

# Mining Industry Advisory Committee

## Terms of Reference (Revised October 2018)

### 1. Definitions

In these Terms of Reference:

**Commission** means the Commission for Occupational Safety and Health established under section 6(1) of the OSH Act.

**department** means the Department of Mines Industry Regulation and Safety.

**member** means a member of MIAC under item 4.1, and a reference to a member includes a reference to a proxy member under item 6, or alternate member under item 7 acting for such a member from time to time.

**MIAC** means the Mining Industry Advisory Committee established under section 14A(2) of the OSH Act.

**Ministers** means the Ministers to whom the administration of the OSH Act and the MSIA Act is committed, acting jointly.

**MSI Act** means the *Mines Safety and Inspection Act 1994*.

**OSH Act** means the *Occupational Safety and Health Act 1984*.

### 2 Introduction

MIAC was established in April 2005 under section 14A of the OSH Act, as an advisory body to the Ministers on matters relating to occupational safety and health in the mining industry.

Under section 14A(7) of the OSH Act, the MIAC is able to determine its own procedures. Those procedures are set out in these Terms of Reference.

These Terms of Reference also set out procedural matters that are contained within the applicable Acts, for context. Those provisions are identified by references to the appropriate Act provision.

### 3. Functions of the Committee

Under section 14A(3) of the OSH Act, the functions of the Committee are to:

- (a) advise and make recommendations to the Ministers and the Commission on occupational safety and health matters concerning the mining industry; and
- (b) to liaise with the Commission to coordinate activities on related functions and to maintain parallel standards,

and in particular, but without limiting the generality of paragraphs (a) and (b) —

- (c) to inquire into and report to the Ministers regarding any matter referred to it by the Ministers relating to occupational safety and health in the mining industry; and

- (d) to make recommendations to the Minister for Mines regarding the formulation, amendment, or repeal of laws relating to occupational safety and health for which that Minister is responsible; and
- (e) to prepare or recommend the adoption of codes of practice, guidelines, standards, specifications or other forms of guidance for the purpose of assisting employers, self-employed persons, employees, manufacturers or other persons to maintain appropriate standards of occupational safety and health in the mining industry; and
- (f) to provide advice on —
  - (i) education and publications; and
  - (ii) training and training courses,with respect to occupational safety and health in the mining industry.

## **4. Membership**

Section 14A(5) of the OSH Act provides for the Ministers to appoint the members of and to alter or reconstitute MIAC.

### **4.1 Members**

As agreed by the Ministers, membership of MIAC is to comprise the following:

- (a) The State Mining Engineer appointed under section 16(1) of the MSI Act, nominated by the Minister responsible for the administration of that Act, who is also the member of the Commission appointed under section 6(2)(c)(ii) of the OSH Act; and
- (b) an Inspector of Mines of the department, as the government member; and
- (c) one person nominated for appointment by the Association of Mining and Exploration Companies Inc; and
- (d) two persons nominated for appointment by the Chamber of Minerals and Energy of Western Australia Inc.; and
- (e) three persons nominated for appointment by Unions WA; and
- (f) four persons nominated for appointment by the department as expert members, who have knowledge of or experience in occupational health and safety in the mining industry.

### **4.2 Chairperson**

- (a) Under section 14A(6) of the OSH Act, the chairperson of MIAC is the member of the Commission nominated under section 6(2)(c)(ii) of the OSH Act.
- (b) The chairperson is to preside at a meeting of MIAC.
- (c) If the chairperson is absent from a meeting of MIAC, the chairperson for that meeting will be the government member.

## **5. Term of Office**

A member holds office for such term as determined by the Ministers and specified in the member's instrument of appointment.

## **6. Proxy Members**

When a person is nominated for appointment as a member under 4.1(c)-(f), the nominating body may also nominate a person to attend meetings as a proxy for that member.

Where a member is unable to attend, they should notify the chairperson as soon as possible prior to the meeting.

## **7. Alternate Members**

If a MIAC member, in respect of whom there is not a proxy, is unable to attend a meeting, the chairperson may approve another person as an alternate member to act temporarily in the member's place.

## **8. Leave of absence**

The chairperson may grant a member leave to be absent.

## **9. Sub Committees or Working Groups**

9.1 By way of a consensus decision, MIAC may establish sub-committees or working groups from time to time to assist it in the performance of its functions.

9.2 MIAC will determine the:

- (a) terms of reference for each sub-committee or working group it establishes; and
- (b) membership of each sub-committee or working group it establishes. Any sub-committee or working group must include at least one of the members specified in 4.1(a) and 4.1(b).

9.3 Each sub-committee or working group is to have a chairperson who is a member of MIAC.

## **10. Remuneration and allowances**

Section 14A(6) of the OSH Act provides that members of MIAC are entitled to be paid such remuneration and travelling and other allowances as may be determined by the Ministers on the recommendation of the Public Sector Commissioner.

## **11. Quorum**

A quorum for a meeting of MIAC is constituted by:

- (a) one of the members specified in 4.1(a) or 4.1(b);
- (b) one of the members specified in 4.1(c) or 4.1(d);
- (c) one of the members specified in 4.1(e); and
- (d) two of the members specified in 4.1(f).

## **12. Frequency of meetings**

Meetings of MIAC will be scheduled every two months, unless otherwise agreed by the members. MIAC must meet at least four times a year.

A special meeting of MIAC may be convened by the chairperson at any time.

### **13. Decision Making**

As MIAC is an advisory body, its advice and/or recommendations which are to be presented to the Ministers, will be made by consensus.

Where consensus cannot be reached, the dissenting member/s may request that their views be recorded in the minutes and those views will also be presented to the Ministers by the chairperson.

### **14. Declarations of Interest**

A member who has a material interest in a matter being considered or about to be considered by MIAC must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Committee.

Where an actual or perceived conflict of interest is declared, the declaration will be recorded in the minutes of that meeting and entered in a Conflict of Interest Register.

Members will represent the interests of their constituents and should refrain from raising issues of a personal nature at meetings. Such issues can be raised through the usual government and/or departmental channels.

### **15. Minutes of meetings**

Minutes of each meeting are to be recorded and maintained as an official record. The minutes are to provide evidence of the Committee's decisions and actions, including the delegation of tasks arising from MIAC meetings.

The draft minutes will be presented in the agenda papers for ratification at the next meeting of the MIAC.

The endorsed minutes will be provided to the Commission.

A separate action sheet will be provided to all members within one week after the meeting.

### **16. Communique**

A communique, summarising the topics discussed at the meeting, is to be published on the department's website after each MIAC meeting.

### **17. Confidentiality**

It is important for members to feel free to contribute honestly and openly, and that there is a level of trust between the members.

All electronic and written documents are provided to MIAC members with the expectation that members will distribute these documents responsibly and only for obtaining feedback from the groups they represent.

No views, documents or information presented during, or outside of, MIAC's meetings are to be made available to the media without the explicit agreement of the chairperson.

### **18. Code of Conduct**

Members appointed to the Committee are to act in accordance with the Code of Conduct established by the Commission for Occupational Safety and Health, which is based on the *Western Australian Public Sector Code of Ethics*.

## **19. Communication Protocol**

Public comment includes comment made in circumstances where it is reasonable to expect that the comment may reach the wider community. This may include comments made on the internet, in speeches, on the radio, or in the press.

Members will not be required to and are not authorised to make public comments concerning MIAC or the department. This role is likely to be fulfilled by the Ministers or the Directors General.

Members who receive requests or queries from the media are to advise the chairperson of the request. The chairperson will then discuss the request with the Ministers and/or the Directors General before any decision is made as to making a public comment and by whom.

## **20. Secretariat Support**

20.1 Executive and administrative support will be provided to the chairperson and MIAC by the department, including:

- (a) advising members of the meeting date by way of a meeting request;
- (b) calling for agenda items four weeks in advance;
- (c) preparing and distributing the agenda and supporting papers for each meeting at least two week priors to the meeting;
- (d) taking minutes of each meeting; and
- (e) coordinating any follow up action as determined in that meeting.

20.2 This secretariat support may comprise one or both of the following:

- (a) a senior level Executive Officer – to provide advice on policy and governance matters to the Panel and to follow up on actions arising from meetings; and
- (b) a Minute Secretary – to manage the administrative tasks associated with arranging meetings, preparing agenda papers and recording the minutes of meetings.

## **21. Queries**

Any queries in relation to MIAC should be directed to the chairperson or the Secretariat in the first instance.

## MINING INDUSTRY ADVISORY COMMITTEE

### SUMMARY OF REVISED ADMINISTRATIVE PROCEDURES

DOCUMENT	FORMAT	COMMENTS
1. AGENDA	1.1 Call for agenda items	<p>(i) An email calling for agenda items for the next meeting will be sent to all members <b>at least four weeks prior</b> to the date of the meeting.</p> <p>(ii) The email will include the standard covering agenda paper template to be <b>prepared for the item by the organisation/member</b> proposed for discussion at the next meeting.</p>
	1.2 Circulation of the agenda and supporting papers	<p>(iii) Covering agenda papers are required <b>at least three weeks prior</b> to the meeting date.</p> <p>(iv) The agenda, draft minutes, and supporting papers will be circulated electronically to members <b>two weeks before</b> the meeting date.</p>
	1.3 Agenda Items	<p>(v) <b>Agenda Items for discussion</b> will be allocated a time for that item and indicate which organisation/member will present the item.</p> <p>Presenters, other than MIAC members, will only be present for their item/s, unless agreed otherwise by the members.</p> <p>(vi) Agenda items for discussion will <b>require a standard covering agenda paper, prepared by the relevant organisation or member</b>, which sets out the:</p> <ul style="list-style-type: none"> <li>- <b>Issue</b></li> <li>- <b>Background</b></li> <li>- <b>Recommendation.</b></li> </ul>
	1.4 Standing Agenda Items	<p>(vii) <b>Standing Agenda Items</b> will include:</p> <ul style="list-style-type: none"> <li>- Legislation Update;</li> <li>- Report from Mental Health Strategies Working Group on progress of response to FIFO Inquiry recommendations;</li> <li>- Report from Nano Diesel Particulate Working Group;</li> <li>- Mines Safety Statistics; and</li> <li>- MIAC Correspondence.</li> </ul> <p>(viii) <b>Standing Agenda Items</b> will have a covering agenda paper, which indicates if the items are <b>for information, discussion or noting only</b>.</p> <p>(ix) Where an item is for Noting Only, <b>no time will be allocated</b> for discussion, unless it is requested at the time of confirmation of the agenda.</p>

<b>DOCUMENT</b>	<b>FORMAT</b>	<b>COMMENTS</b>
<b>1. AGENDA</b>	1.5 Confirmation of Agenda or Other Business	(x) Other matters raised under ' <b>confirmation of agenda</b> ' or ' <b>other business</b> ', which are considered to require detailed discussion <b>will be deferred</b> until the next meeting as an agenda item (accompanied by a covering agenda paper) to enable appropriate consideration of the issue.
<b>2. MINUTES</b>	2.1 Recording minutes of meetings	(i) The new format for Minutes of meetings will record <b>only high-level points</b> , unless it is requested otherwise. (ii) Minutes will <b>not attribute comments to a particular organisation or member</b> unless specifically requested, or in the case of dissenting views.
	2.2 Recording decisions	(iii) Recording of decisions made by the Committee will be by way of a decision number.
<b>3. ACTION LIST</b>	3.1 Actions recorded on separate Action List	(i) Actions arising from the meeting will no longer be included in the Minutes, but <b>recorded on a separate Action List</b> , updated after each meeting.
	3.2 Distribution of Action List	(iv) The updated Action List will be circulated to members within one week of the last meeting.