

NSW MINE SAFETY ADVISORY COUNCIL

Meeting minutes

Meeting details

Meeting	NSW Mine Safety Advisory Council	Date	Thursday 5 March 2020
Location	Glendell Open Cut Mine	Time	9am to 12pm
Chair	Hon George Souris AM		
Attendees	<p>Mr Ian Cribb (NSW Minerals Council (coal))</p> <p>Mr Rob Cunningham (NSW Minerals Council (metalliferous))</p> <p>Mr Peter Jordan (Construction Forestry Maritime Mining and Energy Union)</p> <p>Mr Anthony Keon (Resources Regulator, Department of Planning, Industry and Environment)</p> <p>Ms Julie Armour (Independent)</p> <p>Mr Brock Skelton (Australian Workers' Union, New South Wales Branch)</p> <p>Mr Tony Linnane (MSAC Secretary, Resources Regulator, Department of Planning, Industry and Environment)</p> <p>Mr Garvin Burns (Chief Inspector, Resources Regulator, Department of Planning, Industry and Environment)</p> <p>Mr Tony Cartwright (Independent)</p>		
Apologies	<p>Mr Graeme Osborne (Construction Forestry Maritime, Maritime and Energy Union)</p> <p>Mr Matthew Freeman (Cement Concrete & Aggregates Australia)</p>		
Observers	<p>Ms Lucy Flemming (Coal Services), Mr James Barben (NSW Minerals Council), Mr Jason Kuchel (Cement Concrete & Aggregates Australia)</p>		
Prepared by	Ms Sally Tull (Resources Regulator, Department of Planning, Industry and Environment)	CM9	DOC20/195155

Minutes

AGENDA ITEM	DISCUSSED/ACTION
1	<p>Welcome and apologies</p> <ul style="list-style-type: none"> ■ The Chair opened the meeting at 9am. ■ Ian Cribb introduced Geoff Kelly to provide an induction of the site. ■ The Chair noted: <ul style="list-style-type: none"> ○ Apologies received from Graeme Osborne and Matthew Freeman ○ The re-appointment of Brock Skelton to the Council ○ Peter Jordon and Ian Cribb’s appointments will expire in late 2020
2	<p>Declaration of interests</p> <ul style="list-style-type: none"> ■ The following updates to the Pecuniary Interests Register were noted: <ul style="list-style-type: none"> ○ Peter Jordan is no longer Chairman of Coal Services Pty Limited or Director of Northern NSW Helicopter Rescue Service Pty Limited ○ Former member Andy Honeysett is to be removed from the spreadsheet ○ Graeme Osborne is yet to provide a declaration ○ Ian Cribb to provide updated declaration <p>Action A: Secretariat to update the Pecuniary Interests Register</p> <p>Action B: Secretariat to contact Graeme Osborne and Ian Cribb for declarations</p>
3	<p>Acceptance of previous minutes and actions</p> <ul style="list-style-type: none"> ■ Peter Jordan noted that a reference to the Construction, Forestry, Maritime, Mining and Energy Union in the minutes needs to be corrected. ■ Action D is now complete <p>Decision: Members endorsed the minutes with the above change to the CFMMEU reference</p>
4	<p>Correspondence</p> <ul style="list-style-type: none"> ■ Members noted the incoming and outgoing correspondence since the last meeting.
5	<p>Respirable coal dust and crystalline silica exposure standards</p>

AGENDA DISCUSSED/ACTION
ITEM

- Garvin Burns said the Resources Regulator is currently considering how the new respirable silica exposure standard can be effectively implemented from 1 July 2020 and will release a regulatory approach position paper.
- Maintenance and cleaning activities in open cut mines were acknowledged to be the highest risk for silica exceedances and it may take some time for the new levels to be achieved.
- There are controls other than capital investment to reduce dust exposure. For example, keeping workers away from dust, changing practices or ceasing operations. There is a problem when workers are not aware that they are working in conditions where dust may exceed the levels. Also, there are many regional small quarries where operator has not been able to effectively keep workers out of dust. Need to inform people of the impact of dust and what they can do address it.
- Mr Burns said the Resources Regulator is investigating ways to monitor silica levels, including a sample testing service. Jason Kuchel said the idea of a testing service was a sound idea, noting South Australia employs testing and they have a good knowledge of what sites meet the standards.
- Mr Burns said the regulator's monitoring of performance to the new standard will begin as soon as possible, rather than waiting for July 1. From July 1, the compliance response to exceedances from the regulator will depend on the demonstrated steps that operators have taken to try to reduce levels. This will form part of a stepped approach to compliance for the first 6 months of the new standard being implemented.
- Members discussed the discussion paper on the proposal for a one-year transition period for the introduction of the new respirable coal dust exposure standard of 1.5mg/m³ by amendment of clause 39(1)(a) of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014.
- Members unanimously agreed that the one-year transition is reasonable given that current results show 98.5% of coal mine sites already achieve the new level and that the Deputy Premier be advised to approve the amendment.
- Ms Flemming noted that based on current sampling data exceedance notifications around shearers could increase significantly and enquired how this would be dealt with by the Regulator. Mr Burns said the Regulator will deal with

AGENDA ITEM	DISCUSSED/ACTION
	<p>these on a case-by-case basis and will inform industry during the transition period to encourage compliance.</p> <ul style="list-style-type: none"> ■ Ms Flemming noted previous reductions in standard levels have yielded results over time. Mr Cribb noted this was a good opportunity to assess change in behaviour during the one-year transition. <p>Action C: Garvin Burns to prepare regulatory approach position paper on how the new respirable silica exposure standard can be effectively implemented from 1 July 2020.</p> <p>Action D: Secretariat to prepare briefing for Deputy Premier with MSAC recommendation to introduce new respirable coal dust exposure standard after one-year transition period.</p>
6	<p>Radiologists' position statement on imaging of occupational lung disease</p> <ul style="list-style-type: none"> ■ Members considered the paper addressing recommendations from the <i>Inquiry into the re-identification of Coal Worker's Pneumoconiosis in Queensland</i> report by the Queensland Parliamentary Select Committee Inquiry. ■ The reports states that CT should form part of screening process but that it did not specifically recommend CT scans instead of x-rays. ■ Ms Flemming noted the risk of exposure to radiation from CT scanning needs to be weighed with better identification of disease. She also noted data from sampling is categorised into exposure groups to identify high risk groups and potentially recommend those groups for a higher level of medical examination. ■ Members agreed that it was not necessary to provide any advice to the Minister on the radiologists' position statement at this time but would maintain a watching brief on the issue. <p>Decision: Members agreed to maintain a watching brief on the issue</p>
7	<p>National Dust Disease Taskforce interim advice December 2019</p> <ul style="list-style-type: none"> ■ Mr Linnane provided an overview of the Interim Advice to Minister for Health December 2019 by the National Disease Taskforce. Members agreed to maintain a watching brief on this issue. ■ The NSW Government has made silicosis a notifiable disease to NSW Health. The law will be amended so the regulators will be informed when patients are diagnosed.

AGENDA ITEM	DISCUSSED/ACTION
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- Members discussed tunnelling in NSW and the risks of dust exposure. Management of dust exposure risks in tunnelling are being questioned and some sites have been issued prohibition notices by SafeWork NSW due to controls not working.

Decision: Members agreed to maintain a watching brief on the issue

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Review of fatal accidents in Queensland mines 2000 to 2019 (Brady Review)

- Mr Linnane said the Resources Regulator is mapping the recommendations of the Brady Review against the regulatory framework and will provide this to MSAC and provide advice to the Minister. The Resources Regulator will circulate the mapping to MSAC as soon as it is completed.
- Mr Cribb said it is worth pursuing the Brady Review findings regarding supervisory skill, training and reporting and that NSW should prepare a similar report. Mr Burns noted the Resources Regulator is addressing the issues raised in the Brady Review and it is for MSAC to determine if a similar report is needed.
- Mr Cribb noted the recommendations are the opinion of the author of the Brady Review, and the author is not a safety professional. Mr Cartwright supported Mr Cribb's comment and noted the issue is the complex social, and not structural systems.
- Mr Cartwright noted Dr David Provan and Dr Drew Rae from Griffith University critiqued the Brady Review in a Safety of Work Podcast. Mr Freeman also noted it is important to learn from what goes wrong, but we also need to learn from what goes right and we need to learn from people who are doing the research.
- Mr Cribb noted Peter Wilkinson has also conducted a review in Queensland with a focus on higher level factors and the regulator. Mr Burns noted Mr Wilkinson has assessed the NSW Resources Regulator twice.
- Mr Cunningham noted that a culture of safety is required, and it is important that information is communicated in a way that works. The type of communication depends on the audience. There is a vast difference between operators and sectors.
- Mr Burns noted that human and organisational factors are applied to the desktop assessments conducted by the Resources Regulator.
- Ms Armour noted there is a good mix of expertise on MSAC to consider the issue from different angles.

AGENDA ITEM	DISCUSSED/ACTION
	<p>Action E: Tony Linnane to circulate Brady Review recommendations mapping to MSAC members when completed.</p>
9	<p>Surface Collision Avoidance Project at Glendell Open Cut</p> <ul style="list-style-type: none"> ■ MSAC viewed a presentation on GCAA Collision Avoidance Technology employed by Glencore. ■ The presenter noted that human intervention will not be removed and the company is always looking for improvements to the system.
10	<p>Regulator's Report</p> <ul style="list-style-type: none"> ■ Mr Burns tabled the Resources Regulator Report and provided a verbal update. ■ The upwards trends of incidents are treated on a case-by-case basis. These could be the result of a targeted assessment. The incident notifications data is explained, however Ms Armour noted that some audiences will look at the summary only. ■ The Resources Regulator will be holding a tailings dams forum this year. ■ Kym Bills is conducting a statutory review of Work Health and Safety (Mines and Petroleum Sites) laws. The public consultation period is 1 March 2020 to 17 April 2020. The report will be tabled in Parliament. ■ The terms of reference for the statutory review are to determine whether the objectives are valid and if the provisions are appropriate. <p>Action F: Secretariat to send terms of reference of WHS (MPS) laws review to MSAC Chair.</p>
11	<p>Annual work health and safety reporting</p> <ul style="list-style-type: none"> ■ Mr Linnane tabled the position paper on reforms to the annual work health and safety reporting that had been sent to key stakeholders for feedback as part of the consultation process. ■ The paper outlines the reforms to reduce the regulatory burden on the basis that the information currently collected from all mines is not required, as the Resources Regulator develops intelligence and reporting from a variety of sources. ■ Members noted the proposed reforms.
12	<p>Mine Safety Levy Report</p>

AGENDA ITEM	DISCUSSED/ACTION
	<ul style="list-style-type: none"> ■ Mr Keon tabled the Mine Safety Levy report and provided a verbal update, noting that the balance in the levy fund will be reduced during the 2020/21 financial year in accordance with the recommendations of the Mine Safety Levy Review. ■ He said this would result in a reduced levy collection amount for 2020/21 but that there will be increases in future years.
13	<p>Multi-media campaign sub-committee</p> <ul style="list-style-type: none"> ■ The multi-media campaign sub-committee met on 2 March 2020 and provided a paper with further options for the dust awareness campaign for MSAC endorsement. ■ The sub-committee developed a project brief and script for the second campaign option. There is an additional video focusing on workers speaking up about dust. ■ Mr Burns noted the NSW Resources Regulator is negotiating with workers with dust disease and a quarry on central coast to acquire footage for the videos. Coal workers undergoing fit testing to be videoed to emphasise the importance of the test. ■ A draft media release about the campaign has been prepared. The MSAC Chair will also feature in the videos. ■ Members endorsed the sub-committee options <p>Decision: Members endorsed the sub-committee's options in the meeting paper.</p>
14	<p>Additional business</p> <ul style="list-style-type: none"> ■ Mr Keon presented two videos that were developed as part of Enforceable Undertakings: <ul style="list-style-type: none"> ○ A video on mental safety developed by the Bloomfield Group ○ An animated video titled <i>Falls from Mobile Plant</i> developed by Sibelco Group
15	<p>Future MSAC meetings and conferences</p> <ul style="list-style-type: none"> ■ Members agreed that the next meeting will be held in Maitland. <p>Note: Due to COVID-19, it was later decided the meeting will be held via videoconference.</p>
	<ul style="list-style-type: none"> ■ Mr Ian Cribb and Mr Geoff Kelly conducted a tour of the mine site for interested members and observers.

AGENDA	DISCUSSED/ACTION
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| ■ | Meeting closed 12:19 |
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Action items

NO.	RESPONSIBILITY	ACTION	DUE DATE
A	Secretariat	Update Pecuniary Interests Register	4 June 2020
B	Secretariat	Contact Graeme Osborne and Ian Cribb to provide declarations	4 June 2020
C	Garvin Burns	Garvin Burns to prepare regulatory approach position paper on how the new respirable silica exposure standard can be effectively implemented from 1 July 2020.	4 June 2020
D	Secretariat	Prepare briefing for Deputy Premier with MSAC recommendation to introduce new respirable coal dust exposure standard after one-year transition period.	3 April 2020
E	Tony Linnane	Circulate Brady Review recommendations mapping to MSAC members when completed.	4 June 2020
F	Secretariat	Provide Chair with terms of reference for statutory review of WHS (MPS) laws	3 April 2020