

Minutes

NSW Mine Safety Advisory Council

Details

Location:	Moolarben Coal 12 Ulan-Wollar Road Ulan NSW
Date/time:	18 March 2024 12 noon
Secretary:	Mr Tony Linnane Mining, Exploration and Geoscience, Department of Regional NSW

Members

1. **Meeting Chair:** Mr Peter Day, Resources Regulator, Department of Regional NSW
2. Prof. Deborah Yates, Independent member (remote attendance)
3. Mr Ian Cribb, NSW Minerals Council (coal)
4. Ms Kylie Harris, NSW Minerals Council (metalliferous)
5. Mr Robin Williams, Mining and Energy Union (remote attendance)
6. Mr Graeme Osborne, Mining and Energy Union
7. Mr Ron Cowdrey, Australian Workers' Union, New South Wales Branch (remote attendance)

Observers

8. Mr Anthony Margetts, Resources Regulator, Department of Regional NSW
9. Mr Angus Mackie, NSW Minerals Council
10. Mr Jason Kuchel, Cement Concrete & Aggregates Australia (remote attendance)
11. Ms Lucy Flemming, Coal Services
12. Mr Wayne Green, Coal Services (remote attendance for Paper 5 only)

Apologies

1. Hon. George Souris AM, Independent Chair
2. Ms Julie Armour, Independent member
3. Mr James Collings, Cement Concrete and Aggregates Australia

Secretariat

Ms Amanda Quin, Mining, Exploration and Geoscience,
Department of Regional NSW

Meeting minutes

Paper	Agenda item
1	<p>Chair's report</p> <ul style="list-style-type: none"> Brian Wesley and Matt Cooper (Moolarben Coal) presented on silica dust. Peter Day acted as meeting Chair in lieu of the Hon. George Souris AM and thanked Moolarben Coal for the presentation and for hosting the meeting. The formal meeting commenced at 12.21 p.m. with an Acknowledgement of Country. The Chair welcomed the reappointment of Ian Cribb and new appointment of Kylie Harris as council members.
2	<p>Declaration of interests</p> <ul style="list-style-type: none"> Prof. Deborah Yates, Robin Williams and Graeme Osborne requested minor amendments to their declarations. Regarding <i>Paper 4 - Correspondence</i> an MSAC member disclosed they had previously used software developed by Dr Mark Colewell. <p>Outcomes</p> <ul style="list-style-type: none"> MSAC noted the member's past use of software regarding <i>Paper 4 - Correspondence</i>. <p>Actions</p> <p>A. Secretariat to update the pecuniary interests register with changes requested by Prof. Deborah Yates, Robin Williams and Graeme Osborne.</p>
3	<p>Acceptance of previous minutes and actions</p> <p>Outcomes</p> <ul style="list-style-type: none"> MSAC endorsed the minutes of the meeting on 7 December 2023 and noted the status of actions arising from the last meeting. <p>Actions</p> <p>B. Secretariat to publish MSAC meeting minutes from 7 December 2023.</p>
4	<p>Correspondence</p> <p>Outcomes</p> <ul style="list-style-type: none"> MSAC noted the correspondence since the last meeting and agreed to consider Dr Colewell's correspondence as <i>Additional Business</i> (see minutes for Paper 14 below).

Paper	Agenda item
5	<p data-bbox="260 219 1193 257">Review of the coal worker health surveillance scheme</p> <ul data-bbox="260 286 1455 1413" style="list-style-type: none"> <li data-bbox="260 286 1455 398">• Wayne Green from Coal Services addressed MSAC regarding the progress of recommendations from the review of the Coal Industry Health Surveillance Scheme (CIHSS): <ul style="list-style-type: none"> <li data-bbox="312 427 1406 539">– Coal Services is targeting 1 July 2024 implementation for the new respiratory disease thresholds subject to further meetings of the working group with respiratory physicians <li data-bbox="312 568 1455 757">– If the Queensland respiratory disease inhalable dust threshold is adopted most underground coal sites will have difficulty accommodating the affected group of workers. Around 300 to 350 (5%) workers out of 8000 medicals performed per year may not be able to be returned to work at underground sites at that threshold <li data-bbox="312 786 1418 898">– Different sampling methods are being considered due to cross contamination (dust on clothes etc), with the view of affecting the accuracy of inhalable dust samples <li data-bbox="312 927 1455 1039">– In process of introducing complex lung testing – 2 units have been procured and 2 are in progress. Nurses are being trained, with view that testing will start from July 2024 <li data-bbox="312 1068 1445 1135">– Coal Services is going out to tender for new software, but has separate controls in place currently <li data-bbox="312 1164 1455 1317">– The final dates for implementation are linked into the order 43 work. The draft audit is currently out for consultation across stakeholder groups. After final feedback is received regarding impact assessment a further report will be made to MSAC. <li data-bbox="260 1346 1418 1413">• It was suggested that inclusion of SEG rates by Coal Services in table 1 may be of assistance. <p data-bbox="260 1458 432 1496">Outcomes</p> <p data-bbox="260 1525 483 1554">Members noted:</p> <ul data-bbox="260 1583 1455 1794" style="list-style-type: none"> <li data-bbox="260 1583 1385 1695">• Coal Services' February 2024 progress summary, the progress report on recommendations from the review of the CIHSS and the progress report on the Order 43 consultation <li data-bbox="260 1724 1455 1794">• that the Coal Services' February 2024 CIHSS progress summary will be published on the MSAC webpage on the Department's website. <p data-bbox="260 1839 387 1877">Actions</p> <ul data-bbox="312 1906 1437 1973" style="list-style-type: none"> <li data-bbox="312 1906 1437 1973">C. The Coal Services' February 2024 CIHSS progress summary to be published on the MSAC webpage on the Department's website.

Paper	Agenda item
	<p>D. Coal Services to confirm timeframes for completing the implementation of the recommendations from the review of the CIHSS at MSAC’s 17 June 2024 meeting.</p> <p>E. A CIHSS progress report to be provided to the Minister after MSAC’s 17 June 2024 meeting.</p>
6	<h2 data-bbox="260 465 1027 510">Work plan to support Strategic Plan to 2026</h2> <p data-bbox="260 548 1171 584">The MSAC noted the proposed timeline for Strategic Plan projects:</p> <ul data-bbox="260 607 1452 1783" style="list-style-type: none"> <li data-bbox="260 607 1452 741">• Monitoring progress of CIHSS: <ul style="list-style-type: none"> <li data-bbox="312 663 1452 741">– Timeframes for outstanding items to be confirmed in Quarter 2 2024 (see Action D in Paper 5 above) <li data-bbox="260 763 1452 1021">• Monitoring progress of airborne contaminant framework workplace exposure standards: <ul style="list-style-type: none"> <li data-bbox="312 864 1452 1021">– SafeWork Australia is coordinating the process with key stakeholder groups including ACTU, Minerals Council of Australia and SafeWork NSW. The Resources Regulator reminded MSAC stakeholder representatives to liaise with their national counterparts on this issue. <li data-bbox="260 1043 1452 1402">• Reporting culture survey: <ul style="list-style-type: none"> <li data-bbox="312 1099 1452 1290">– Paper for September 2024 MSAC meeting: <ul style="list-style-type: none"> <li data-bbox="355 1155 863 1191">• review outcomes from last survey <li data-bbox="355 1214 1321 1290">• scoping for new survey including proposed audience and whether a contractor will be engaged to implement the survey <li data-bbox="312 1312 1452 1402">– Paper for December 2024 MSAC meeting: <ul style="list-style-type: none"> <li data-bbox="355 1368 975 1402">• survey implementation proposal for 2025. <li data-bbox="260 1424 1452 1503">• Resources Regulator’s reporting to inform future priorities of MSAC and standing agenda items will continue <li data-bbox="260 1525 1452 1671">• Adverse Vehicle Interaction Advisory Committee (AVIAC): <ul style="list-style-type: none"> <li data-bbox="312 1581 1350 1617">– First meeting has been held. Next meeting scheduled for 26 March 2024. <li data-bbox="312 1639 1198 1671">– Progress update to be provided for June 2024 MSAC meeting. <li data-bbox="260 1693 1452 1783">• Identifying actions to reduce incidence of musculoskeletal injuries <ul style="list-style-type: none"> <li data-bbox="312 1749 1294 1783">– input from MSAC will be required to inform the scope of this project. <h3 data-bbox="260 1827 427 1863">Outcomes</h3> <ul data-bbox="260 1886 1452 2007" style="list-style-type: none"> <li data-bbox="260 1886 1452 2007">• The MSAC endorsed the workplan to support the Strategic Plan to 2026, noting that the timeframes and projects are flexible and may be updated as issues emerge or change.

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	<p>Actions</p> <ul style="list-style-type: none"> F. Paper for June 2024 MSAC meeting on AVIAC committee progress. G. Paper for September 2024 MSAC meeting to include: <ul style="list-style-type: none"> • review of outcomes from last reporting culture survey • scoping for new reporting culture survey including proposed audience and whether external company will implement survey. H. Paper for December 2024 MSAC meeting on implementation of reporting culture survey in 2025.
7	<p>Amendments to welding fumes exposure standard</p> <p>In January 2024 Safe Work Australia changed the workplace exposure standard (WES) for welding fumes from an 8-hour time weighted average (TWA) of 5 mg/m³ to 1 mg/m³.</p> <p>Outcomes</p> <ul style="list-style-type: none"> • Members noted the change to the WES for welding fumes from 5 mg/m³ to 1 mg/m³. • Members noted that the Resources Regulator will take an education and information approach to help duty holders comply with the standard, including any action required to achieve compliance.
8	<p>Member updates</p> <ul style="list-style-type: none"> • It was suggested that a topic of interest be presented at each meeting, with possibly a Mates in Mining presentation for the next meeting. • Coal Services tabled its member update report and noted: <ul style="list-style-type: none"> – Data on dust surveillance is indicating: <ul style="list-style-type: none"> • improvements for continuous miner workers, underground outbye workers and underground cement and spraying workers • increased levels of exposure for surface blast crew and surface drillers – Injury notifications remain stable – noting that there is a 48-hour reporting requirement as compared to 10 days for the Resources Regulator. – At the end of calendar year 2023, 211 coal workers were identified with health conditions that required a restriction on employment until further investigation. There were 173 dust restrictions issued (168 in open cut). – There were an additional 19 cardiovascular risk determinations that required restrictions on work until further investigations (18 open cut and 1 underground). – There has been a small increase in hit by moving objects as a mechanism of injury (e.g. hammers, drills, hoses in the underground environment).

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	<p>Outcomes</p> <ul style="list-style-type: none"> Members noted the report tabled by Coal Services. Members agreed that a short presentation be included on a relevant topic at future meetings and that subject to availability. The Mates in Mining presentation should be scheduled for the next meeting. <p>Actions</p> <ol style="list-style-type: none"> Secretariat to liaise with the Mining and Energy Union regarding a Mates in Mining presentation is able to be arranged for the June 2024 MSAC meeting.
9	<p>National Dust Disease Task Force</p> <ul style="list-style-type: none"> The Commonwealth Government has passed <u>National Occupational Respiratory Disease Registry Act 2023</u> and committed to it being operative in 6 months. The Lung Foundation Australia: <ul style="list-style-type: none"> is establishing a national research network held a consumer research forum on silicosis in November with further forums planned this year. <p>Prof. Deborah Yates advised that the Lung Foundation Australia would welcome mining industry input into its endeavours.</p> <p>Outcomes</p> <ul style="list-style-type: none"> Members agreed to maintain a watching brief regarding the draft 2023 – 2028 National Silicosis Prevention Strategy and associated National Action Plan.
10	<p>Legislative framework update</p> <ul style="list-style-type: none"> The NSW industrial relations commission is being re-established. Consultation on the proposed NSW industrial manslaughter legislation closed on 18 March 2024. A ban on the use of engineered stone in NSW will commence on 1 July 2024. SafeWork NSW is undertaking targeted consultation on ammonium nitrate – changes to separation distances. The Resources Regulator recommended that mining union stakeholder representatives liaise with Industry Safety and Health Representatives to ensure they are aware of the consultation process. <p>Outcomes</p> <ul style="list-style-type: none"> Members noted the legislative framework update.

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11	<p>NSW Resources Regulator quarterly report</p> <ul style="list-style-type: none"> The Resources Regulator has produced a video on sexual harassment psychosocial issues. The Resources Regulator tabled the quarterly safety report for October to December 2023. <p>Outcomes</p> <ul style="list-style-type: none"> Members noted the Quarterly safety report – October to December 2023. 								
12	<p>Mine safety levy report</p> <p>Outcomes</p> <ul style="list-style-type: none"> Members noted the Mine Safety Levy Fund report- Actuals & Forecast Jan 2024 and the NSW Resources Regulator Annual Report 2022/23. 								
13	<p>2024 meeting dates</p> <table border="1" data-bbox="260 1025 1425 1476"> <thead> <tr> <th data-bbox="260 1025 735 1111">DATE</th> <th data-bbox="735 1025 1425 1111">VENUE</th> </tr> </thead> <tbody> <tr> <td data-bbox="260 1111 735 1227">Monday 17 June 2024 12 noon to 3 pm</td> <td data-bbox="735 1111 1425 1227">MEU Northern Office - 67A Aberdare Road, Aberdare</td> </tr> <tr> <td data-bbox="260 1227 735 1352">Thursday 5 September 2024 9.00 am to 12 noon</td> <td data-bbox="735 1227 1425 1352">NSW Minerals Council - 12 O’Connell Street Sydney</td> </tr> <tr> <td data-bbox="260 1352 735 1476">Thursday 5 December 2024 9.00 am to 12 noon</td> <td data-bbox="735 1352 1425 1476">Department of Regional NSW - 516 High Street, Maitland</td> </tr> </tbody> </table>	DATE	VENUE	Monday 17 June 2024 12 noon to 3 pm	MEU Northern Office - 67A Aberdare Road, Aberdare	Thursday 5 September 2024 9.00 am to 12 noon	NSW Minerals Council - 12 O’Connell Street Sydney	Thursday 5 December 2024 9.00 am to 12 noon	Department of Regional NSW - 516 High Street, Maitland
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14	<p>Additional business</p> <ul style="list-style-type: none"> Secretariat to circulate Mental Awareness, Respect and Safety (MARS) Program - insights from WA worker survey and interviews to MSAC members out of session. The NSW Government has responded to Portfolio Committee No. 2’s report into the current and potential impacts of gold, silver, lead and zinc mining on human health, land, air and water quality in New South Wales. <ul style="list-style-type: none"> The inquiry looked at a range of factors regarding metal mining and recommended that the Resources Regulator be resourced adequately regarding non-coal mines. 								

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	<ul style="list-style-type: none"> – The NSW government response advised that the Regulator is fully resourced and regularly reviews requirements and reports, informs MSAC and engages with industry. • The Resources Regulator is reviewing: <ul style="list-style-type: none"> – the Independent Review of SafeWork NSW by the Hon Robert McDougall KC – the Audit Office’s report into the Effectiveness of SafeWork NSW in exercising its compliance functions <p>to determine whether there are any actions for the Regulator to consider. If any actions arise for MSAC to consider, then a paper will be prepared.</p> • Dr Mark Colwell has written to the MSAC and to the Mining and Petroleum Competence Board (MPCB) seeking a range of prohibitions around strata and mines and the introduction of a geotechnical engineer statutory function. <ul style="list-style-type: none"> – Regarding the requested prohibitions, the Resources Regulator’s approach is risk based and supported by analysis – Regarding the geotechnical engineer statutory function, the MPCB previously considered this in 2019/20 and after consultation on a discussion paper, determined that it was not warranted. The MPCB proposes to consider Dr Colwell’s correspondence at its next meeting in May 2024.
	<p>Outcomes</p> <ul style="list-style-type: none"> • MSAC has the role of advising the Minister generally regarding work health and safety issues in the mining industry in NSW. However the MPCB has the specific function of advising both the Minister and the NSW Resources Regulator regarding required competencies for statutory functions in NSW. Members also noted that the Resource Regulator’s approach to regulating the management of hazards in the mining industry is risk based.
	<p>Actions</p> <ul style="list-style-type: none"> J. Paper for June 2024 MSAC meeting on findings and recommendations from Western Australia’s Mental Awareness, Respect and Safety (MARS) Program insights report. K. Department to draft a response to Dr Colwell advising that MSAC has considered his correspondence and that the MPCB has the specific function of advising both the Minister and the NSW Resources Regulator regarding required competencies for statutory functions in NSW. Proposed response to be circulated to MSAC members out of session for endorsement.

Paper	Agenda item
	<p data-bbox="260 208 486 241">Next meeting</p> <ul data-bbox="260 271 1409 342" style="list-style-type: none"><li data-bbox="260 271 1409 342">• The next meeting will be held at 12pm on Monday 17 June 2024 at MEU Northern, 67A Aberdare Road, Aberdare NSW.
	<p data-bbox="260 459 494 492">Meeting close</p> <ul data-bbox="260 521 866 555" style="list-style-type: none"><li data-bbox="260 521 866 555">• The Chair closed the meeting at 2.03 pm.

Summary of actions

AGENDA ITEM	ACTION
2. Declaration of interests	A. Secretariat to update the pecuniary interests register with changes requested by Prof. Deborah Yates, Robin Williams and Graeme Osborne.
3. Acceptance of previous minutes and actions	B. Secretariat to publish minutes from 7 December 2023.
5. Review of the coal worker health surveillance scheme	C. The Coal Services' February 2024 CIHSS progress summary to be published on the MSAC webpage on the Department's website.
	D. Coal Services to confirm timeframes for completing the implementation of the recommendations from the review of the CIHSS at MSAC's 17 June 2024 meeting.
	E. A CIHSS progress report to be provided to the Minister after MSAC's 17 June 2024 meeting.
6. Work plan to support Strategic Plan to 2026	F. Paper for June 2024 MSAC meeting on AVIAC committee progress.
	G. Paper for September 2024 MSAC meeting to include: <ul style="list-style-type: none"> • review of outcomes from last reporting culture survey • scoping for new reporting culture survey including proposed audience and whether external company will implement survey.
	H. Paper for December 2024 MSAC meeting on implementation of reporting culture survey in 2025.
8. Member updates	I. Secretariat to liaise with the Mining Energy Union regarding whether a short Mates in Mining presentation is able to be arranged for the June 2024 MSAC meeting.
14. Additional business	J. Paper for June 2024 MSAC meeting on findings and recommendations from Western Australia's Mental Awareness, Respect and Safety (MARS) Program insights report.
	K. Department to draft a response to Dr Colwell advising MSAC has considered his correspondence and that the MPCB has the specific function of advising both the Minister and the NSW Resources Regulator regarding required competencies for statutory functions in NSW. Proposed response to be circulated to MSAC members out of session for endorsement.