

Minutes

NSW Mine Safety Advisory Council

Details

Location: Mining and Energy Union
67A Aberdare Road
Aberdare NSW

Date/time: 17 June 2024
12 noon

Secretary: Mr Tony Linnane
NSW Resources,
Department of Primary Industries and
Regional Development

Members

1. **Chairperson:** Hon. George Souris AM, Independent
2. Mr Peter Day, NSW Resources Regulator, Department of Primary Industries and Regional Development
3. Mr Robin Williams, Mining and Energy Union
4. Mr Graeme Osborne, Mining and Energy Union
5. Mr Ian Cribb, NSW Minerals Council (coal)
6. Ms Kylie Harris, NSW Minerals Council (metalliferous) (remote attendance)
7. Mr James Collings, Cement Concrete & Aggregates Australia (remote attendance)

Delegates

8. Mr Daniel Brookman, delegate for Mr Ron Cowdrey, Australian Workers' Union (remote attendance)

Observers

9. Ms Lucy Flemming, Coal Services
10. Mr James Barben, NSW Minerals Council
11. Mr Jason Kuchel, Cement Concrete & Aggregates Australia (remote attendance)
12. Mr Wayne Green, Coal Services (paper 5 only)

Apologies

1. Ms Julie Armour, Independent member
2. Prof. Deborah Yates, Independent member
3. Mr Ron Cowdrey, Australian Workers' Union member

Secretariat

Ms Amanda Quin,
NSW Resources,
Department of Primary Industries and Regional
Development

Meeting minutes

Paper	Agenda item
1	<p data-bbox="260 479 496 517">Chair's report</p> <ul data-bbox="260 562 1458 1099" style="list-style-type: none"> <li data-bbox="260 562 1414 633">• Mr Michael Stoddart (guest presenter) presented on the MATES in mining suicide prevention program. <li data-bbox="260 658 1458 887">• The formal meeting commenced with an Acknowledgement of Country. Membership updates were noted: <ul data-bbox="312 757 1358 887" style="list-style-type: none"> <li data-bbox="312 757 1337 790">– Prof Deborah Yates and Ms Julie Armour's terms expire on 20 June 2024 <li data-bbox="312 813 1358 887">– Bob Timbs will attend as delegate in the place of Graeme Osborne for the September 2024 meeting and potentially the December 2024 meeting. <li data-bbox="260 911 1409 1099">• From 1 July 2024: <ul data-bbox="312 969 1409 1099" style="list-style-type: none"> <li data-bbox="312 969 1409 1041">– the Department of Regional NSW will be renamed the Department of Primary Industries and Regional Development <li data-bbox="312 1066 1294 1099">– Mining Exploration and Geoscience will be renamed NSW Resources.
2	<p data-bbox="260 1160 668 1198">Declaration of interests</p> <ul data-bbox="260 1243 1458 1314" style="list-style-type: none"> <li data-bbox="260 1243 1458 1314">• The Chair, Graeme Osborne and Ian Cribb requested updates to their declarations of interest, due to other committee memberships ceasing. <p data-bbox="260 1359 384 1397">Actions</p> <ul data-bbox="312 1420 1238 1453" style="list-style-type: none"> <li data-bbox="312 1420 1238 1453">A. Secretariat to update the pecuniary interest declaration register.
3	<p data-bbox="260 1518 1027 1556">Acceptance of previous minutes and actions</p> <ul data-bbox="260 1601 1425 1673" style="list-style-type: none"> <li data-bbox="260 1601 1425 1673">• The NSW Resources Regulator proposed amendments to the draft 18 March 2024 minutes. <p data-bbox="260 1718 429 1756">Outcomes</p> <ul data-bbox="260 1778 1362 1868" style="list-style-type: none"> <li data-bbox="260 1778 1362 1812">• Members approved the proposed amendments to the 18 March 2024 minutes. <li data-bbox="260 1834 1214 1868">• Members noted the status of actions arising from the last meeting. <p data-bbox="260 1912 384 1951">Actions</p> <ul data-bbox="312 1973 1289 2007" style="list-style-type: none"> <li data-bbox="312 1973 1289 2007">B. Secretariat to amend the 18 March 2024 MSAC minutes and publish.

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4	<p data-bbox="261 226 547 264">Correspondence</p> <p data-bbox="261 309 427 347">Outcomes</p> <ul data-bbox="261 369 1437 405" style="list-style-type: none"> • Members noted the incoming and outgoing correspondence since the last meeting.
5	<p data-bbox="261 465 1190 504">Review of the coal worker health surveillance scheme</p> <ul data-bbox="261 548 1453 1749" style="list-style-type: none"> • Progress is being made in respect of most recommendations with: <ul data-bbox="312 607 1453 1070" style="list-style-type: none"> – Recommendation 3 expected to be completed in June 2024. – Recommendations 9 and 11 are expected to be completed in July 2024 – Recommendation 13 is expected to be completed June 2024. Industry consultation is being completed – Recommendations 1, 4 and 8 await an upgrade to EDN IT Systems. A project plan has been developed – The implementation of Recommendations 2 and 14 is proposed to be delayed until after completion of a review by the lead author of the Review of the New South Wales Health Surveillance Scheme for Coal Mine Workers (Professor Robert Cohen). • Pending completion of the review by Professor Cohen, Coal Services proposes to adopt a transitional inhalable mine dust level of 5mg/m³. The review is expected to be completed in the next 12 months. <ul data-bbox="312 1234 1453 1570" style="list-style-type: none"> – The transitional arrangements were proposed following an impact analysis that showed significant workforce effects and costs to industry, should the occupational lung impairment thresholds be extended to non-occupational lung impairment. – The impact of Coal Services health assessments using a “preserving lung function” as an occupational lung impairment threshold was discussed by MSAC members and whether this assessment should allow for employment with more regular health screening as a control. • Members also raised the potential conflict in advice being received from a Thoracic Physician and an Occupational Physician regarding a person’s suitability to return to or commence employment in the mining industry and when the employer should be involved in that decision making. <p data-bbox="261 1794 427 1832">Outcomes</p> <ol data-bbox="261 1854 1453 1966" style="list-style-type: none"> 1. Members supported the proposed adoption by Coal Services of a transitional inhalable mine dust level of 5mg/m³, pending the completion of the review by Professor Robert Cohen and:

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	<ul style="list-style-type: none"> • noted that Coal Services proposes that the transitional inhalable dust level will be included in the final version of the draft Coal Mine Industry Respiratory Health Standard due for release 1 July 2024 • noted the Impact Analysis report on Recommendations 2, 6, and 14 of the CIHSS Review Report • suggested that Coal Services request Professor Robert Cohen to complete the review before December 2024. <p>2. Members noted:</p> <ul style="list-style-type: none"> • the May 2024 progress summary, the progress report on recommendations from the review of the Coal Industry Health Surveillance Scheme (CIHSS) and the progress report on the Order 43 consultation. • that the May 2024 progress summary will be published on the MSAC webpage on the Department’s website. • the timeframes to complete implementation of the recommendations from the review of the CIHSS. <p>Actions</p> <ul style="list-style-type: none"> C. Secretariat to publish the May 2024 progress summary on the MSAC webpage on the Department’s website. D. MSAC members discussion points to be raised at industry working group for further consideration and for September MSAC.
6	<p>Adverse Vehicle Interaction Advisory Committee progress report</p> <ul style="list-style-type: none"> • The Adverse Vehicle Interaction Advisory Committee (AVIAC) has held three meetings and is progressing the development of a new technical reference guide. <p>Outcomes</p> <ul style="list-style-type: none"> • Members noted the progress of the AVIAC committee. <p>Actions</p> <ul style="list-style-type: none"> E. An AVIAC progress paper be tabled at the December 2024 MSAC meeting.
7	<p>Discussion on Western Australia Mental Awareness, Respect and Safety Program insights report</p> <ul style="list-style-type: none"> • The Mental Awareness, Respect and Safety (MARS) Program is a research and evaluation project that the Western Australian Government commissioned in 2021 regarding: <ul style="list-style-type: none"> • mental health and well-being (poor mental health and optimal mental health)

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	<ul style="list-style-type: none"> • respectful culture (sexual harassment, assault, and a respectful culture) • safety in future mining (safety behaviours and under-reporting). • <u>The Mental Awareness, Respect and Safety (MARS) Program Landmark Study: Insights from the Worker Survey and Interviews</u> (Report 2C) was released in October 2023. <p>Outcomes</p> <ul style="list-style-type: none"> • Members noted the key findings of Report 2C. <p>Actions</p> <p>F. A paper to be tabled at the September 2024 MSAC meeting to scope the MSAC (Stage 2) reporting culture survey.</p>
8	<p>Discussion on Queensland Mining Industry Safety Reporting Survey report</p> <ul style="list-style-type: none"> • The Queensland Commissioner for Resources Safety and Health commissioned a survey on the <u>State of safety reporting culture in Queensland’s mining industry</u> (the Survey). <p>Outcomes</p> <p>Members noted the key findings of the Survey.</p> <p>Actions</p> <p>See Action E above.</p>
9	<p>Member updates</p> <p>Coal Services tabled a report for quarter 1 of calendar year 2024 (Q1 CY24). The report included:</p> <ul style="list-style-type: none"> • 9 respirable crystalline silica (quartz) exceedances were reported in Q1 CY24 an improvement when compared with Q4 CY23. • At the end of Q1 CY24, the NSW coal industry has completed 27% (2746) of the required 10,298 Order 43 periodic medicals due. • CS Health has referred 39 coal mine workers for further investigations with a Respiratory Physician. <p>Outcomes</p> <p>Members noted the report tabled by Coal Services for quarter 1 of calendar year 2024 including the:</p> <ul style="list-style-type: none"> • Occupational Hygiene Services – Order 42 – Airborne Dust Monitoring Trends

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	<ul style="list-style-type: none"> • CS Health – Order 43 Periodic Medical Health Trends • Coal Mines Insurance – Claims and Injury Trends.
10	<h3 data-bbox="260 327 839 365">National Dust Disease Task Force</h3> <h4 data-bbox="260 412 429 450">Outcomes</h4> <p data-bbox="260 474 395 506">Members:</p> <ol style="list-style-type: none"> <li data-bbox="260 530 395 562">1. Noted: <ul style="list-style-type: none"> <li data-bbox="260 586 1430 618">• The <u>National Occupational Respiratory Disease Registry</u> launched on 22 May 2024 <li data-bbox="260 642 1369 719">• The <u>NSW Government has committed \$5 million in critical funding</u> for silicosis research and a patient support program on 4 April 2024 <li data-bbox="260 743 1369 819">2. Agreed to maintain a watching brief regarding the draft 2023 – 2028 National Silicosis Prevention Strategy and associated National Action Plan.
11	<h3 data-bbox="260 860 778 898">Legislative framework update</h3> <ul style="list-style-type: none"> <li data-bbox="260 922 1414 999">• The Work Health and Safety Amendment (Industrial Manslaughter) Bill 2024 was introduced to the NSW Parliament for debate on 4 June 2024. <li data-bbox="260 1023 1449 1180">• The NSW Resources Regulator is considering its approach regarding guidance from Safe Work Australia in respect of the protection provided by respirable protective equipment (RPE) when determining compliance with clause 49 of the Work Health and Safety Regulation 2017. <li data-bbox="260 1205 1337 1317">• From 1 December 2026, workplace exposure standards (WES) for airborne contaminants will be renamed workplace exposure limits (WEL) for airborne contaminants. <li data-bbox="260 1341 1394 1417">• The NSW Government is considering amendments to the NSW Work Health and Safety Regulation 2017 regarding crystalline silica. <h4 data-bbox="260 1458 429 1496">Outcomes</h4> <ul style="list-style-type: none"> <li data-bbox="260 1520 986 1552">• Members noted the legislative framework update.
12	<h3 data-bbox="260 1599 1007 1637">NSW Resources Regulator quarterly report</h3> <ul style="list-style-type: none"> <li data-bbox="260 1662 1414 1738">• The Resources Regulator tabled the Quarterly safety report for January to March 2024. <h4 data-bbox="260 1778 429 1816">Outcomes</h4> <ul style="list-style-type: none"> <li data-bbox="260 1841 1270 1872">• Members noted the Quarterly safety report for January to March 2024.

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13	<p>Mine safety levy report</p> <p>Outcomes</p> <p>Members noted:</p> <ul style="list-style-type: none"> the Mine Safety Levy Fund report- Actuals & Forecast April 2024 the letter of advice to the Chair, MSAC 12 April 2024 - 2024/25 Levy determination and the Mine and Petroleum Site Safety Levy Estimate - Determination Notice 2024_25. 																
14	<p>Progress of strategies identified in MSAC's Strategic plan to 2026</p> <p>Outcomes</p> <ul style="list-style-type: none"> Members noted the progress of strategies in MSAC's Strategic plan to 2026. 																
15	<p>Meeting dates</p> <ul style="list-style-type: none"> Remaining 2024 meeting dates: <table border="1"> <thead> <tr> <th>DATE</th> <th>VENUE</th> </tr> </thead> <tbody> <tr> <td>September 2024 – to be confirmed</td> <td>Venue to be confirmed</td> </tr> <tr> <td>Thursday 5 December 2024 9.00 am to 12 noon</td> <td>Department of Regional NSW - 516 High Street, Maitland</td> </tr> </tbody> </table> <ul style="list-style-type: none"> Proposed 2025 meeting dates to be reviewed at the next meeting: <table border="1"> <thead> <tr> <th>Proposed Date</th> <th>Proposed venue</th> </tr> </thead> <tbody> <tr> <td>Thursday 6 March 2025 9.00 am to 12 noon</td> <td>TBA – Mine site</td> </tr> <tr> <td>Thursday 5 June 2025 9.00 am to 12 noon</td> <td>Mining and Energy Union, Northern 67A Aberdare Road, Aberdare</td> </tr> <tr> <td>Thursday 4 September 2025 9.00 am to 12 noon</td> <td>NSW Minerals Council 12 O'Connell Street Sydney</td> </tr> <tr> <td>Thursday 4 December 2025 9.00 am to 12 noon</td> <td>Department of Regional NSW 516 High Street, Maitland</td> </tr> </tbody> </table>	DATE	VENUE	September 2024 – to be confirmed	Venue to be confirmed	Thursday 5 December 2024 9.00 am to 12 noon	Department of Regional NSW - 516 High Street, Maitland	Proposed Date	Proposed venue	Thursday 6 March 2025 9.00 am to 12 noon	TBA – Mine site	Thursday 5 June 2025 9.00 am to 12 noon	Mining and Energy Union, Northern 67A Aberdare Road, Aberdare	Thursday 4 September 2025 9.00 am to 12 noon	NSW Minerals Council 12 O'Connell Street Sydney	Thursday 4 December 2025 9.00 am to 12 noon	Department of Regional NSW 516 High Street, Maitland
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16	Additional business																

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	Nil
	<p data-bbox="260 286 486 320">Next meeting</p> <ul data-bbox="260 344 1348 421" style="list-style-type: none"><li data-bbox="260 344 1348 421">• The next meeting will be held in September 2024 – the date and venue to be confirmed
	<p data-bbox="260 481 494 515">Meeting close</p> <ul data-bbox="260 539 1433 674" style="list-style-type: none"><li data-bbox="260 539 1433 616">• The Chair thanked Robin Williams and the Mining and Energy Union for hosting the meeting.<li data-bbox="260 640 861 674">• The Chair closed the meeting at 1.57 pm.

Summary of actions

AGENDA ITEM	ACTION
2 – Declaration of interests	A. Secretariat to update the pecuniary interest declaration register.
3 – Acceptance of previous minutes and actions	B. Secretariat to amend the 18 March 2024 MSAC minutes and publish them.
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