

Minutes

NSW Mine Safety Advisory Council

Details

Location:	NSW Resources High Street Maitland
Date/time:	5 December 2024 9 am
Secretary:	Mr Tony Linnane NSW Resources Department of Primary Industries and Regional Development

Members

1. **Acting Chairperson:** Mr Peter Day, NSW Resources Regulator, Department of Primary Industries and Regional Development
2. Mr Robin Williams, Mining and Energy Union
3. Mr Ian Cribb, NSW Minerals Council (metalliferous)
4. Ms Kylie Harris, NSW Minerals Council
5. Mr James Collings, Cement Concrete & Aggregates Australia

Delegates

1. Mr Daniel Brookman, Australian Workers' Union (for Ron Cowdrey)

Observers

1. Ms Lucy Flemming, Coal Services
2. Mr James Barben, NSW Minerals Council
3. Mr Jason Kuchel, Cement Concrete & Aggregates Australia
4. Mr Wayne Green, Coal Services
5. Anthony Margetts, NSW Resources Regulator, Department of Primary Industries and Regional Development

Apologies

1. Mr Ron Cowdrey, Australian Workers' Union
2. Mr Robert Timbs, Mining and Energy Union

Secretariat

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

Paper	Agenda item
1.	<h3>Welcome and Chair's report</h3> <ul style="list-style-type: none">• The Acting Chair (Mr Peter Day) commenced the meeting at 9 am.• The A/Chair delivered an Acknowledgement of Country and welcomed members, delegates and observers to the meeting advising MSAC of the A/Chair role since the expiration of appointment term of the Hon. George Souris.• The A/Chair acknowledged the enormous contribution the previous Chair of MSAC, the Hon George Souris, had made as Chair of MSAC for two terms.
2.	<h3>Declaration of interests</h3> <ul style="list-style-type: none">• Nil updates.• Apologies were received from Ron Cowdrey and Robert Timbs, Mr Daniel Brookman (AWU) was present as a delegate for Mr Ron Cowdrey.
3.	<h3>Acceptance of previous minutes and actions</h3> <h4>Outcomes</h4> <ul style="list-style-type: none">• Members endorsed the minutes of the last meeting.• Members noted the status of actions arising from the last meeting. <h4>Actions</h4> <p>A. Secretariat to publish the 9 September 2024 minutes.</p>
4.	<h3>Correspondence</h3> <h4>Outcomes</h4> <ul style="list-style-type: none">• Members noted correspondence sent and received since last meeting. <h4>Actions</h4> <p>B. Secretariat to distribute out of session correspondence received from the Thoracic Society of Australia.</p>

Paper	Agenda item
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5. Review of Coal Worker Health surveillance scheme

- Noted the update in the CWHSS.
- MSAC discussed how the project was to be closed off. The recommendations made are being implemented but the outcomes need to be outlined. Report to be provided with outcomes achieved against the recommendation.
- Recommendation 14 was agreed remains the most controversial and Professor Cohen held a meeting with the Steering Group 4 October 2024 and continues to work through the review outcomes. MSAC acknowledged that health/lung function monitoring still requires further work on understanding if those identified with reduced lung function was caused by workplace exposure and a clinical pathway is required to allow continuous monitoring. Further review is now required for those workers with reduced lung function irrespective of cause - this requires additional resourcing and collaboration. Professor Cohen's review of the inhalable dust thresholds remains critical for the underground operations.
- MSAC discussed further education for physicians is required for them to understand the complexities of the environment of the workers. Clear communication and continued education programs are required to remove current fear and panic that a diagnosis of reduced lung function can bring.
- Clear clinical pathways are in place and will require ongoing collaboration between Doctors, workers and employers to achieve suitable outcomes to return workers to work safely.

Outcomes

- MSAC **noted** the November progress report for the review of the coal worker health surveillance scheme.
- MSAC **noted** the review progress dashboard.
- MSAC **noted** the Order 43 consultation progress report.

Actions

- C. Coal Services to provide an executive summary outlining the outcomes of each recommendation.
- D. Briefing to be provided to the Minister advising that most of the work on the recommendations has been completed.
- E. Coal Services to share clinical testing methodologies.

Paper	Agenda item
	<p>6. Adverse Vehicle Interaction Advisory Committee Progress Report</p> <ul style="list-style-type: none"> MSAC thanked the members of the AVIAC. It was discussed that the process of investigation and analysis by the AVIAC has been well executed which led to the development of a training reference guide (TRG). MSAC noted that stakeholder consultation on the TRG was to occur and agreed that the consultation would remain open until mid-February 2025. <p>Outcomes</p> <ul style="list-style-type: none"> MSAC noted the progress of the Adverse Vehicle Interaction Advisory Committee.
	<p>7. Reporting Culture Survey</p> <ul style="list-style-type: none"> MSAC discussed the information garnered from the Queensland team who managed the Culture Survey project. It was understood that time was required to conduct further research regarding intellectual property ownership, recommended time requirements and the importance of ensuring timely and appropriate communications, which helps with greater survey participation and ultimately improve efficacy of the dataset. <p>Outcomes</p> <ul style="list-style-type: none"> MSAC noted the requirement for a revised timeline based on learnings from the Queensland project team. MSAC noted the outcome of discussions held with those responsible for the Culture Survey project in Queensland. <p>Actions</p> <p>F. Resources Regulator to contact Queensland Government and survey providers to enquire about attaining the IP (Q2/3) to run the survey in NSW mines Q3/4 2025.</p> <p>G. Resources Regulator to provide project plan to MSAC in meeting 1/2025.</p>

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8. Implementation of the proposed new WELFAC standards

- MSAC discussed and generally agreed with the views outlined in the discussion paper, including the concept of retaining or adopting overriding exposure standards in NSW legislation pertaining to mine sites.
- MSAC discussed the exposure limits for diesel particulate matter (DPM) in NSW mines. The complexity of measurement to the proposed 0.01mg/m³ limit means this level may not currently be achievable. The Council understood that 0.05mg/m³ level has been adopted by other jurisdictions. The WELFAC standards do not differentiate between industries and don't account for the unique environment of underground mines or coal mines.
- MSAC agreed that 0.05mg/m³ DPM should be the recommended standard applied to all coal mines and underground metalliferous mines. Discussions were held about further investigations that were required as to the feasibility of conducting measurements and the impact on regulating at the 0.01mg/m³ DPM limit in order to determine the appropriate level for non-coal surface mines.
- MSAC discussed the timing of adopting the proposed limits, and it was generally agreed that the revised DPM limit of 0.05mg/m³ should be implemented prior to the 1 Dec 2026 timeframe.

Outcomes

MSAC:

- **Noted** that Safe Work Australia has set a new DPM exposure limit of 0.01mg/m³ TWA in the new WELFAC standards, coming into effect in December 2026.
- **Noted** Resources Safety and Health Queensland (RSHQ) has proposed to adopt a DPM exposure limit of 0.05mg/m³ TWA for coal mines.
- **Noted** that Safe Work Australia's proposal to reduce the respirable crystalline silica exposure limit to 0.025mg/m³ TWA is currently open for consultation. MSAC noted that if SWA move to further reduce the limit then it would need to consider if the revised level is appropriate.
- **Agreed** that 0.05mg/m³ DPM levels should be the recommended standard for all coal mines and underground metalliferous mines
- **Agreed** to retain the existing overriding standard for carbon dioxide in NSW legislation for underground coal mines.

Actions

- H. Resources Regulator to investigate practicalities of the various DPM limits to present to MSAC in March. Issues paper to be associated around the adoption of 0.01mg/m³ DPM versus 0.05mg/m³ DPM.

Paper	Agenda item
9.	<p>Industry safety and health representatives for metalliferous mines</p> <ul style="list-style-type: none">MSAC discussed Recommendation 8 from the 2023 inquiry into the current and potential impacts of gold, silver, lead and zinc on human health, land, air and water quality in NSW. Recommendation 8 stated that the Government consider expanding the role of industry safety and health representatives (ISHRs) to metalliferous mines.MSAC agreed that further data and more engagement from both industry and union stakeholders was required prior to forming a view or making a recommendation to the Minister. <p>Outcomes</p> <ul style="list-style-type: none">MSAC noted the paper. <p>Actions</p> <ol style="list-style-type: none">Resources Regulator to gather data on safety incidents reported in metalliferous mines to assist in information analysis regarding ISHRs.NSW Minerals Council to provide a response paper from an industry perspective.Daniel Brookman (AWU) to provide information to MSAC on the broader benefits that Union WHS reps have over general industry reps.
10.	<p>Member updates</p> <ul style="list-style-type: none">Coal Services presented their quarterly report for Q3/2024.Mr Jason Kuchel advised MSAC that Mr Brian Hauser would be responsible for mine safety matters for the CCAA from 2025. <p>Outcomes</p> <ul style="list-style-type: none">MSAC noted the Coal Services quarterly report for Q3/2024.
11.	<p>National Dust Disease Taskforce</p> <ul style="list-style-type: none">MSAC briefed the current position and how other agencies and organisations implemented recommendations. <p>Outcomes</p> <ul style="list-style-type: none">MSAC Noted the information provided in the brief.

Paper	Agenda item
	<p>12. Legislative Framework Update</p> <ul style="list-style-type: none"> The Department briefed MSAC on updates to the legislative framework that occurred since the last meeting. MSAC discussed the Resources Regulator position paper regarding preventing worker exposure to respirable silica. Discussions occurred around requirements for wearing of respiratory protective equipment and continued education. <p>Outcomes</p> <ul style="list-style-type: none"> MSAC noted the updates. <p>Actions</p> <p>L. Resources Regulator to respond to paper submitted by the NSW Minerals Council.</p>
	<p>13. NSW Resources Regulator Quarterly Report</p> <ul style="list-style-type: none"> MSAC received a brief by the Resources Regulator’s Chief Inspector. <p>Outcomes</p> <ul style="list-style-type: none"> MSAC noted the briefing. <p>Actions</p> <p>M. Secretariat to circulate to MSAC the Quarterly report out of session.</p>
	<p>14. Mine safety levy report</p> <p>Outcomes</p> <ul style="list-style-type: none"> MSAC noted the report.
	<p>15. Progress of MSACs Strategic plan to 2026</p> <ul style="list-style-type: none"> The A/Chair outlined noting that progress may change noting change to project scope. <p>Outcomes</p> <ul style="list-style-type: none"> MSAC noted the progress against the Strategic Plan.

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16.	<p>Meeting dates</p> <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>Cadia mine site - Orange</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 Primary Industries and Regional Development 516 High Street, Maitland</td> </tr> </tbody> </table> <p>Outcomes</p> <ul style="list-style-type: none"> MSAC agreed to the proposed 2025 meeting dates and venues. 	Proposed Date	Proposed venue	Thursday 6 March 2025 9.00 am to 12 noon	Cadia mine site - Orange	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 Primary Industries and Regional Development 516 High Street, Maitland
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17.	<p>Additional business</p> <ul style="list-style-type: none"> The NSW Minerals Council tabled an issues paper relating to paper 8 (Implementation of the proposed new WELFAC standards). <p>Next meeting</p> <ul style="list-style-type: none"> Next meeting will be held on 6 March 2025 in Orange. <p>Meeting close</p> <ul style="list-style-type: none"> A/Chair closed the meeting at 12.30pm. 										

Summary of actions

AGENDA ITEM	ACTION
3	A. Secretariat to publish the 9 September 2024 minutes.
4	B. Secretariat to distribute out-of-session correspondence received from the Thoracic Society of Australia.
5	C. Coal Services to provide a summary/comment for each recommendation that the outcome has been achieved. D. Briefing to be provided to the Minister advising that most of the work on the recommendations has been completed. E. Coal Services to share clinical testing methodologies.
7	F. Resources Regulator to contact Queensland Government and survey providers to enquire about attaining the IP (Q2/3) to run the survey in NSW mines Q3/4 2025. G. Resources Regulator to provide a project plan for MSAC 1/25.
8	H. Resources Regulator to investigate practicalities of the various DPM limits to present to MSAC in March. Issues paper to be associated with adoption of 0.01 mg/m ³ versus 0.05 mg/m ³ DPM limits.
9	I. Resources Regulator to gather data on safety incidents reported in metalliferous mines to assist in information analysis regarding ISHRs. J. NSW Minerals Council to provide a response paper from industry perspective. K. Daniel Brookman (AWU) to provide information to MSAC on the broader benefits that Union WHS reps have over general industry reps.
12	L. Resources Regulator to respond to paper submitted by NSW Minerals Council.
13	M. Secretariat to circulate Resources Regulator Quarterly report to MSAC out of session.