

# NSW MINE SAFETY ADVISORY COUNCIL

## Meeting minutes

### Meeting details

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|-------------|--|------|--------------------------|
| Meeting     | <b>NSW Mine Safety Advisory Council</b>  | Date | Thursday 5 December 2019 |
| Location    | MLC Centre, Level 48, 19-29 Martin Place,<br>Sydney NSW  | Time | 9am to 12pm              |
| Chair       | Hon. George Souris AM  |      |                          |
| Attendees   | <p>Mr Ian Cribb (NSW Minerals Council (coal))<br/>         Mr Rob Cunningham (NSW Minerals Council (metalliferous))<br/>         Mr Peter Jordan (Construction Forestry Maritime Mining and Energy Union)<br/>         Mr Anthony Keon (Resources Regulator, Department of Planning, Industry and Environment)<br/>         Ms Julie Armour (Independent)<br/>         Mr Graeme Osborne (Construction Forestry Maritime Mining and Energy Union)<br/>         Mr Brock Skelton (Australian Workers' Union, New South Wales Branch)<br/>         Mr Tony Linnane (MSAC Secretary, Resources Regulator, Department of Planning, Industry and Environment)<br/>         Mr Garvin Burns (Chief Inspector, Resources Regulator, Department of Planning, Industry and Environment)</p> |      |                          |
| Apologies   | Mr Tony Cartwright (Independent), Mr Matthew Freeman (Cement Concrete & Aggregates Australia)  |      |                          |
| Observers   | Ms Lucy Flemming (Coal Services), Mr Bruce Grimshaw (Coal Services), Mr James Barben (NSW Minerals Council), Mr Jason Kuchel (Cement Concrete & Aggregates Australia)  |      |                          |
| Prepared by | Ms Kylie Cooksey (Resources Regulator,<br>Department of Planning, Industry and<br>Environment)   | CM9  | DOC19/798409             |

## Minutes

| AGENDA<br>ITEM | DISCUSSED/ACTION   |
|----------------|--|
| 1              | <p><b>Welcome and apologies</b></p> <ul style="list-style-type: none"> <li>■ The Chair opened the meeting at 9am and welcomed the members and acknowledged the final meeting for the year.</li> <li>■ Mr Cartwright was noted as an apology.</li> </ul>  |
| 2              | <p><b>Declaration of interests</b></p> <ul style="list-style-type: none"> <li>■ The Chair requested members declare conflicts of interest. No conflicts were declared.</li> <li>■ No changes were requested to the Pecuniary Interests Register.</li> <li>■ Mr Linnane advised that Anthony Keon, Matthew Freeman, Graeme Osborne and Rob Cunningham had been appointed members by the Deputy Premier and that Mr Skelton’s appointment will expire on 15 December 2019 but his re-appointment is being actioned.</li> </ul>   |
| 3              | <p><b>Acceptance of previous minutes and actions</b></p> <ul style="list-style-type: none"> <li>■ The minutes of the last meeting were accepted without change.</li> <li>■ Actions arising from the last meeting were noted as complete.</li> </ul> <p><b>Decision:</b> Members endorsed the minutes of the last meeting held on 5 September 2019 without change.</p>  |
| 4              | <p><b>Correspondence</b></p> <ul style="list-style-type: none"> <li>■ Members noted the incoming and outgoing correspondence since the last meeting.</li> </ul>  |
| 5              | <p><b>Respirable coal dust and crystalline silica exposure standards</b></p> <ul style="list-style-type: none"> <li>■ Mr Linnane advised that the NSW WHS Minister Kevin Anderson announced that the Government will support the recommended reduction in coal dust and crystalline silica exposure standards and adopt the proposal in accordance with the proposed timeframes, which will be 3 years from the decision of the Minister, a transitional arrangement for crystalline silica to be determined. The WHS Ministers’ decision has not been made public following the Safe Work Australia meeting on 7 November 2019</li> </ul> |

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|                | <ul style="list-style-type: none"> <li>■ NSW Government supports further analysis and research to determine if standards should be reduced further.</li> <li>■ SWA has released the RIS (attached with the papers) for changes to the workplace exposure standard for airborne contaminants.<br/>Mr Kuchel asked about the use of the term workplace exposure limit or standard and the changes in legislation to reflect that. Mr Linnane replied that all governments would need the opportunity to reflect changes in the law.</li> <li>■ Mr Barben asked about the coal transitional arrangements and if it would be 3 years at the current standard and then dropping. Mr Keon commented that the transition approach is a possible discussion for the next MSAC meeting as to whether 3 years is still appropriate or can it be brought forward as data shows it is already being achieved.</li> <li>■ Mr Cribb commented that we should be measuring coal dust levels at the revised standard now and giving guidance. Mr Burns advised that if a dust report is greater than 50 per cent of the level, it is reviewed by the Resources Regulator.</li> <li>■ Ms Flemming commented that Coal Services will continue to work together with the Resources Regulator regarding what needs to be measured.</li> </ul> |
| 6              | <p><b>Radiologists' position statement on imaging of occupational lung disease</b></p> <ul style="list-style-type: none"> <li>■ Mr Linnane introduced the position statement of the RANZ College of Radiologists released in October 2019 on occupational lung disease in relation to the engineered stone industry, particularly crystalline silica.</li> <li>■ Ms Flemming commented that engineered stone issues are being specifically targeted around the world. CT scanning is not new and is a clearer form of imaging but can give other health issues if there are high levels of CT over a period. CT could be more worthwhile for a targeted high-risk group. Other issues are that CT is not readily available, regional areas don't have access and it is very expensive. The level of risk needs to be balanced with the level of exposure. There is not a proposal to move to CT at the moment, but as we review it that may change.</li> <li>■ Mr Linnane said that SWA and iCare have indicated that they would consider the recommendations but there has been no determination yet.</li> </ul>   |

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|                | <ul style="list-style-type: none"> <li>■ Ms Flemming commented that in the last annual report for dust disease, there were 40 cases of silicosis. This statement is about CT scanning and the health surveillance to look for dust disease, but Coal Services look for everything.</li> <li>■ The Chair acknowledged that there were conflicts of interest noted within the report.</li> <li>■ Mr Jordan asked if iCare adopt the changes, where would that leave the industry. Mr Linnane replied that would need to be explored in regard to how the organisations are going to ensure they are monitoring the effect of dust and crystalline silica.</li> <li>■ Ms Flemming commented that in the statement, part of the reason to support CT scanning is that 40% of cases are missed, but Coal Services are not seeing that in what is presented so far.</li> <li>■ Mr Cribb stated that in Queensland a clinical pathway was presented and it would be interesting to look at it now.</li> <li>■ It was agreed that the Secretariat would liaise with Ms Flemming to look at what is coming out of Queensland and their submission.</li> <li>■ Mr Keon suggested a possible recommendation to the Minister that the issue has been considered and is being watched, but there is no case for immediate change.</li> <li>■ Mr Cribb commented that Coal Services have done the assessment, and that advice should be followed, but the concern is that a worker may pick up information from other industries and want a CT scan. Ms Flemming replied that they do use CT but it is not the first step. Coal Services tries to educate people on the risks of CT scanning.</li> <li>■ Members agreed to advise the Deputy Premier that MSAC has considered the issue and it is being monitored.</li> </ul> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>A. Mr Linnane and Ms Flemming to review information from Queensland.</li> <li>B. Secretariat to prepare letter for Deputy Premier regarding the current position.</li> </ul> |
| 7              | <b>Diesel particulate exposure standard for NSW mines</b>   |

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|                | <ul style="list-style-type: none"> <li>■ The Resources Regulator published a discussion paper in September 2019. Five formal submissions were received. Overall, positions were agreeable to the proposal to introduce a diesel particulate exposure standard.</li> <li>■ SWA have diesel emissions as a consideration but have deferred it to 2020 with no indication of when it will be.</li> <li>■ Mr Burns said the initial focus will start from day zero in leading people towards compliance to achieve those levels by the time those transitional arrangements are in place. There will be a 12-month transitional arrangement.</li> <li>■ A targeted assessment program has been done across coal and metalliferous over the last few years and that can be built on.</li> <li>■ Ms Flemming asked about the requirements to submit exceedances. Mr Burns replied that those details have not been finalised yet.</li> </ul>   |
| 8              | <p><b>Regulator's Report</b></p> <ul style="list-style-type: none"> <li>■ Mr Keon and Mr Burns presented the Resources Regulator's report.</li> <li>■ There were 3 cases of possible dust disease. All are currently under investigation from the Resources Regulator.</li> <li>■ Amendments to the WHS (Mines and Petroleum Sites) Regulation are being prepared for introduction from 1 February 2020. Some changes have been made following consultation, including notification requirements for tailings facilities.</li> <li>■ Mr Cribb asked how the tailings issues fits worldwide and are Canadian standards being adopted? Mr Burns replied that this is the Dam Safety Committee, not the Resources Regulator. Their regulations have changed regarding the name of a prescribed dam to a declared dam. The Dam Safety Committee is considering the international levels and reports.</li> <li>■ Mr Keon commented that the Resources Regulator has been running a major tailings dam campaign over the last 2 years and will be releasing a report on that and planned workshops.</li> <li>■ The Department will be facilitating a concurrent review of the WHS (Mines and Petroleum Sites) Act 2013 and WHS (Mines and Petroleum Sites) Regulation from early 2020. Kym Bills has been appointed by lead reviewer.</li> <li>■ Mr Burns said the Conference of the Chief Inspectors of Mines in late October included PNG, NZ and Australian states. Issues regarding safety are similar. WA key issue is mental health. 100,000 FIFO workers, 8 worker suicides in the last 12</li> </ul> |

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months. Qld is having issues with the number of fatalities and the operation of the regulator. NZ has had significant regulatory reform, the mining regulator is a small part of Safework NZ, not a standalone operation. Fatigue, diesel particulate, dust, mental health – all having same issues across the jurisdictions.

- Mr Skelton raised the issue of mental health in NSW. Mr Keon commented that the Regulator is looking at mental health issues after the CCIM. Mr Linnane has a meeting on 17 December with the SafeWork Centre for Excellence regarding research and evaluation around the issue of mental health and how it compares with other sectors.
- Mr Skelton commented that they are starting to see a trend in members and people with mental health issues. Some of the reasons are FIFO and camps, but also drought is having a massive impact. Mr Burns said that the regulator is looking to see if there is a demographic in terms of mine workers. Suicide is a societal issue, there needs to be understanding around whether it is out of step with the rest of society and what can be targeted to make a difference.
- Members discussed the need for greater specialist advice, to find someone specialised in areas of psychology to get better direction e.g. Mates in Mining, EAPs and Lifeline.
- Mr Linnane said that Better Regulation and SWA have introduced a bill into parliament after the review of WHS laws. The BEUL assessment process has finished at the Resources Regulator and is now through SafeWork NSW.
- Mr Cunningham asked for clarification regarding the BEUL through SafeWork NSW from 1 January 2020 stating that he thinks it is a downgrade of the process.
- Mr Linnane clarified that the applicant will still do the training, get security clearance, meet the SafeWork requirements, apply and get licence. Mr Burns added that the regulator will still be active in the regulation of the explosives.

**Note:** The Deputy Premier arrived at 10.30am and members broke for morning tea and Mr Cribb's presentation.

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| 9 | <p><b>Mine Safety Levy report</b></p> <ul style="list-style-type: none"> <li>■ The levy reserve has increased. It had originally been planned to reduce through a stage, now just getting down to 10% in one lump sum next year.</li> </ul> |
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|                | <ul style="list-style-type: none"> <li>■ There is an independent audit being conducted on the levy. The objectives and the scope are explained in the paper and it will be tabled at the next MSAC. There should be an indicative figure for next meeting.</li> </ul>  |
| 10             | <p><b>Glencore Safety Reset presentation for Deputy Premier</b></p> <ul style="list-style-type: none"> <li>■ Presentation by Mr Cribb at morning tea.</li> </ul>   |
| 11             | <p><b>Multi-media campaign sub-committee</b></p> <ul style="list-style-type: none"> <li>■ The subcommittee has been progressing. Melanie Brown is chairing the committee.</li> <li>■ The subcommittee noted the request of members for the issue of suicide to be raised as a priority. Looking at taking it to SafeWork WHS Centre for Excellence.</li> <li>■ The Chair expressed concern for the release date of February, suggesting that may not be an appropriate time. Mr Burns replied that it is about the delivery time being when it is ready to go.</li> <li>■ Mr Jordan expressed concern that it seems a minimal budget to achieve quality and what is involved. The length of time it has taken the subcommittee to get where it is today is staggering and MSAC does not see anything as to how that committee is working, minutes, times met. Mr Keon commented that he shares the frustration. The budget may need revision and there are strong restrictions around advertising. They were to come up with a campaign to take to MSAC, not spending \$30k doing research, also pointing out the draft evaluation plan in the papers.</li> <li>■ Mr Kuchel expressed concern that the type of video at the time will be valuable but will be potentially forgettable. He would like to see something punchy and memorable. The Chair commented that would be much more costly.</li> <li>■ The Chair asked for an update at the next MSAC meeting in March 2020.</li> </ul> <p><b>Decision:</b> Members endorsed the subcommittee's option 1 proposal.</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>C. Update to be provided at next MSAC meeting in March 2020</li> </ul> |
| 12             | <p><b>Resources Regulator's 'safety campaign'</b></p>  |

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|----------------|--|
|                | <ul style="list-style-type: none"> <li>■ Mr Burns informed members that a campaign had been initiated by the Resources Regulator in October and will be rolling over the next 6 months focusing on learning from disasters. The learning from disasters program is now embedded in competency requirements. We have rolled out ‘Be safe at work’ and ‘Learning from disasters’. There was an ambitious timeframe about delivery to workforce but it was met approvingly and the overall feedback was positive.</li> <li>■ Mr Burns said ‘Be safe over Christmas’ will be released focusing on fatigue, heat and mental health and then another series of presentations and activities up until April. The target is to do one a month.</li> <li>■ Mr Barben commented that there was feedback from NSW Minerals Council members who had concern about how it was rolled out. He asked if the regulator could work more closely with industry with forward program?</li> <li>■ Mr Burns replied that it wasn’t a legal direction, but operators were told to fit it in as you see fit.</li> </ul> |
| 13             | <p><b>MSAC Annual Report 2018/19</b></p> <ul style="list-style-type: none"> <li>■ Mr Jordan asked that his organisation name be amended on page 4 as it is incorrect.</li> <li>■ Members approved the report subject to the mentioned change.</li> </ul> <p><b>Action:</b></p> <p>D. Secretariat to amend Annual Report as agreed.</p>   |
| 14             | <p><b>Preventing fires on mobile plant position paper – Garvin Burns</b></p> <ul style="list-style-type: none"> <li>■ Mr Burns presented the discussion paper and discussed the substantial feedback. Some changes have been made. It has been adjusted to better reflect the response to the position.</li> <li>■ Members noted the paper.</li> </ul>   |
| 15             | <p><b>Additional business</b></p> <ul style="list-style-type: none"> <li>■ Nil</li> </ul>  |
| 16             | <p><b>Future MSAC meetings and conferences</b></p> <ul style="list-style-type: none"> <li>■ 2020 meetings: <ul style="list-style-type: none"> <li>○ 5 March 2020</li> <li>○ 4 June 2020</li> </ul> </li> </ul>   |



| AGENDA ITEM | DISCUSSED/ACTION   |
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|             | <ul style="list-style-type: none"> <li>○ 3 September 2020</li> <li>○ 3 December 2020</li> <li>■ Members agree to hold the March meeting on a mine site. Mr Linnane, Mr Cribb and Mr Barben to discuss a possible venue in the Hunter Valley.</li> </ul> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>E. Mr Linnane, Mr Cribb and Mr Barben to determine meeting venue for March 2020 meeting.</li> </ul> |
|             | <ul style="list-style-type: none"> <li>■ Meeting closed 12.15pm</li> </ul>   |

## Action items

| NO. | RESPONSIBILITY                          | ACTION   | DUE DATE      |
|-----|---|--|---------------|
| A   | Tony Linnane / Lucy Flemming            | Review information and submission from Queensland regarding occupational lung disease screening              | Next meeting  |
| B   | Secretariat                             | Prepare letter to Deputy Premier to inform of current position regarding occupational lung disease screening | January 2020  |
| C   | Melanie Brown                           | Update from multi-media campaign sub-committee to be provided  | Next meeting  |
| D   | Secretariat                             | Amend Annual Report and publish  | December 2019 |
| E   | Tony Linnane / Ian Cribb / James Barben | Determine a venue for the next March 2020 MSAC meeting   | January 2020  |