

Meeting	Mine Safety Advisory Council				
Meeting No.	2 of 2017	Date	Thursday, 15 June 2017	Time	10:00 – 14:00
Location	CFMEU, Nymbodia House, Boardroom 1 & 2, Level 11, 215 Clarence Street, Sydney				
Members	Mr Carl Scully (Chair), Mr Andy Honeysett (CFMEU), Mr Peter Jordan (CFMEU), Mr Brock Skelton (AWU), Mr Chris Dolden (CCAA), Dr Graeme Peel (via teleconference)(Independent), Ms Barbara McPhee (Independent), Mr Ian Cribb (NSWMC), Mr Rob Cunningham (NSWMC), Ms Lee Shearer (Department)				
Observers	Ms Jenny Nash (Resources Regulator), Ms Monique Andrew (CCAA), Mr Tony Linnane (Resources Regulator), Mr Anthony Keon (Resources Regulator), Ms Lucy Flemming (Coal Services)				
Secretariat	Mr John Flint (Department, MSAC Executive Officer), Ms Julie Downie (Department, MSAC Secretariat)				
Presenters	Mr Garvin Burns (Resources Regulator)				
Apologies	Mr Douglas Revette (Department), Mr Todd Hacking (CCAA), Mr Dave McLean (Resources Regulator), Mr Bruce Grimshaw (Coal Services)				

MINUTES

Item	Issue	Actions
1	INTRODUCTION	
1.1	<p>Welcome and Apologies</p> <ul style="list-style-type: none"> The Chair opened the meeting at 10:12am and thanked everyone for their attendance. The Chair thanked Mr Jordan and the CFMEU for hosting the meeting. The Chair welcomed Dr Graeme Peel via teleconference. Apologies were noted from Mr Revette, Mr Hacking, Mr McLean and Mr Grimshaw. 	
1.2	<p>Declaration of Conflict of Interest</p> <ul style="list-style-type: none"> The Chair requested members declare any conflicts of interest. 	

Item	Issue	Actions
	<ul style="list-style-type: none"> No conflicts of interest were declared. 	
1.3	<p>Acceptance of Previous Minutes (Paper 1)</p> <ul style="list-style-type: none"> The minutes of the last meeting on 16 March 2017 were endorsed with minor change to Mr Cribb's comment on page 8. 	Minutes 16 March 2017 amended to reflect agreed change.
1.4	<p>Correspondence (Paper 2)</p> <ul style="list-style-type: none"> Members noted the incoming correspondence. 	
2	FOR DISCUSSION AND/OR DECISION	
2.1	<p>Regulatory Strategies (Paper 3)</p> <p><u>Resources Regulator Strategic Approach 2017-2020</u></p> <ul style="list-style-type: none"> Mr Keon addressed the meeting in regards to the Resources Regulator's regulatory strategy document. He explained the vision and mission and detailed the four key priority areas to drive compliance programs as to how the Resources Regulator does business. Mr Keon advised members that two of the priority areas have an outward facing focus: <ul style="list-style-type: none"> Industry Engagement: <ul style="list-style-type: none"> * the Resources Regulator will publish a calendar identifying compliance priorities and business activities for a six month period. The deadline for publishing of the calendar is 16 July 2017. A key project is the development of a communication and engagement strategy. Partnerships: The Resources Regulator will look at how it can partner with other agencies and industry in delivering programs. Mr Keon mentioned that the other two priority areas were internally focused, i.e. One Team; looking at more holistic compliance and regulatory activities, and Business Improvement; being more centralised and having system visibility over key issues. Ms Lee Shearer indicated that there is a large program of work being developed that MSAC can feed into. 	a. Noted.

	<ul style="list-style-type: none"> • CFMEU sought clarification on what the terms ‘industry’ and ‘stakeholders’ meant. The Regulator takes the view that ‘industry’ includes operators, employer groups, unions, and workers; and ‘stakeholders’ mean other Government departments, and anyone who considers themselves a stakeholder. • CFMEU indicated that communicating with workers was as important. • Discussion took place as to the definition of the terms ‘industry’ and ‘key stakeholders’. Mr Keon advised that the engagement strategy will provide clarity as to those terms so as to ensure ‘workers are not left out. • Members agreed that the document was well done and provided transparency. <p><u>Causal Investigation Policy</u></p> <ul style="list-style-type: none"> • Ms Shearer advised that the sentence regarding “foreseeable risks’ on page 3 of the policy had been removed (as requested by Mr Cribb at MSAC meeting of 16 March 2017) and the document finalised. • Mr Sullivan mentioned that two of the five workshops regarding the policy had been very well attended and feedback had been uniformly excellent and thanked Tony Linnane for participating. <p><u>Outcomes from recommendations</u></p> <ol style="list-style-type: none"> 1. MSAC noted the final Causal Investigation Policy. 2. MSAC noted Resources Regulator Strategic Approach 2017-2020 document. 	
<p>2.2</p> <p>2.3</p>	<p>Queensland Parliamentary Committee Report – ‘Black Lung White Lies’ (Paper 4)</p> <p>Airborne Contaminants (Paper 5)</p> <p>Members agreed that Papers 4 and 5 be discussed together.</p> <ul style="list-style-type: none"> • Members discussed the recommendations from the Parliamentary Committee’s inquiry into the re-identification of Coal Workers Pneumoconiosis in Queensland. • Ms Lee Shearer recommended that a mapping exercise should be done from a Regulator and Coal Services (CSPL) perspective to ensure that NSW can articulate what is currently being done and identify any legitimate gaps. Considers that MSAC is the forum to discuss this matter. 	<p>a. Coal Services and the Resources Regulator will prepare a response on each recommendation from the Qld report ‘Black Lung White Lies’ and provide for discussion at the</p>

- Mr Cribb suggested that NSW is the leading performance in this area and recommendations from QLD may not do much for NSW. Noted that two recommendations may need consideration: the upper exposure standards and national limit; and real time monitoring – not only for sampling but for compliance.
- Ms Flemming recommended that the Minister be advised on our response to the assessment of the report when work has been done. Members agreed, if required, following discussion at its next meeting.
- The CFMEU and AWU indicated they would provide verbal comment at the next meeting noting the report is a Qld issue and NSW branches providing formal comment at this stage is inappropriate at this time.

Mr Garvin Burns delivered a presentation on the ‘Outcomes of the Targeted Assessment and Planned Inspection Program’ on airborne contaminants. The presentation discussed the outcomes and findings from the TAP program to date.

- A paper incorporating members’ comments to the concrete actions from the round table was tabled.
 - Mr Cunningham advised that the NSW Minerals Council has established a metal mine working group in regards to addressing respirable dust in that sector.
 - Ms Andrew advised that CCAA had an OHS committee looking to incorporate the actions to address issues in the quarrying sector in regards to respirable dust and will arrange to meet with Mr Burns regarding the TAP outcomes in that sector.
- Members resolved to consider further concrete actions after discussions at the next meeting.

Outcomes from recommendations

1. MSAC discussed the Qld report and its recommendations and the concrete actions from the round table and agreed that the Regulator, Coal Services, CCAA and NSW Minerals Council would provide written comment for discussion at the next MSAC meeting.
2. MSAC noted Professor Yates’ presentation and claims data.
3. MSAC noted the current status of outcomes from the round table for consideration at its next meeting.
4. MSAC noted the report on that targeted assessment and planned inspection program on airborne contaminants.

next meeting.

- b. The CCAA and NSW Minerals Council will provide a written comment on the Qld report ‘Black Lung White Lies’ at the next meeting.

<p>2.4</p>	<p>Fatigue Management (Paper 6)</p> <ul style="list-style-type: none"> • Mr Garvin Burns delivered a presentation on the ‘Targeted Assessment Program – Fatigue in Open Cut Coal Mines’. The program focused on not telling sites what controls they should have in place, but was about identifying what controls they had and how they had been implemented. The presentation discussed the outcomes and findings from the TAP program to date. • Mr Burns advised that the program will cover every open cut mine over the next 12 months and updated reports will be generated. Members noted the presentation. • John Flint delivered an update from the Fatigue Technical Working Group (TWG) on progress of reviewing the Fatigue Guide. The TWG had differing views as to what the Guide was trying to achieve and sought further advice from MSAC as to their view. • Mr Jordan expressed the view that MSAC had already asked for the document to be reviewed and it should be put back on track and finalised. • General discussion identified that the Guide isn’t assisting in its current form. • Ms Shearer agreed that the Regulator would finalise the document, update it taking into account learnings from the Fatigue TAPs and submit it to MSAC for comment. • Members resolved that the document would <u>not</u> go back to HMAC at this time. <p><u>Outcomes from recommendations</u></p> <ol style="list-style-type: none"> 1. MSAC noted the report and agreed to review a Resources Regulator updated version at its September meeting. 	<p>c. The Resources Regulator will finalise the review of the Fatigue Guide (to be coordinated by the MSAC Secretariat) and provide it to MSAC three weeks’ prior to the next meeting (by 5 September 2017).</p>
<p>2.5</p>	<p>Identifying risks of fatal incidents and disease (Paper 7)</p> <ul style="list-style-type: none"> • MSAC discussed the fatalities data report identifying trends in fatal incidents and disease. • Ms Shearer advised that the Resources Regulator was carrying out a body of work to learn from mining failures and fatalities. She advised that Mr Mark Parcell from Queensland has been engaged for the purpose of identifying every catastrophic failure in mining in the last 30 years (this will cover Australia, New Zealand and possibly the UK and USA). He will be looking at all recommendations that arose from enquiries, the context of those recommendations and what, if anything, we should do if we haven’t already. • Ms Shearer advised that once the report was finalised it would be distributed to MSAC members. <p><u>Outcomes from recommendations</u></p> <ol style="list-style-type: none"> 1. MSAC noted the report and presentation. 	<p>d. The Resources Regulator will distribute Mr Parcell’s report when finalised.</p> <p>e. MSAC Members will then decide if they wish Mr Parcell to present at a meeting.</p>

3	BUSINESS FOR NOTING	
3.1	<p>MSAC projects closed (Paper 8)</p> <ul style="list-style-type: none"> Members advised that whilst the closing of the projects was not an unsound decision, they would have preferred to have been told first. It was noted that information presented in the papers clarified the situation and closeout of projects appropriately. Ms Shearer apologised on behalf of the Resources Regulator if it had not been communicated and did not mean to be disrespectful. <p><u>Outcome from recommendations</u></p> <ol style="list-style-type: none"> MSAC noted the reports and that the projects have been closed. 	
3.2	<p>MSAC Strategic Plan to 2020 (Paper 9)</p> <p><u>Outcome from recommendations</u></p> <ol style="list-style-type: none"> MSAC noted the paper. 	
4	OTHER BUSINESS	
	<ul style="list-style-type: none"> MISAC has approached the Resources Regulator and MSAC Secretariat for sponsorship for the metal mines Mines Rescue Challenge which is being held this year at Lake Cowal. It was noted that the Resources Regulator was sponsoring in kind. Mr Greg Sullivan provided members with an update of the program for NSW Minerals Council's Health, Safety, Environment and Community Conference being held in the Hunter Valley on 14-16 August 2017. The Resources Regulator is sponsoring its own stream at the conference and MSAC is sponsoring a stream on fatigue. Mr Cunningham (Northparkes mine) is hosting the next MSAC meeting. CCAA requested a change to the date of the next meeting. Members discussed and it was agreed the MSAC meeting would be held on 28 September 2017. 	<p>f. MSAC sponsor the mines rescue challenge.</p> <p>g. MSAC noted the sponsorship of the NSW Minerals Council Conference.</p> <p>h. Next MSAC meeting now 28 Sept. 2017 at Northparkes.</p>
5	CLOSE	
	<ul style="list-style-type: none"> The Chair thanked members and observers for their attendance. The next meeting date was changed and will now be held on 28 September 2017. The Chair closed the meeting at 1:06 pm. 	