

# Minutes

## NSW Mine Safety Advisory Council

### Details

**Location:** MEU HQ  
Nymboida House  
Clarence St Sydney

**Date/time:** 9 September 2024  
9 am

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

### Members

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

### Observers

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

### Apologies

1. Mr Graeme Osborne, Mining and Energy Union

### Secretariat

Ms Vanessa Cleary, NSW Resources  
Mr Javier Garcia, NSW Resources  
Department of Primary Industry and Regional  
Development

## Meeting minutes

Paper	Agenda item
1	<p><b>Welcome and Chair’s report</b></p> <ul style="list-style-type: none"> <li>The Chair commenced the meeting at 9am.</li> <li>The Chair delivered an Acknowledgement of Country and welcomed members, delegates and observers to the meeting.</li> </ul>
2	<p><b>Declaration of interests</b></p> <ul style="list-style-type: none"> <li>Nil updates</li> <li>Mr Graeme Osbourne (MEU) was an apology.</li> </ul>
3	<p><b>Acceptance of previous minutes and actions</b></p> <ul style="list-style-type: none"> <li>MSAC <b>Noted</b> and <b>endorsed</b> the minutes of the previous meeting</li> </ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>Members <b>endorsed</b> the minutes of the last meeting.</li> <li>Members <b>noted</b> the status of actions arising from the last meeting.</li> </ul> <p><b>Actions</b></p> <p>A. Secretariat to publish the 17 June 2024 minutes.</p>
4	<p><b>Correspondence</b></p> <p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>Members <b>noted</b> the incoming and outgoing correspondence since the last meeting.</li> </ul>
5	<p><b>Review of Coal Worker Health surveillance scheme</b></p> <ul style="list-style-type: none"> <li>Members discussed the latest report.</li> <li>Recommendations 1 (amendment of medical assessment forms), 4 (recording of occupational exposure data detail) and 8 (expansion and standardisation of data collection) are functionally complete but still waiting on replacement/upgrade to relevant IT infrastructure. CS advised that a project plan for this IT change has gone out for tender.</li> <li>Members raised concerns about varying advice from health experts and preserving limited lung function for the workers going forward. The members acknowledged</li> </ul>

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that there is a balance between the workplace restrictions imposed and avoiding discrimination.

- Members noted the difficulty in differentiating between those workers who have reduced lung functionality acquired due to workplace exposure, and the 10-20 per cent of workers who would ordinarily have non-work related lung issues (e.g., from genetic/birth illness (asthma) or lifestyle acquired).
- Coal Services highlighted that there has been an increase in psychological issues reported with worker anxiety noticed before their medical assessments.
- Members noted that the proposed limits and cut-off points regarding lung functionality were flawed because dust inhalation affects people differently based on their physique, genetic makeup or if they have any birth conditions which cause the worker to have reduced/compromised lung function.
- MSAC understood that once a worker has a clinical diagnosis then a tailored return to work plan (based on a clinical pathway) needs to be adopted.

### Outcomes

- Members **noted** the update to the CHWSS.
- Coal Services has made substantial initiation of recommendations 3, 9 and 11.
- Steering Committee and Coal Services will meet with Professor Robert Cohen to discuss the potential review.
- The remaining recommendations awaiting implementation will be carried over and added to the strategic plan for further reporting.

### Actions

B. Recommendations 3, 9 and 11 will be closed off as substantially initiated.

C. Final 3 recommendations are to be added to Strategic Plan and Coal Services will provide an update at next meeting.

D. Industry to meet with a working group to look at revising the guideline around the 'amber alert' status for current employees, to reduce unintended outcomes around possible revisions or indications.

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### Reporting Culture Survey

- Members discussed conducting a follow-up to the 2022 Safety reporting survey which covered the culture of safety reporting and differences in the reporting culture between contract and labour hire workers.
- It was agreed to conduct another survey to develop an ongoing benchmark. The committee reviewed a similar Queensland survey and agreed it was appropriate

Paper	Agenda item
	<p>to adopt the same survey methodology, scope and type, which incorporated a mix of online and in person opportunities for respondents.</p> <p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>MSAC <b>noted</b> the paper</li> <li>MSAC <b>agreed</b> that another reporting culture survey is required but it will be postponed until 2025, with the intention of using the same approach as the Queensland surveys.</li> <li>Resources Regulator stated its intention to include metalliferous mines and quarries in the reporting culture survey.</li> </ul> <p><b>Actions</b></p> <p>E. The Resources Regulator to approach Queensland regulator to discuss lessons learnt and survey methodology.</p>
7	<p><b>Scoping discussion for musculoskeletal disorders project</b></p> <ul style="list-style-type: none"> <li>Members discussed options for scoping a project into musculoskeletal disorders, noting previous work undertaken in this area and discussed the utility of this project, given there is a need for baseline data.</li> </ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>MSAC <b>noted</b> the paper</li> <li>MSAC members agreed that if this project goes ahead, it will not commence until end 2025 to not conflict with the reporting culture survey.</li> <li>Resources Regulator will use the opportunity to update guidelines based on survey results.</li> </ul> <p><b>Actions</b></p> <p>F. Coal Services will obtain data about musculoskeletal disorders which will provide a baseline for any future project.</p> <p>G. MSAC members are to submit to secretariat any ideas for the scope of work for a project into musculoskeletal disorders.</p>
8	<p><b>MSAC annual report</b></p> <ul style="list-style-type: none"> <li>MSAC discussed draft annual report</li> </ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>MSAC <b>approved</b> the draft MSAC annual report 2023/2024.</li> </ul>

Paper	Agenda item
	<p><b>Actions</b></p> <ul style="list-style-type: none"> <li>H. Secretariat to fix typographic errors and send annual report with accompanying brief to the Minister for endorsement.</li> <li>I. Secretariat to publish endorsed annual report on Resources Regulator website</li> </ul>
<p>9</p>	<p><b>Inquiry into impacts of mining - Recommendation 8 extending ISHRs to metalliferous mine sites.</b></p> <ul style="list-style-type: none"> <li>• Members discussed options for providing advice on Recommendation 8 of the Parliamentary Inquiry report.</li> <li>• The union representatives supported additional resources being available for workers in non-coal mines, while acknowledging that coal mines were well resourced. The union representatives supported extending the current system in place for coal mines to large metalliferous mines.</li> <li>• Members agreed to consider the applicability of ISHRs to metalliferous mines.</li> </ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>• MSAC <b>noted</b> the paper and that ISHRs extension would only apply to metalliferous mines.</li> </ul> <p><b>Actions</b></p> <ul style="list-style-type: none"> <li>J. AWU/MEU are to consult their stakeholders and provide information to the Department on how many representatives will be required and their locations.</li> <li>K. Department will prepare a paper collating the feedback from members and information from the AWU/MEU on the proposal for extending ISHRs to metalliferous mines.</li> </ul>
<p>10</p>	<p><b>Change from workplace exposure standards to workplace exposure levels</b></p> <ul style="list-style-type: none"> <li>• Members discussed and considered the transition from workplace exposure standards (WES) to exposure levels (WEL). These new levels will apply from 1 December 2026. MSAC noted that is this a national process that followed a Safe Work Australia review.</li> <li>• MSAC discussed the changes to various workplace exposure levels for airborne contaminants (WELFAC) and the applicability to mining, such as carbon dioxide levels for underground coal mines.</li> </ul> <p><b>Outcomes</b></p>

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	<ul style="list-style-type: none"> <li>The MSAC <b>noted</b> the paper.</li> <li>Members <b>agreed</b> to discuss and consider this at their next meeting.</li> </ul> <p><b>Actions</b></p> <p>L. NSW Resources is to consult with the Queensland regulator to understand how it is going to manage the change to WELFAC.</p> <p>M. Department will prepare a paper regarding the options and implications in applying the new WELFAC standards for the mining industry in NSW.</p>
11	<p><b>Member updates</b></p> <ul style="list-style-type: none"> <li>Coal Services tabled a report for quarter 2 of calendar year 2024. The report provided an overview of dust and health monitoring performance, claims and injury trends reported through the Coal Mines Insurance workers compensation scheme.</li> <li>NSW coal industry has completed 49% of the required Order 43 Periodic medicals.</li> <li>Coal Services reported a notable increase in psychological injuries.</li> </ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>MSAC <b>Noted</b> the report.</li> </ul>
12	<p><b>National dust diseases taskforce</b></p> <ul style="list-style-type: none"> <li>Members received an update on the status of the taskforce.</li> </ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>MSAC <b>noted</b> the paper</li> </ul>
13	<p><b>Legislative framework updates</b></p> <ul style="list-style-type: none"> <li>Members discussed the legislative updates including: <ul style="list-style-type: none"> <li>industrial manslaughter amendments to the WHS Act have now commenced</li> <li>Safe Work Australia released report looking at WHS across all industries in Australia</li> <li>The WHS Regulation has been amended to include new requirements for managing respirable crystalline silica exposure for workers. The amendments came into effect 1 September 2024</li> </ul> </li> </ul>

Paper	Agenda item		
	<ul style="list-style-type: none"> <li>▪ The MSAC discussed that the silica amendments effectively bring non-mining sites into line with mining sites, so the new requirement for sites to have a silica control plan replicates the requirements for a Principal Hazard Management Plan for Airborne Contaminants in the Work Health and Safety (Mines and Petroleum Sites) laws.</li> </ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>• MSAC <b>noted</b> the paper</li> </ul>		
14	<p><b>Resources Regulator quarterly report</b></p> <ul style="list-style-type: none"> <li>• The Resources Regulator presented the quarterly safety report and explained rationale for the 25% decline in desktop reports.</li> </ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>• MSAC <b>noted</b> the report.</li> </ul>		
15	<p><b>Mine safety levy report</b></p> <ul style="list-style-type: none"> <li>• MSAC considered the report and noted that legal expenses are yet to be finalised as some cases are currently in court.</li> <li>• Noted that overall revenue is down on last period.</li> </ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>• <b>Noted</b> the Mine Safety Levy Fund report.</li> </ul>		
16	<p><b>Progress of MSACs Strategic plan to 2026</b></p> <p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>• Members <b>noted</b> the progress of strategies in MSAC’s Strategic Plan to 2026.</li> </ul>		
17	<p><b>Meeting dates</b></p> <ul style="list-style-type: none"> <li>• The final meeting date for 2024:</li> </ul> <table border="1" data-bbox="261 1809 1423 1928"> <tr> <td data-bbox="261 1809 735 1928">                     Thursday 5 December 2024                      9.00 am to 12 noon                 </td> <td data-bbox="735 1809 1423 1928">                     Department of Regional NSW                      516 High Street, Maitland                 </td> </tr> </table> <p>MSAC discussed the proposed meeting dates for 2025:</p>	Thursday 5 December 2024 9.00 am to 12 noon	Department of Regional NSW 516 High Street, Maitland
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**Paper    Agenda item**

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

**Outcomes**

- Members agreed on a mine site as a meeting venue for March 2026.
- MSAC **agreed** to 2025 meeting dates

**Action**

L. Minerals Council to confirm mine site visit for March 2026.

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**Additional Business**

- Nil

**Next meeting**

- The next meeting will be held on Thursday 4 December 2024 in Maitland.

**Meeting close**

- The Chair thanked MEU for hosting the meeting.
- The Chair closed the meeting at 11.32 am.

## Summary of actions

AGENDA ITEM	ACTION
3 – Acceptance of previous minutes and actions	A. Secretariat to publish the 17 June 2024 minutes.
5 – Review of the coal worker health surveillance scheme	<p>B. Recommendations 3, 9 and 11 will be closed off as substantially initiated.</p> <p>C. Final 3 recommendations are to be added to Strategic Plan and Coal Services will provide an update at next meeting.</p> <p>D. Industry to meet with a working group to look at revising the guideline around the ‘amber alert’ status for current employees, to reduce unintended outcomes. around possible revisions or indications.</p>
6 – Reporting culture survey	E. The Resources Regulator to approach Queensland regulator to discuss lessons learned and survey methodology.
7 – Scoping discussion for musculoskeletal disorders project	<p>F. Coal Services will obtain data about musculoskeletal disorders which will provide a baseline for any future project.</p> <p>G. MSAC members are to submit to secretariat any ideas for the scope of work for a project into musculoskeletal disorders.</p>
8 – MSAC annual report 2023/2024	<p>H. Secretariat to fix typographic errors and send annual report with accompanying brief to the Minister for endorsement.</p> <p>I. Secretariat to publish endorsed annual report on Resources Regulator website</p>
9 – Inquiry into impacts of mining – Recommendation 8 extending ISHRs to metalliferous mine sites	<p>J. AWU/MEU are to consult their stakeholders and provide information to the Department on how many representatives will be required and their locations.</p> <p>K. Department will prepare a paper collating the feedback from members and information from the AWU/MEU on the proposal for extending ISHRs to metalliferous mines.</p>
10 – Change from workplace exposure standards to workplace exposure levels	L. NSW Resources is to consult with the Queensland regulator to understand how it is going to manage the change to WELFAC.

<b>AGENDA ITEM</b>	<b>ACTION</b>
	M. Department will prepare a paper regarding the options and implications in applying the new WELFAC standards for the mining industry in NSW.
17 – Meeting dates	N. Minerals Council to confirm mine site visit for March 2026.