

Attachment A

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| Meeting | Mine Safety Advisory Council | | | | |
| Meeting No. | 1 of 2018 | Date | Tuesday, 27 March 2018 | Time | 10:00 – 2:00 |
| Location | CFMEU Office, Nymboida House, Clarence Street, Sydney | | | | |
| Members | Mr Carl Scully (Chair), Mr Peter Jordan (CFMEU), Mr Andy Honeysett (CFMEU), Mr Brock Skelton (AWU), Mr Chris Dolden (CCAA), Mr Ian Cribb (NSWMC)(via telephone), Mr Rob Cunningham (NSWMC), Mr Anthony Keon (Department, alternate Lee Shearer) | | | | |
| Observers | Mr Bruce Grimshaw (Coal Services), Mr James Barben (NSWMC), Mr Garvin Burns (Department), Ms Melanie Brown (Department), Ms Lucy Flemming (Coal Services), Mr Nate Henderson (CCAA), Mr Tony Linnane (Department) | | | | |
| Secretariat | Mr John Flint, Ms Julie Downie | | | | |
| Apologies | Ms Lee Shearer (Department); Ms Monique Andrew (CCAA) | | | | |

| Item | Issue | Actions |
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| 1 | INTRODUCTION | |
| 1.1 | <p>Welcome and Apologies</p> <ul style="list-style-type: none"> The Chair opened the meeting at 10:10am and thanked everyone for their attendance. The Chair thanked Mr Jordan and the CFMEU for hosting the meeting. Apologies were noted from Ms Shearer. It was noted that Mr Henderson would now be representing CCAA in lieu of Ms Monique Andrew. | |
| 1.2 | <p>Declaration of Conflict of Interest</p> <ul style="list-style-type: none"> The Chair requested members declare any conflicts of interest. 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 7 December 2017 were endorsed, pending three changes below <ol style="list-style-type: none"> Fifth dot point on page 3 – the causal investigation to be referred to as ‘the Regulator’s Ulan West causal investigation’. The reference to the ‘tabling of reports by the Regulator and Coal Services’ was a recommendation only and not adopted. | <p>a. Subject to secretariat making agreed changes to December meeting minutes, minutes adopted.</p> |

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| | <p>3. The strategies to encourage retired or former coal mine workers to undergo periodic health assessments free of charge was a recommendation only and not adopted. Members agreed that it was everyone's responsibility.</p> <ul style="list-style-type: none"> The status of actions arising from last meeting's minutes was noted. | |
| 1.4 | <p>Correspondence (Paper 2)</p> <ul style="list-style-type: none"> Mr Grimshaw spoke to the email regarding grants available through the Coal Services Health and Safety Trust and explained the process and asked members if they could identify further specific priority areas. Mr Honeysett believed that mental health issues and diesel particulates are two very important issues and would like to see a study on the cumulative effect of diesel engines underground. NSWMC indicated that they had responded to Coal Services. Members noted the incoming correspondence. | |
| 2 | FOR DISCUSSION AND/OR DECISION | |
| 2.1 | <p><u>Regulatory Report (Paper 3)</u> <u>MSAC Quarterly Safety Report</u></p> <ul style="list-style-type: none"> Mr Keon gave an overview of this paper and advised the Regulator will continue to refine and improve. Mr Keon gave a summary of the complaints referred to in the report and advised that the report will be updated with the breakdown of those items. Mr Keon also gave an update on recent incidents that had been notified since the reporting period. An addendum with those issues since the last quarter will be added and circulated after the meeting. They were: <ul style="list-style-type: none"> Cudal Lime Products convicted of first category 1 offence in NSW in relation to a member of the public receiving an electric shock. A fatality at Glendell open cut mine. The regulator is investigating whether the death of a 39-year-old contract worker was workplace-related. A s195 notice issued to Appin following failure to follow TARP for withdrawing workers after gas drainage plant stoppage. A significant ignition of methane at Chain Valley Colliery. A s195 notice issued to Dendrobium Colliery after worker hit by coal falling off face. A coal burst at Austar coal mine which injured a worker. | <p>b. The Secretariat will update the quarterly report and circulate to members.</p> |

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| | <p><u>Resources Regulator's Compliance Priorities</u></p> <ul style="list-style-type: none"> The Resources Regulator's Compliance Priorities January-June 2018 document was tabled for members' information. | |
| 2.2 | <p>Mine Safety Levy Review (Paper 4)</p> <ul style="list-style-type: none"> Mr Keon spoke to the paper and recognised that more work as recommended by stakeholders needed to be done. He advised that some of the deliverables are dependent on other branches within the Department (finance, corporate services, etc). Liaison with these branches will determine implementation. Mr Keon advised that the Regulator is committed to delivering on the recommendations and advised that recruitment of a finance officer to work specifically on the levy was currently underway. Mr Keon also advised that the Regulator is also committed to quarterly reporting but also needs to rely on the Department's finance section to be able to do so. Members noted the report and that the Department will report on further progress at the next meeting. | <p>c. The Department to report on progress of the implementation of recommendations at the 5 June meeting.</p> |
| 2.3 | <p>Airborne Contaminants (Paper 5)</p> | <p>d. MSAC supports the publication of the Fact Sheet.</p> <p>e. A progress report on the information booklet is to be</p> |

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| <ul style="list-style-type: none"> • Mr Flint spoke to this paper and provided an overview on the actions from the 7 December 2017 meeting. Following that meeting HMAc reconvened as the dust sub-group to review the body of work. Following discussions, a number of documents have been developed and are attachments for MSAC's consideration, as follows: • Attachment A – Fact sheet to assist operators in identifying appropriate health monitoring providers for occupational lung disease. <ul style="list-style-type: none"> ○ Comments from HMAc members were incorporated into the document and presented to MSAC for endorsement. ○ MSAC supports the document and its publication. • Attachment B – Information booklet for non-coal workers regarding crystalline silica. <ul style="list-style-type: none"> ○ Mr Flint advised that HMAc members were currently providing feedback on the document – due by 3 June. ○ MSAC noted that a report on the progress of the document would be provided at the June meeting. • Attachment C – Draft airborne contaminants principal hazard management plan document. <ul style="list-style-type: none"> ○ Mr Flint advised that HMAc members wished to discuss the document further and provide feedback. Feedback is due by 27 April. ○ Mr Burns advised the document is intended to provide guidance to operators but it cannot set a standard as to what is the lowest practicable standard. ○ MSAC noted that report on the progress of the document would be provided at the June meeting. • Attachment D – Options paper on health monitoring reporting. <ul style="list-style-type: none"> ○ Mr Flint spoke to this paper and advised that HMAc members had met to discuss the issue. HMAc members felt that the current legislation adequately covered reporting requirements, however, they acknowledged that there was a gap as regards former workers. ○ Mr Flint outlined what Queensland had amended in legislation to address the issue; noted NSW legislation requires the PCBU to notify the Regulator of any adverse health monitoring report; noted that NSW had no clinical pathways for occupational lung disease. MSAC members noted these issues. | <p>provided at the 5 June meeting.</p> <p>f. A progress report on the draft airborne contaminants technical document is to be provided at the 5 June meeting.</p> <p>g. MSAC supports the Regulator approaching SafeWork NSW to discuss the issue of reporting on occupational lung diseases in a statewide approach.</p> |
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| | <ul style="list-style-type: none"> ○ Mr Jordan noted that the regulation could be amended for a PCBU to be required to inform the regulator if they are advised that a former worker has contracted a lung disease. ○ Mr Keon advised the issue was broader than just the mining industry and a state-wide approach would be more appropriate. He recommended that MSAC: <ul style="list-style-type: none"> ▪ adopt a formal position in support of state-wide mandatory notifications ▪ endorse the Regulator approaching SafeWork NSW to advance this position ▪ communicate MSAC's position in support of mandatory notifications as part of the the national review of WHS laws. ○ MSAC endorsed Mr Keon's recommendation and requested HMAC be also notified of the decision. | |
| 2.4 | Fatigue Management (Paper 6) | <ul style="list-style-type: none"> h. MSAC noted that the Regulator would proceed to publish the Fatigue Management Guide. i. The Chairman will report to the Minister in his quarterly report that consensus on the guide could not be reached by MSAC. |

- Mr Burns spoke to this paper and advised that the Fatigue Management Guide is the Regulator's final version and is ready to be published. Mr Burns acknowledged the extent of consultation undertaken in preparing the guide and noted the divergent views of stakeholders. He indicated that the guidance document has been developed with input from others but it is not to be interpreted as its regulatory approach in the compliance space. He said the Regulator has a TAP program and inspections, etc, and are active in the regulatory space regarding fatigue - and will continue to be. The guide is designed to address the issue from a holistic approach and what duty holders should be considering under the Act.
- Mr Burns indicated that the preference was to have MSAC consensus but that hasn't been able to be reached and the Regulator will proceed to publish the document.
- Mr Jordan advised that the CFMEU had differing views; asked how effective the regulator is when investigating fatigue; considers there is nothing limiting people to work appropriate hours; questioned why CFMEU submissions not circulated to other stakeholders; questioned the removal of '50 hours' from document; considers fatigue one of the biggest issues in the Wran report and Digging Deeper report and still exists today. Mr Jordan advised that the CFMEU is still critical of the document and will continue to be.
- Mr Jordan and Mr Honeysett (CFMEU) both want Code of Practice for industry.
- Mr Skelton (AWU) supports the CFMEU approach.
- Mr Cribb notes that the issue of fatigue needs a risk management approach and doesn't believe you will ever get agreement. He supports the guide.
- Mr Cunningham acknowledged that fatigue is the highest risk for their roster and has looked at the options and processes into managing the risk. He believes enough direction can be obtained from the guide.
- Mr Keon reiterated the Regulator's approach as outlined by Mr Burns and advised that the guide is only a component of the regulator's approach – that the TAP program and inspections will continue to look at the management of fatigue to be as low as reasonably practicable.
- Mr Scully (Chair) thanked everyone for their contribution over the two years. He acknowledged the valuable input from Dr Nick Mabbott and acknowledge the differences and appreciated that consensus could not be reached. Mr Scully respected the views from the unions, noted the debate and work done and the differing views.
- MSAC noted that the Regulator would proceed to publish the document.
- Mr Jordan asked that the CFMEU's comments be minuted, that they had put forward two submissions and asked whether the Minister would be notified that MSAC were unable to agree.

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| | <ul style="list-style-type: none"> Mr Scully advised that he would inform the Minister in his quarterly report that consensus was not reached. | |
| 2.5 | <p>Learning from disasters (Paper 7)</p> <ul style="list-style-type: none"> Ms Brown talked to this paper and advised that a working group had been formed and had its first meeting on 8 March where it met to review and provide feedback on the Parcell reports. She advised that members of the working group are currently reviewing the document and feedback is due back on 5 April prior to its next meeting on 12 April. MSAC noted the progress report. | <p>j. Regulator to provide the final report to MSAC at 5 June meeting.</p> |
| 3 | FOR DISCUSSION AND/OR DECISION | |
| 3.1 | <p>Coal Services – Exposure monitoring (Paper 8)</p> <ul style="list-style-type: none"> Mr Grimshaw spoke to this paper and summarised what is happening regarding personal exposure real time dust monitors. He indicated that a current ACARP funded research project is underway which will answer questions previously raised by MSAC as regards worker exposure monitoring, engineering control dust mapping and worker education and training. Mr Grimshaw recommended that Coal Services provide a presentation to MSAC at the September 2018 meeting after the ACARP project is finalised. MSAC noted the paper and requested that Coal Services provide a presentation at the September meeting. | <p>k. Coal Services to provide a presentation on exposure monitoring at the September 2018 meeting.</p> |
| 3.2 | <p>MSAC Strategic Plan (Paper 9)</p> <ul style="list-style-type: none"> MSAC noted this paper. No further comments were made. | |
| 3.3 | <p>Independent Members</p> <ul style="list-style-type: none"> MSAC noted the update on the independent member appointment process. No further comments were made. | |
| 3.4 | <p>June Meeting</p> <ul style="list-style-type: none"> It was agreed that the MSAC meeting set down for 14 June would be moved to 5 June 2018 and hosted by Coal Services in Wollongong. | |

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| 4 | Other Business | |
| 4.1 | May HMAAC Meeting <ul style="list-style-type: none"> Meeting to be held in Maitland on 15 May from 10:30 am to 1:00 pm – room to be confirmed. | j. Secretariat to confirm venue for 15 May HMAAC meeting. |
| 5 | Close of meeting | |
| 5.1 | The Chair thanked members for attending and closed the meeting at 1:06 pm. | |