



The NSW Mine Safety Advisory Council: Addressing OHS fundamentals – together

Norman Jennings

Chairman, NSW Mine Safety Advisory Council

Introduction

Several questions need to be addressed if improvements in occupational health and safety (OHS) in mining are to be made and sustained. What can be done? Who should do it? What is being done elsewhere that might be relevant? What changes to legislation might be necessary? What will be the role of the regulator? How will any changes affect the duty, liability and rights of the employer and of workers? What emphasis should there be on human rather than technical factors? On occupational health and surveillance? On risk assessment and risk management? On social dialogue? On training and having a competent workforce? What about small-scale mines? These elements are crucial to achieving lasting improvements in OHS performance in the New South Wales mining industry.

Delivering effective change and improvement in mine OHS management and performance by addressing these issues is a “mission possible”. But all parties must first agree on a shared vision of what the future should look like. The shared vision of all stakeholders in the New South Wales mining industry is to achieve zero deaths and serious injuries in all mining operations. The NSW Mine Safety Advisory Council (MSAC) has been set up in order to provide the Minister for Primary Industries with expert and considered advice on how best to achieve and sustain this vision. MSAC is a practical example of a successful partnership between the regulator, industry and workers’ representatives. This partnership ensures full engagement in and commitment to the process of achieving and sustaining world-class OHS performance in an already high-achieving industry.

Why have an MSAC?

One of the terms of reference of the Wran Mine Safety Review was to review the operation of the Mine Safety Advisory Council and the supporting consultative process. The outcome in the Review’s 2005 report included six recommendations to address problems with MSAC that had been identified in submissions to the Review, particularly in regards to consultation and consensus. The principal issue was how to strengthen and improve the operation and effectiveness of MSAC. As Wran said: “To deliver effective change and improvement in NSW mine safety management, all parties need to agree on a shared vision of what the future should look like. This vision could be the product of a revitalised and strengthened MSAC.”

He then went on to recommend that a new, strengthened Mine Safety Advisory Council take forward future examination and progression of mine safety and health issues. From this foundation came several other, more detailed recommendations including: dealing with the Council’s structure and membership; and that the Council, through the Chairperson, be the vehicle for referring mining OHS matters to the Minister. Importantly, Wran recommended that MSAC have the independent ability to conduct research, commission consultants, evaluate submissions from Council members and develop policy recommendations. In order to do this, Wran recommended a small secretariat and appropriate financial resources.

The Minister for Primary Industries, the Hon. Ian Macdonald, MLC, announced the new membership of the MSAC in Parliament on 9 May 2006. He added that: “The State Government is committed to working with industry to achieve zero deaths and serious injuries in our local mining operations. Creating a stronger Mine Safety Advisory Council is one more step in the process of reaching that goal.”

MSAC is a “tripartite plus” body. It has ten members: three representing the mining industry; three representing mineworkers; one representing the Department of Primary Industries; two independent members, who are experts in OHS (a specific Wran recommendation); and the Chairman. It is backed by a secretariat housed in the Department of Primary Industries and it has its own budget, drawn from the levy that funds OHS in the NSW mining industry.

What is MSAC doing, and how?

In a spirit of cooperation and trust MSAC is developing a partnership to set OHS priorities for the NSW mining industry. In doing so, it is reaching out – through its members – to engage all of industry but using a targeted approach. By increasing mutual respect and trust among MSAC members, and throughout the industry, MSAC will formulate considered, influential and practical advice and communicate the way forward towards zero fatalities and serious injuries. In doing so, MSAC is working to position itself as the primary source of mine health and safety guidance to address the issues raised earlier in this paper. To do this, MSAC must be credible, authoritative and inclusive.

MSAC meets every two months. At its first meeting on 11 May 2006, Minister Macdonald reiterated the importance of MSAC’s work and of the Government’s vision that this high-level Ministerial advisory council operate in an environment of trust and cooperation.

The Minister also pointed out that the Government had agreed to address the recommendations of the Wran Review and that MSAC should take the lead in implementing them, through ongoing consultation with the mining industry – employers, unions and government. He also said it was the Government’s vision that all mining stakeholders demonstrate a willingness to support MSAC’s work. Encouragingly, this willingness has been manifested from the start as MSAC moved to implement Wran’s recommendations and address other OHS issues.

MSAC’s first year ...

To date, MSAC has focused on addressing five priority recommendations of the Wran Review:

- An assessment of the practice of production bonus payments and safety-based incentive schemes.
- The development by industry of systems to record more accurately and monitor hours worked at mine sites by all workers.
- An assessment of hours of work and fatigue management in the mining industry, involving direct contact with a significant sample of the workforce at all levels.
- An examination of the apparent “disconnect” between some company management systems/plans and the translation of such systems/plans to a working level.
- An assessment of mechanisms for worker consultation, feedback and reporting of OHS problems at the mine site.

The consultants Shaw Idea are carrying out this work over the coming months. The project, “Digging Deeper”, has been packaged into three broad areas:

- Production bonus and safety incentive schemes.
- Hours of work and fatigue management.
- Safety management systems and consultation.

Information on this project is provided by Andrea Shaw in her paper to this Conference. After completing the first ever census of the industry, the researchers will visit many mine and quarry sites in NSW to hear the experiences of people at all levels in the industry. They will identify the gaps between the literature and NSW mining industry practice. Subsequently, a series of Future Inquiry Workshops will provide the opportunity for stakeholders to air their views on how any gaps in knowledge or practice might be filled and what needs to change in each of the topic areas. Needless to say, all information gathered during the project will be kept confidential. MSAC has established a Project Steering Group to oversee the project and report to it on a regular basis. The Project Manager is the Executive Office of MSAC.

MSAC will not merely “sign-off” on the consultant’s report. It will use the findings and suggestions as the basis for considering the recommendations it will make to the Minister on the five Wran recommendations. MSAC is likely to provide its advice to the Minister by the end of the year or early in 2008.

... and beyond

MSAC has also reviewed and endorsed the *NSW Mining Industry Health and Safety Action Plan to 2008*, which is the industry’s response to the NSW Government Safety Summit in 2005. Specific activities arising from the *Plan* that MSAC is initiating include: musculoskeletal disorders; unplanned movement of plant; contractor safety; airborne contaminants; and vulnerable workers.

The overarching objective of MSAC is the achievement of world-class health and safety in NSW mining as a “mission possible”. Implementing the Wran Review recommendations and overseeing the implementation of the *Health and Safety Action Plan* are important steps along the way. Milestones for achieving world-class health and safety will be: the development of a cultural model; the development of lead indicators; future development workshops; and a communication strategy. Work has commenced on these items.

The objective is for MSAC, by the end of its first three years when the current membership expires, to have made significant progress in achieving its tasks – implementing the Wran recommendations and undertaking action arising from the Safety Summit. MSAC will then be able to demonstrate the extent to which world best practice in mine health and safety is used throughout NSW, thus setting the scene for the next phase of its life.

How will MSAC add value?

Since MSAC will, at the Minister’s request, be the prime source of advice to the Government on a range of OHS issues, it is well placed to give focus to the shared vision of zero fatalities and serious injuries in mining. It will also provide input on occupational health issues. These are becoming increasingly relevant in today’s fast-paced 24x7 mining industry.

Clearly, MSAC will only be as good as the advice it provides. This depends on its members – a diverse, expert and influential group – and on its credibility. MSAC is in the process of forging strong links throughout the industry and working to overcome the lack of trust among different stakeholders that the Wran Review highlighted. As the journey from prescriptive regulations to a more enabling style of legislation based on outcomes continues, stakeholder understanding and support are crucial, as are the trust and commitment of all parties. MSAC can help achieve these by becoming the authoritative conduit of practical advice on mining OHS and by becoming the principal agent for change as OHS continues to evolve.

Conclusions

Significant, sustained improvements in mining OHS have been achieved, as a result of new technologies, capital investment, continuous training and changes in attitude to safety and health among the regulator, employers, workers and their representatives. The extent to which such changes are developed and

implemented in a cooperative way will determine how much commitment to sustained improvement there will be from all sides. Nonetheless, if a safety net – which includes a number of critical checks and balances to assess and remove or control the risks and hazards – is not in place, then incidents and occupational diseases will continue to occur. And the vision will turn out to be a mirage.

The Wran Review recognised this and made a number of pertinent recommendations. The Government acknowledged the importance of addressing these recommendations in the context of its vision for zero fatal accidents and serious injuries and improved occupational health in mining.

MSAC provides the focus for an industry-wide collaborative effort to realise this vision. MSAC is in the box seat; all the doors are open; the decision-makers are encouraging, receptive and committed. As Chairman of MSAC, I will do my best to ensure that the vision of a safe and healthy mining industry in NSW, based on world's best practice, becomes reality by ensuring that the issues raised above are indeed addressed.

MSAC is moving forward by: setting priorities; reaching out to and engaging all of industry; using a targeted approach; increasing mutual respect and trust within MSAC and throughout the industry; and formulating considered, influential and practical advice. MSAC is a credible and authoritative body in setting OHS strategic directions in NSW. All sectors of the mining industry are encouraged to participate in its work.