



NSW Mine Safety Advisory Council

Meeting 1 – 3 March 2022

Meeting details

Meeting	NSW Mine Safety Advisory Council (MSAC)	Date	3 March 2022
Location	Department of Regional NSW 516 High Street, Maitland	Time	9am to 12pm
Chair	Hon. George Souris AM (Independent)	Reference	RDOC22/28568
Secretary	Mr Tony Linnane (Mining, Exploration and Geoscience, Department of Regional NSW)		
Members	Mr Ian Cribb (NSW Minerals Council (coal)) <i>Members via videoconference</i> Mr Peter Day (delegate for Anthony Keon, Resources Regulator, Department of Regional NSW) Mr Graeme Osborne (Construction, Forestry, Maritime, Mining and Energy Union (Mining and Energy Division)) Mr Rob Cunningham (NSW Minerals Council (metalliferous)) Ms Julie Armour (Independent) Assoc. Prof. Deborah Yates (Independent)		
Observers	Mr James Barben (NSW Minerals Council) Mr Leigh Nicholls (Resources Regulator, Department of Regional NSW) Mr Aaron Brannigan (NSW Minerals Council (Metalliferous)) Mr Robin Williams (Construction Forestry Mining Maritime and Energy Union) <i>Observers via videoconference</i> Ms Lucy Flemming (Coal Services) Mr Jason Kuchel (Cement Concrete & Aggregates Australia) James Collings (Cement Concrete and Aggregates Australia) Lewis Stoll (Mining Exploration and Geoscience, Department of Regional NSW)		
Apologies	Nil		
Not present	Brock Skelton (Australian Workers' Union, New South Wales Branch)		
Secretariat	Ms Anna Ormerod (Mining, Exploration and Geoscience, Department of Regional NSW)		

Meeting agenda items

Paper	Agenda item
1	<p>Welcome and Chair's report</p> <ul style="list-style-type: none">■ The Chair welcomed members, delegates and observers to the meeting.■ Mr Linnane introduced the new delegates and observers. <p>Outcomes</p> <ul style="list-style-type: none">• Members noted the:<ul style="list-style-type: none">○ delegates and observers for the meeting○ membership changes in 2022○ events attended by the Chair since the last meeting○ key stakeholder events planned for 2022.
2	<p>Declaration of interests</p> <ul style="list-style-type: none">■ Ms Yates declared she is involved in the review of coal industry health surveillance scheme. Members agreed that Ms Yates would not be present for discussions at agenda item 16.■ No other declarations were received.
3	<p>Acceptance of previous minutes and actions</p> <p>Outcomes</p> <ul style="list-style-type: none">• Members endorsed the minutes of the last meeting held on 2 December 2021.• Members noted the status of actions arising from the last meeting.
4	<p>Correspondence</p> <p>Outcomes</p> <ul style="list-style-type: none">• Members noted the incoming and outgoing correspondence since the last meeting.
5	<p>Implementation of recommendations of the statutory review of the WHS (MPS) laws</p> <ul style="list-style-type: none">■ Mr Linnane provided members with a verbal overview of the paper.

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	<p>Outcomes</p> <ul style="list-style-type: none">Members noted the next steps for finalising implementation of the statutory review recommendations includes seeking amendments to the Work Health and Safety (Mines and Petroleum Sites) Act 2013 and Regulation.
6	<p>Survey of mining industry on perceptions that labour hire and non-permanent workers under-report safety concerns</p> <ul style="list-style-type: none">Mr Nicholls advised that the survey closes on Sunday 6 March 2022. At this time 488 responses have been received. The preliminary data indicates that people are concerned about the repercussions of notifying safety incidents.Members noted that the survey is anonymous. <p>Outcomes</p> <ul style="list-style-type: none">Members noted that the online MSAC Safety Reporting Survey has been released for industry response. <p>Actions</p> <ul style="list-style-type: none">A. Resources Regulator to provide a report on the outcomes of the survey to MSAC members at the June 2022 meeting.
7	<p>Psychosocial hazards (including bullying and harassment)</p> <ul style="list-style-type: none">Ms Armour provided members with a verbal overview of the paper.Members discussed whether MSAC should take further action on this topic.Mr Cunningham commented that MSAC could seek feedback to determine if it is an issue or take a proactive approach and look at initiating further education on the topic.Ms Yates commented that psychosocial hazards is a real problem and proposed that a survey be undertaken.Lucy Flemming advised that psychosocial injury amounts to over 2% of claims received by Coal Services, predominantly relate to work pressure and bullying and harassment.Mr Day commented that:<ul style="list-style-type: none">work needs to be done to assess and monitor workplace culture to ensure that psychosocial hazards are being addressedit is going to be a growing area in the future especially as awareness risesMSAC will need to consider some strategies to address the issue.

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	<ul style="list-style-type: none">■ Mr Cribb suggested that the starting point could be through industry and the union to find out what is happening now. MSAC could then decide what actions needs to be taken.■ Mr Barben advised that the NSW Minerals Council is undertaking a baseline assessment of the issue.■ Mr Nicholls commented that the survey on perceptions that labour hire and non-permanent workers under-report safety concerns includes questions on bullying and harassment so some data may be able to be extracted from that survey.■ The Chair proposed that further update be provided at the next meeting to determine whether MAC should consider undertaking its own research to identify the extent of the issue in NSW.■ Mr Linnane proposed that the Department facilitate follow-up with members to collate all the information and then liaise with Ms Armour to develop a paper for next meeting. <p>Outcomes</p> <ul style="list-style-type: none">• Members agreed that the Department would facilitate further work with members and the NSW Minerals Council out of session and prepare a paper for members to consider at the next meeting. <p>Actions</p> <ul style="list-style-type: none">B. Department and Ms Armour to prepare a paper on psychosocial hazards for the next meeting.
8	<p>Resourcing and pipeline of statutory roles under WHS (MPS) laws (schedule 10)</p> <ul style="list-style-type: none">■ Mr Cribb provided members with a verbal overview of the paper. He noted that:<ul style="list-style-type: none">□ there is a lack of individuals applying for and pursuing statutory tickets□ contractors holding statutory roles is not a preferred position□ several factors have influenced the decline including the change in landscape, regulations and the activities of the regulator, lack of opportunity to sit for exams, change in experience requirements for prerequisites and high failure rates for exams□ further work needs to be undertaken to establish a baseline for why individuals aren't applying for statutory roles.■ Mr Cunningham indicated his support of Mr Cribb's comments. He added that the reform and blueprinting of the exam process have had an impact. Mr Cunningham

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	<p>suggested that a roadshow be undertaken to provide further information and education about the new exam process.</p> <ul style="list-style-type: none">■ The Chair noted the recommendation that the NSW Minerals Council will undertake further work and provide an update at the next meeting.■ Mr Linnane commented that it is the remit of the Mining and Petroleum Competence Board to advise the Minister on standards of competence and how assessments are undertaken. Several issues could be referred to Board for consideration. <p>Outcomes</p> <ul style="list-style-type: none">• Members noted that the NSW Minerals Council will conduct further work to ascertain the scale of the issue and a further paper will be tabled at the June 2022 meeting. <p>Actions</p> <ul style="list-style-type: none">C. NSW Minerals Council to present a paper on resourcing and pipeline of statutory roles under WHS (MPS) laws at the June 2022 meeting.
9	<p>Member updates</p> <ul style="list-style-type: none">■ Ms Flemming provided members with a verbal overview of the paper.■ Ms Yates raised concerns about the number of workers identified with cardiovascular risk factors. Ms Yates commented that obesity is an important problem that needs to be proactively addressed and flagged it as an issue that needs further consideration.■ Ms Armour asked if there was an obvious cause for the increase in body stressing injuries. Ms Flemming replied that Coal Services is currently investigating and will report back at next meeting.■ Mr Cribb asked if the number of x-rays that have been referred to physicians is increasing or decreasing. Mr Cribb requested that data be presented for the past five years to enable a comparison. <p>Outcomes</p> <ul style="list-style-type: none">• Members noted the report tabled by Coal Services. <p>Actions</p> <ul style="list-style-type: none">D. Coal Services to provide further information at the next meeting on the causes for the increase in body stressing injuries.E. Coal Services to provide data at the next meeting on the number of x-rays that have been referred to physicians during the past five years.

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10	<p>National Dust Diseases Task Force</p> <ul style="list-style-type: none">■ Mr Linnane provided members with a verbal overview of the paper. <p>Outcomes</p> <ul style="list-style-type: none">• Members noted the progress on consultation and development of the National Silicosis Prevention Strategy and associated National Action Plan.
11	<p>Legislative framework update</p> <ul style="list-style-type: none">■ Mr Linnane provided members with a verbal overview of the paper. <p>Outcomes</p> <ul style="list-style-type: none">• Members noted the update on legislative developments and reform.
12	<p>NSW Resources Regulator report</p> <ul style="list-style-type: none">■ Mr Nicholls provided members with a verbal overview of the paper.■ Mr Cribb asked if details were provided on the 80 dangerous incidents. Mr Nicholls replied that the data is broken down by principal hazards.■ Mr Cunningham commented that it would be useful to have the dangerous incidents broken down to identify trends. <p>Outcomes</p> <ul style="list-style-type: none">• Members noted the quarterly safety report. <p>Actions</p> <ul style="list-style-type: none">F. Resources Regulator to provide further information on the 80 dangerous incidents at the next meeting.
13	<p>Mine safety levy report</p> <ul style="list-style-type: none">■ Mr Day provided members with a verbal overview of the paper. <p>Outcomes</p> <ul style="list-style-type: none">• Members noted the Mine Safety Levy Fund report.
14	<p>Update on MSAC Strategic Plan</p> <ul style="list-style-type: none">■ Mr Linnane provided members with a verbal overview of the paper. Mr Linnane advised that the secretariat will populate the matrix on an ongoing basis and

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	<p>requested that members provide any feedback or comments directly to the secretariat.</p> <p>Outcomes</p> <ul style="list-style-type: none">Members noted the progress of strategies identified in MSAC's Strategic Plan to 2023.
15	<p>Additional business</p> <ul style="list-style-type: none">There was no additional business.
17	<p>Next meeting</p> <ul style="list-style-type: none">Mr Kuchel offered to host the June meeting at a quarry, with a tour after the meeting, and agreed to liaise with the secretariat once confirmed.Mr Osborne confirmed that the September 2022 meeting will be held at Lithgow and agreed to liaise with the secretariat once the venue is confirmed.Mr Barben offered to host the December meeting in Sydney or Singleton.Mr Cribb offered to host the December meeting at a mine site if there were any issues with the availability of the NSW Minerals Council venues. <p>Outcomes</p> <ul style="list-style-type: none">Members agreed to hold the June 2022 at a quarry site.Members agreed to hold the September 2022 meeting in Lithgow. <p>Actions</p> <ul style="list-style-type: none">G. Mr Kuchel to confirm the venue for the June 2022 meeting and advise the secretariat out of session.H. Mr Osborne to confirm the venue in Lithgow for the September 2022 meeting and advise the secretariat out of session.
	<ul style="list-style-type: none">Ms Yates left the meeting at 10:15am due to a conflict of interest at agenda item 16, as declared at agenda item 2.
16	<p>Review of the coal industry health surveillance scheme</p> <ul style="list-style-type: none">Discussions removed due to a conflict of interest.

Meeting close

The meeting closed at **10:30am**.

Summary of actions

NO.	ACTION	AGENDA ITEM
A	Resources Regulator to provide a report on the outcomes of the survey to MSAC members at the June 2022 meeting.	Survey of mining industry on perceptions that labour hire and non-permanent workers under-report safety concerns
B	Department and Ms Armour to prepare a paper on psychosocial hazards for the next meeting.	Psychosocial hazards (including bullying and harassment)
C	NSW Minerals Council to present a paper on resourcing and pipeline of statutory roles under WHS (MPS) laws at the June 2022 meeting.	Resourcing and pipeline of statutory roles under WHS (MPS) laws (schedule 10)
D	Coal Services to provide further information at the next meeting on the causes for the increase in body stressing injuries.	Member updates
E	Coal Services to provide data at the next meeting on the number of x-rays that have been referred to physicians during the past five years.	Member updates
F	Resources Regulator to provide further information on the 80 dangerous incidents at the next meeting.	NSW Resources Regulator report
G	Mr Kuchel to confirm the venue for the June 2022 meeting and advise the secretariat out of session.	Next meeting
H	Mr Osborne to confirm the venue in Lithgow for the September 2022 meeting and advise the secretariat out of session.	Next meeting