <li>• The need for the Resources Regulator to focus on high risk, critical issues was raised. The Regulator acknowledged that improvements can be made in this area, particularly concerning the way TIPs and TAPs were conducted. The Regulator thanked participants for this feedback and recognised that processes may need to be refined to focus on critical controls.</li> <li>• The Regulator noted that TIPs and TAPs constantly evolve based on findings from previous investigations.</li> </ul>
Consultation	<ul style="list-style-type: none"> <li>• There was support for continued consultation between stakeholders in the industry.</li> <li>• Participants acknowledged that the Resources Regulator is sharing more information than ever before and were supportive of this move.</li> <li>• There was interest in the sharing between stakeholders of safety learnings, similar to that which occurs in the mines rescues space, as safety does not result in issues with commercial in confidence.</li> </ul>