

## Mine Safety Advisory Council



**Minutes**  
**9:00am – 1:00pm – 28 October 2010**  
**NSW Minerals Council Level 3, 12 O'Connell St, Sydney**

No.	Item	Attachment	Action
1.	<p><b>Welcome and apologies</b></p> <p><b>Present:</b></p> <p><u>Members:</u> Norman Jennings (Chairman), Barbara McPhee (Independent), Glenn Seton (AWU), Wayne McAndrew (CFMEU), Tony McPaul (NSWMC), Rob Regan (I&amp;I NSW), Ian Cribb (NSWMC), Alan Coutts (I&amp;I NSW)</p> <p><u>Observers:</u> Andrew McMahon (NSWMC), Peter Jordan (CFMEU)</p> <p><u>Secretariat:</u> Jenny Nash, John Flint, Tim Crakanthorp</p> <p><b>Apologies:</b> Ian Murray (CFMEU), Graeme Peel (Independent), Susan Fields (CCAA), Andy Honeysett (CFMEU)</p> <p>The Chairman welcomed members, noting that Peter Jordan and Andy Honeysett will be the new members for the CFMEU following the resignation of the current members, Ian Murray and Wayne McAndrew. Since it was the last meeting of the current CFMEU representatives, the Chairman thanked Ian Murray and Wayne McAndrew for their positive contributions to the Council since its first meeting. He thanked them also for hosting very successful MSAC meetings at Cessnock and Lithgow and said that they would be sorely missed and he hoped that they would use their national positions to promote MSAC's work.</p> <p>The Chairman welcomed the observers to the meeting, recalling that they were in a position to observe but not speak unless invited to do so.</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. The Secretariat informed members that with the commencement of the new <i>Mining Regulation 2010</i>, future declarations of interest would have to be written into a log book, to be kept as an official record. .</p>		Future declarations of interest would have to be written into a log book, to be kept as an official record.

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3.	<p><b>Business arising from the minutes</b></p> <p>The Chairman invited members to adopt the Minutes of the previous meeting. Members agreed to adopt the minutes. The Chairman advised that he will meet with QLD Resources Council (whose representative attended the previous MSAC meeting) when he is in QLD in the upcoming weeks. NSWMC agreed to provide an update on dust in mining communities at the next MSAC meeting.</p> <p><b>Ministerial Correspondence</b></p> <p>The Chairman has received a response from the Minister regarding MSAC correspondence on the Completion of Wran Review recommendations 6-9. This response was tabled for members. Following receipt of this response, MSAC can now form the new Health Management Advisory Committee and consider recommendations 6-9 complete.</p> <p>The Chairman has received correspondence from the Minister regarding the Macken and Jennings Reports. The Minister sent copies of the reports to the Chairman and they were duly tabled and provided to all members. The Minister's correspondence stated that, although released for accountability and transparency, the two reports are now considered historical documents. The reports include an updated appendix setting out what actions I&amp;I NSW has undertaken in response to the issues raised in the documents.</p> <p>General discussion ensued as follows:</p> <ul style="list-style-type: none"> <li>• The CFMEU inquired as to whether the Minister wanted a response to the reports. The Department said that he did not as the reports were considered historical documents. The CFMEU, however, said that it would read the reports carefully and, if it has a view on specific issues within the reports it will respond accordingly at a future meeting.</li> <li>• The AWU concurred with the CFMEU and said that the recommendations should be considered by MSAC</li> <li>• NSWMC will also respond formally to these reports. The NSWMC believes that MSAC does have a role to play with regard to the issues raised in the reports and that MSAC should provide a view.</li> <li>• I&amp;I NSW recalled that the Minister had commissioned the Jennings Report following his receipt of the Macken Report to further investigate anecdotal evidence regarding the conduct of investigators. Further review had revealed no factual basis for the anecdotal allegations. Furthermore, I&amp;I NSW had undertaken to respond to issues raised in the reports which are documented in the appendix provided to members. If stakeholders examine the reports and find that there are still outstanding issues, I&amp;I NSW is happy to address them.</li> </ul> <p>The Chairman concluded by saying that stakeholders could contact I&amp;I NSW to see what issues have been addressed and what have not. If stakeholders feel the need to further review the issues, then we can put that on the agenda for MSAC. The Minister believes that the new national process will make the reports redundant. Nonetheless, the Chairman said that MSAC would not consider Wran Review recommendations 23 and 24 as complete until stakeholders were ready to do so.</p>	1	<p>Minutes adopted as amended.</p> <p>NSWMC to provide an update on dust in mining communities at the next MSAC meeting.</p> <p>MSAC to form the new Health Management Advisory Committee. Wran Recommendations 6-9 are now complete.</p> <p>MSAC would not advise the Minister that Wran Review recommendations 23 and 24 are complete until stakeholders agreed that they were.</p>

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4.	<p><b>CEO OHS Culture Summit Review Event</b></p> <p>The Chairman brought members' attention to Attachment 2, the CEO Summit review event, and took members through the paper. Members agreed to the proposed agenda. The Chairman indicated that while we will not have a specific communiqué coming out of this Summit review event, we would gather the issues and conclusions that were reached by the group. These conclusions would then be presented to MSAC at the planning day in Mudgee for further consideration and action. Members agreed that this was an appropriate way of doing things.</p>	2	Members endorsed the agenda and agreed that the outcomes of the Summit go to the MSAC planning day.
5.	<p><b>National OHS Legislation Update</b></p> <p>The Chairman invited I&amp;I NSW to update members on the National Mine Safety Framework (NMSF). A PowerPoint presentation was provided by Jenny Nash. Members were very interested in the presentation with many questions asked. It was agreed that the presentation be circulated to members with the minutes.</p>		Noted. Presentation to be circulated with the minutes.
6.	<p><b>Performance Measures Report</b></p> <p>The Chairman brought members' attention to Attachment 3, an update on the Performance Measures Report. John Flint presented a PowerPoint on the latest report that was attached for members' information. Members were impressed by the new draft report and indicated their support. Members will provide feedback to the secretariat by COB Thursday 11 November 2010. Publication is expected towards the end of 2010.</p>	3	Members support the new draft report and will provide feedback by COB 11 November 2010.
7.	<p><b>World-leading OHS Culture Working Party</b></p> <p>The Chairman brought members' attention to Attachment 4; the OHS Culture Project Update.</p> <p><b>OHS Culture Project update</b></p> <p>The Chairman informed members:</p> <ul style="list-style-type: none"> <li>• The Steering Committee was unable to recruit the final open-cut mine to form part of the pilot group. The Steering Committee agreed to proceed without the final pilot site to ensure that the project timeline is met. Enough data has been collected and the trial of the data collection tools and methods at 8 mines/sites is now complete.</li> <li>• The pilot data analysis protocols, data storage and confidentiality have been considered and discussed. Management of data analysis at the site level and maintenance of confidentiality are more difficult for smaller sites with small numbers of respondents.</li> </ul>	4	Members continue to support the project.

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	<ul style="list-style-type: none"> <li>• The individual culture survey responses and the site system self assessment data are currently being analysed by the consultants.</li> <li>• As requested by the Culture Working Party (CWP), Jenny Nash, Rob Regan and Heather Jackson met to discuss the issue of the culture of the regulator and how to approach building capacity within I&amp;I NSW to achieve a world-leading regulatory approach.</li> </ul> <p>The Steering Committee had agreed that the change management workshops would be held over until February 2011.</p> <p><b>ANTS Project</b></p> <p>The Chairman brought members' attention to the next item of business, Attachment 5, reminding them of the background to this project, what has happened so far and asked the Secretariat to take members through the paper. The Secretariat duly did so. The CWP had provided feedback on the ANTS mentoring paper to the consultant at their meeting on 23 September 2010. Feedback can be summarised as follows:</p> <ul style="list-style-type: none"> <li>• Individuals preferred mentors from within their own industry.</li> <li>• Tools were needed; a framework set and then people need to be engaged. Superintendents and crew managers are in the best position to mentor as they are very influential.</li> <li>• Mentoring is also part of the culture project, as is developing targeted assistance and running a workshop for culture change champions. The Industry Assistance Unit could also provide support for this process.</li> <li>• There is often a need for coaching initially, followed by mentoring. The benefits of mentoring had often proved to be short-lived. Means for reinforcement and continuation were needed.</li> <li>• There is a need for different approaches for different sites, not an industry-wide blanket approach.</li> <li>• There is a need to see how this fits into the Culture Project. Since more of this project will be completed by the end of the year, we will be in a better position to see how it fits, particularly in relation to the change management process.</li> <li>• Some companies are already undertaking mentoring.</li> <li>• The CWP had agreed that the contractor is to revise the draft discussion paper in time for their next meeting on 18 November 2010.</li> </ul> <p>Members inquired about consistency across the industry with different organisations already having different approaches to mentoring and coaching. The Chairman responded that the culture project will help to assess the sites and suggest the different approaches needed. Members noted the report and continue to support the project.</p>	5	Members continue to support the project.

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	<p><b>World-leading OHS Marketing Project</b></p> <p><b>World-leading OHS Marketing Strategy</b></p> <p>The Secretariat provided an overview of the marketing strategy as follows:</p> <ul style="list-style-type: none"> <li>• Following MSAC's feedback on the draft strategy, the CWP provided Peach with stronger direction on the domain territory, target audience and major themes for Mudgee pilot.</li> <li>• The CWP will consider at its next meeting the content and themes provided by Peach in response to its feedback</li> <li>• As further development is required, it is considered that a pilot would not be ready until February 2011 at the earliest.</li> <li>• Inquiries were made as to whether the MSAC pilot, with the awarding of cash grants, would be covered by the quarantine in the lead up to the March 2011 State election.</li> <li>• The response was that while health and safety programs can be run in this time, given the grants will be cash awards, it may be more prudent to wait until April 2011. Members agreed.</li> </ul> <p>Members continued to support the program and agreed that it would be more prudent to wait until April 2011 to run the community grants scheme.</p> <p><b>Educating mining communities strategy</b></p> <p>John Flint from the Secretariat provided a report on the Road Safety Program that was run in Cobar on 22 October 2010. The program was a great success with positive feedback coming from all involved. Presentations were provided by the State Emergency Services, Ambulance Service, the police, the RTA, "Kids of Cadia", and NSW Rural Fire Service. While MSAC cannot compete with Xstrata in the Hunter Valley, who put large sums of money into similar local programs, the modest targeted approach by MSAC has a positive effect on the local community in addition to getting positive media for MSAC.</p> <p><b>NSWminesafety website</b></p> <p>The Secretariat updated members on this project and provided a brief demonstration. The website is nearing completion, with only some final items to be tidied up. It was inquired as to whether members wanted the publications rectangle to cycle on the front page. Members thought this was a good idea and agreed that it be done. The website is planned to go live mid November 2010. The Chairman asked members if they had any objections to the adopted MSAC minutes being posted on the website. Members did not have any objections.</p>	6	<p>Noted and members continue to support the program</p> <p>All MSAC minutes, once adopted, to be posted on the new website.</p>

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8.	<p><b>World-leading Mining OHS Regulator</b></p> <p>The Chairman brought members' attention to Attachment 7, on the World Leading OHS Regulator. Jenny Nash from I&amp;I NSW provided an overview of the paper as follows:</p> <p>The NSW community has an expectation that workplaces are safe and free of risk of harm. This expectation is reflected in the government's policy around the administration of the legislation and court judgements following serious incidents, investigations and court proceedings. Matters that could be considered when examining what a world-leading mining industry safety and health regulator should look like may include:</p> <ul style="list-style-type: none"> <li>• the range of regulatory activities or tools available to the regulator and what a balanced approach to OHS implementation looks like;</li> <li>• the experiences and perceptions of industry with respect to field interactions with investigators and inspectors of the I&amp;I NSW;</li> <li>• a balanced approach to OHS implementation which is clear, fair, explicit and meets community expectations while affording natural justice.</li> </ul> <p>Members discussed the paper and the following points were made:</p> <p>NSWMC asked if there is a link between the statement on culture on page 5 of the report on NSW Mine Safety Performance Report and the 11 vision points from the CEO Summit. Furthermore, are we capable of testing the statement against the vision points?</p> <p>The independent member thought that the regulator could focus on non-traditional areas, such as competencies of professional contractors in OHS; and the poor ergonomic design of underground machines.</p> <p>The CFMEU and the AWU thought that this is a good paper and supported the recommendation that this issue is explored at the planning day, noting that it was in line with the 2008 Summit outcomes. NSWMC wondered if a working party should deal with it and pointed out that the regulator is equivalent to the leader of a mine.</p> <p>I&amp;I NSW pointed out that while the Department is going to address the issue, which could take 3-5 years, MSAC's guidance was sought. I&amp;I NSW added that the better regulators around the world actually solve problems and have a positive interaction with the mines.</p> <p>The Chairman said that a modern inspectorate has an expanded role, and is not just a policeman. The creation of the Industry Assistance Unit is a good example as it provides guidance and training. He concluded saying that it would be appropriate for MSAC to consider the development of a broad plan on this issue and that the planning day would be a good time to do so. I&amp;I NSW undertook to do some more work on the paper prior to the planning day. Members agreed that the planning day would be the best forum to discuss a revised paper.</p>	7	I&I NSW to do further work on the paper for the Planning Day on 9 December 2010.

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9.	<p><b>Programmed Work</b></p> <p><b>Summary Matrix of MSAC Programmed Work</b></p> <p>The Chairman brought members' attention to Attachment 8; the Summary matrix of MSAC programmed work. The Secretariat took members through the matrix. Members noted the matrix.</p> <p><b>Programmed Work Wran Schedule</b></p> <p>The Chairman introduced Attachment 9 of the papers the programmed work Wran schedule. The Secretariat took members through the paper. Rob Regan said that the audit reports for the metalliferous industry should be ready by February 2010. The CFMEU recalled that they still have issues with recommendations 23 and 24 and do not believe that at they are complete.</p> <p>The Chairman agreed and indicated that recommendations 23 and 24 will not be noted as complete until stakeholders have provided a view on the Macken and Jennings Reports and that all stakeholders are satisfied.</p> <p><b>Programmed Work Schedule for 2010/11</b></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 the meeting and unless there were any questions we would progress to the next agenda items. There were no questions.</p>	8  9  10	Stakeholders to provide feedback on the Macken and Jennings Reports
10.	<p><b>MSAC Business</b></p> <p><b>First quarter report 2010/11 levy report to MSAC</b></p> <p>The Chairman brought members' attention to Attachment 11, the final quarter report 2009/10. Jenny Nash provided a report on the budget. There were no questions. The Chairman indicated that this reporting fulfils the I&amp;I NSW Director General's commitment to provide reports to MSAC on a regular basis.</p> <p><b>MSAC 2009-10 Budget update</b></p> <p>The Chairman brought members' attention to Attachment 12, the 2009/10 MSAC budget update. The Chairman 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>	11  12	Noted  Noted.

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	<p><b>MSAC Planning Day for 9 December 2010</b></p> <p>The Chairman brought members attention to the proposed planning day on 9 December 2009 and went through the attached document. Members agreed that we should invite the CWP and Heather Jackson (manager of the I&amp;I NSW Industry Assistance Unit) to attend. Members agreed to inform the 'Secretariat about accommodation requirements. It was also stressed that the media component is very important and should be done in advance. David Caple is the proposed facilitator and members agreed to the Secretariat engaging him for the event. Members agreed to provide feedback on the program for the day by 11 November 2010.</p> <p><b>Proposed MSAC Meetings 2011</b></p> <p>The Chairman brought members' attention to Attachment 14, the proposed meetings for 2011. Members supported the new schedule of five meetings in 2011 with some minor adjustments. The following schedule was agreed to:</p> <ul style="list-style-type: none"> <li>• 17 February – 201 Elizabeth Street, Sydney</li> <li>• 19 May – Mudgee</li> <li>• 28 July – Hunter Valley (following the NSWMC OHS Conference, pm)</li> <li>• 22 September – TBA</li> <li>• 1 December (planning) – TBA</li> </ul> <p>It was suggested that the meeting on 27 July 2011 be run in the afternoon following the NSWMC OHS conference in the Hunter Valley, as well as holding a regional meeting in Mudgee in May 2011 as a follow up to the pilot marketing strategy that is being run in Mudgee in April 2011.</p>	<p>13</p> <p>14</p>	<p>Noted</p> <p>Members to inform the secretariat about accommodation requirements and any amendment to the program.</p> <p>Meeting schedule agreed.</p>
11	<p><b>Other Business</b></p> <p>Wayne McAndrew made a final speech thanking members and the secretariat and congratulating the Chairman for his well run meetings over the last four years.</p>		
12	<p><b>Close</b></p> <p>Meeting closed 1.10pm. Next Meeting 9 December 2010 in Mudgee.</p>		