



ANNUAL REPORT

# MINE SAFETY ADVISORY COUNCIL

2019/2020



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## AMENDMENT SCHEDULE

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September 2020	1.0	Initial draft

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## NSW Mine Safety Advisory Council

The NSW Mine Safety Advisory Council (MSAC) is a tripartite forum made up of employers, unions and government. It was established to foster an industry with safety as a core value and to provide advice to the Minister on strategic health and safety issues in the mining and extractives industry.

It is established under section 60 of the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

MSAC comprises people representing the interests of industry, unions, NSW Department of Regional NSW and independent work health and safety experts. It is chaired by an independent chairperson.

MSAC is a collaborative partnership that integrates the views of all stakeholders while working towards common goals to:

- strengthen relationships and build trust
- agree on priority work health and safety issues and actions to address them
- gather, analyse, evaluate and communicate information on work health and safety.

## Vision

The NSW Government's vision is for MSAC to operate in an environment of trust and co-operation to address health and safety issues and that all stakeholders demonstrate a willingness to support the work of MSAC and move forward on mutual matters of importance as one group.

## Terms of reference

MSAC's terms of reference are to:

- establish strategic safety and health direction and goals
- analyse and review the safety performance of the industry
- provide leadership to the mining industry to develop safe and healthy workplaces within a framework which:
  - encourages innovative and safe technology and processes
  - sets the strategic direction for the industry in developing competent people
  - advances a legislative framework which leads to safe mining practice

- encourage a move towards cross-industry and national standards.

For comprehensive information visit the [MSAC webpage](#).

## Introduction

MSAC is established under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

This MSAC annual report covers activities between 1 July 2019 and 30 June 2020.

The council met on four occasions during the reporting period:

- 5 September 2019 (Aberdare)
- 5 December 2019 (Sydney)
- 5 March 2020 (Glendell Open Cut Mine)
- 4 June 2020 (Videoconference).

## Functions of MSAC

The functions of MSAC are detailed in the Act and the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014.

MSAC's functions under section 61 of the Act are:

- to provide advice to the Minister (Deputy Premier) on any policy matter relating to work health and safety in mines
- any other advisory function relating to work health and safety in mines that is prescribed by the regulations.

The functions prescribed under clause 161 of the Regulation are:

- to advise the Minister on any matter, other than a policy matter, relating to work health and safety in mines that is referred to it by the Minister, and
- to advise the Minister on any other matter, other than a policy matter, relating to work health and safety in mines that it considers relevant.

## Membership of MSAC

In addition to the chairperson, there are three employer nominees, three employee nominees, one representative of the department and two independent members. The members of the council during the 2019/2020 financial year were:

NAME	REPRESENTING	NOMINEE OF	REGULATION SECTION	TERM EXPIRES
Hon. George Souris	Chairperson	Independent Chairperson	160(1)(d) and (2)	24/10/21
Mr Ian Cribb	Employers in the coal sector	NSW Minerals Council	160(1)(a)(i)	30/11/20
Mr Peter Jordan	Employees	Construction Forestry Maritime Mining and Energy Union, Mining and Energy Division	160(1)(b)(i)	27/09/20
Mr Brock Skelton	Employees	Australian Workers Union, NSW Branch	160(1)(b)(ii)	15/12/22
Ms Julie Armour	Independent	Independent member	160(1)(d)	11/04/21
Mr Tony Cartwright	Independent	Independent member	160(1)(d)	11/04/21
Mr Rob Cunningham	Employers in the metals sector	NSW Minerals Council	160(1)(a)(ii)	27/06/22
Mr Matthew Freeman	Employers	Cement Concrete & Aggregates Australia	160(1)(a)(iii)	27/06/22
Mr Graeme Osborne	Employees	Construction Forestry Maritime Mining and Energy Union, Mining and Energy Division	160(1)(b)(ii)	27/06/22
Mr Anthony Keon	Department of Regional NSW	NSW Resources Regulator	160(1)(c)	27/06/22

Attendance at MSAC meetings during 2018/2019 is detailed below:

MEMBER	POSITION	PRESENT	DELEGATE
Hon. George Souris	Chairperson	4/4	n/a
Mr Ian Cribb	Member	4/4	n/a
Mr Peter Jordan	Member	4/4	n/a
Mr Brock Skelton	Member	3/4	0/4
Ms Julie Armour	Member	4/4	n/a
Mr Tony Cartwright	Member	2/4	0/4
Mr Rob Cunningham	Member	3/4	0/4
Mr Matthew Freeman	Member	1/4	0/4
Mr Graeme Osborne	Member	2/4	0/4
Mr Anthony Keon	Member	4/4	n/a

## MSAC activities and focus during 2019/2020

The NSW Mine Safety Advisory Council Strategic Plan to 2020 lists six strategic action areas:

1. Evidence-based regulatory approach.
2. Participate, engage and communicate with industry and community.
3. Focus on health and wellbeing.
4. Identify risks of fatal incidents and disease.
5. Address emerging trends.
6. Human and organisational factors.

### Strategic focus

To ensure its advice-giving function reflects emerging and significant issues, MSAC has maintained a focus on a wide range of matters relevant to work health and safety in mining as part of its strategic focus.

## ***Impact of COVID-19 on mining industry***

MSAC received and consideration updates from the Resources Regulator and members on the impact of COVID-19 on the department's regulatory functions and the mining industry. The Resources Regulator advised MSAC that mines had implemented control measures to address COVID-19 risks. The Resources Regulator undertook a proactive inspection program which focused on how mine operators were responding to the COVID-19 risks. The program involved 178 inspections carried out across 87 different mine sites. It generally found that mine operators had responded quickly and appropriately to risks posed by the virus and overall standards were high.

## ***Review of fatal accidents in Queensland mines 2000 to 2019 (Brady Review)***

MSAC were informed of the Resources Regulator's analysis of the *Review of fatal accidents in Queensland mines 2000 to 2019 (Brady Review)*. The Resources Regulator undertook a mapping and analysis of the recommendations from the review against the regulatory framework for mine safety in NSW. MSAC noted the Resources Regulator's position that the issues raised by the review have largely been addressed following the Wilkinson Fatalities Review and the regulator's Incident Prevention Strategy.

## ***Radiologists position statement of imaging of occupational lung disease***

MSAC considered the recommendations of the Royal Australian and New Zealand College of Radiologists (RANZCR) position statement on the imaging of occupational lung disease in relation to engineered stone exposure and the *Inquiry into the re-identification of Coal Worker's Pneumoconiosis in Queensland* report published by the Queensland Parliamentary Select Committee Inquiry. While MSAC determined that no action was required on this issue at this time, it agreed to maintain a watching brief on the issue.

## ***National Dust Disease Taskforce interim advice December 2019***

MSAC discussed the *National Dust Disease Taskforce interim advice December 2019* released by the National Dust Disease Taskforce. The interim advice proposes a set of early recommendations for actions for prevention, education, awareness raising, and possible regulatory reforms for workplaces, to eliminate and control the incidence of occupational dust diseases. The advice also includes a set of initial findings. These findings are not conclusive but point to areas for further examination. MSAC agreed to maintain a watching brief on this issue.

## ***Employment type and safety performance in NSW mines***

MSAC considered analysis on employment type and safety performance in NSW mining prepared by the Resources Regulator based in incident reporting. The analysis reveals contractors are less likely to record an injury, however the fatality rate for contractors has an increasing trend. MSAC noted that there are a

variety of factors that could explain the results including type of work, familiarity with safety systems and under-reporting. MSAC agreed to maintain a watching brief on this issue.

### ***New technologies***

MSAC continues to maintain a watching brief on new technologies that may improve work health and safety performance. MSAC members considered a presentation by Glencore on the implementation of collision avoidance technology at its Glendell open cut coal mine site. MSAC noted that human intervention will not be removed and that the company was looking to make improvements to the system.

## **Regulatory framework**

Ongoing review and reform of the legislative and regulation framework for work health and safety in NSW mines and petroleum sites continued to be a key focus for MSAC members during the year.

### ***New exposure standards for respirable coal dust and respirable crystalline silica***

At its meeting on 5 March 2020, MSAC unanimously agreed to recommend to the Deputy Premier that the new respirable coal dust exposure standard take effect in NSW following a one-year transition from the announcement of the decision of WHS Ministers. The Deputy Premier approved the amendment of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 to implement the new respirable coal standard of 1.5mg/m<sup>3</sup> from 1 February 2021. The new coal dust standard was agreed in December 2019 by WHS Ministers following nationwide consultation. The new standard will be applied in the *Workplace exposure standard for airborne contaminants* to other jurisdictions but not until December 2022.

### ***Diesel particulate exposure standard***

MSAC supported the Resources Regulator's proposal to legislate an exposure standard for diesel particulate in the NSW mining industry. The Resources Regulator commissioned occupational hygienist Alan Rogers to conduct a review into the potential introduction of a diesel particulate workplace exposure standard for mines in NSW. The *Discussion Paper: Diesel particulate exposure standards for NSW Mines* was published in August 2019 for industry feedback on the proposal. The Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 was amended to apply a workplace exposure standard of 0.1mg/m<sup>3</sup> of air for diesel particulate matter at mines and petroleum sites. The new standard will apply from 1 February 2021 to give industry the necessary time to adapt to the new requirement. NSW is the first mining jurisdiction to prescribe an exposure standard for diesel particulate matter.



## ***Statutory review of WHS mines and petroleum sites laws***

MSAC has participated in the NSW Government's review of the work health and safety laws applying to the mining and petroleum industries. The key aim of the review is to determine whether the laws are meeting their objectives to ensure safe mining and petroleum workplaces. Mr Kym Bills is leading the review and is being guided by a steering committee and assisted by the Resources Regulator. The review commenced in March 2020 with the release of a discussion paper and a state-wide series of face-to-face and online public consultation forums and targeted stakeholder group sessions during March and April to gather feedback. Mr Bills will consider the feedback, including a consultation session with the MSAC Chairperson, Hon. George Souris AM. Mr Bills will deliver a final report to the Deputy Premier. The report on the review will be tabled in both houses of Parliament.

## **Safety initiatives**

### ***Multi-media dust campaign***

MSAC endorsed a dust awareness campaign developed in collaboration with the Resources Regulator. The dust campaign's objectives are to increase mine worker's awareness of the important health and safety issue with respect to dust, raise how dust can directly impact mine workers and contractors and provide call to action for workers to take steps to ensure their own personal safety, as well as the safety of their work mates. The campaign *Take action to prevent dust disease* was launched in July 2020 and features a toolkit of videos, guidance and other resources. The campaign will be followed by a survey and evaluation.

### **Hon. George Souris AM**

Independent Chairperson

NSW Mine Safety Advisory Council