



# NSW Mine Safety Advisory Council

Meeting 2 – 2 June 2022

## Meeting details

<b>Meeting</b>	<b>NSW Mine Safety Advisory Council (MSAC)</b>	<b>Date</b>	2 June 2022
<b>Location</b>	Hanson, Bass Point Quarry Rd, Shell Cove	<b>Time</b>	9am to 12pm
<b>Chair</b>	Hon. George Souris AM (Independent)	<b>Reference</b>	RDOC22/99925
<b>Secretary</b>	Mr Tony Linnane (Mining, Exploration and Geoscience, Department of Regional NSW)		
<b>Members</b>	Mr Ian Cribb (NSW Minerals Council (coal)) 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)		
<b>Observers</b>	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) Ms Lucy Flemming (Coal Services) Mr Jason Kuchel (Cement Concrete & Aggregates Australia) Mr James Collings (Cement Concrete and Aggregates Australia)		
<b>Apologies</b>	Assoc. Prof. Deborah Yates (Independent)		
<b>Not present</b>	Mr Brock Skelton (Australian Workers' Union, New South Wales Branch)		
<b>Secretariat</b>	Ms Bronwen Sandland (Mining, Exploration and Geoscience, Department of Regional NSW) Ms Anna Ormerod (Mining, Exploration and Geoscience, Department of Regional NSW) – via teleconference		

## Meeting agenda items

Paper	Agenda item
1	<p><b>Welcome and Chair's report</b></p> <ul style="list-style-type: none"><li>■ The Chair welcomed members, delegates and observers to the meeting.</li><li>■ Mr Scott Whittaker from Hanson delivered a safety briefing.</li><li>■ The Chair advised that an apology was received from Assoc. Prof. Yates.</li><li>■ Mr Linnane advised that member appointments will be considered by Cabinet on Monday.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>• Members noted the:<ul style="list-style-type: none"><li>○ delegates and observers for the meeting</li><li>○ membership changes in 2022</li><li>○ events attended by the Chair since the last meeting</li><li>○ key stakeholder events planned for 2022.</li></ul></li></ul>
2	<p><b>Declaration of interests</b></p> <ul style="list-style-type: none"><li>■ No declarations were received.</li></ul>
3	<p><b>Acceptance of previous minutes and actions</b></p> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>• Members endorsed the minutes of the last meeting.</li><li>• Members noted the status of actions arising from the last meeting.</li></ul>
4	<p><b>Correspondence</b></p> <p><b>Outcomes</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>Review of the coal industry health surveillance scheme</b></p> <ul style="list-style-type: none"><li>■ Removed due to conflict of interest.</li></ul>
6	<p><b>Implementation of recommendations of the statutory review of the WHS (MPS) laws</b></p> <ul style="list-style-type: none"><li>■ Mr Linnane provided members with a verbal overview of the paper and advised:</li></ul>

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	<ul style="list-style-type: none"><li>□ the amendment bill was passed on 12 May. There were three main modifications: bring penalty notices to units rather than dollars, stipulate that the chair of the Mining and Petroleum Competence Board is independent of the bodies represented, and a probity assessment is required for the appointment of an industry safety and health representative.</li><li>□ the remake of regulation will go out for consult in addition to a regulatory impact statement. There are 28 proposed amendments.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>• Members noted that the NSW Government is seeking amendments to the Work Health and Safety (Mines and Petroleum Sites) Regulation 2013 as a next step in implementing the recommendations of the 2020 statutory review of work health and safety laws by Mr Kim Bills.</li></ul>
7	<p><b>Survey of mining industry on perceptions that labour hire and non-permanent workers under-report safety concerns</b></p> <ul style="list-style-type: none"><li>■ Mr Day provided members with a verbal overview of the paper and advised that:<ul style="list-style-type: none"><li>□ the final draft of the report is with the contractors for finalising</li><li>□ there was a low respondent rate</li><li>□ 80% of respondents were full time employees; 16% were from labour hire companies</li><li>□ preliminary results indicate people are reluctant to report incidents and harassment due to fear of reprisal</li><li>□ 1 in 3 had witnessed an incident but did not report it.</li></ul></li><li>■ Mr Day proposed that:<ul style="list-style-type: none"><li>□ the final report with the outcomes of the survey be sent to members out of session by the end of July</li><li>□ the Department prepare an action plan to support the report given the preliminary results</li><li>□ the final report and action plan be presented to members at the next meeting in September for discussion.</li></ul></li><li>■ Members agreed to Mr Day’s suggestions.</li><li>■ Ms Armour asked whether the survey would be replicated in the metalliferous and quarrying sectors.</li></ul>

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	<ul style="list-style-type: none"><li>■ Mr Nicholls replied that MSAC previously discussed extending the report to other sectors but agreed that the results would be like coal.</li><li>■ Ms Armour questioned why there was such a low response rate from the labour hire companies and if anything can be done to improve their involvement.</li><li>■ Mr Day commented that a paper survey was distributed but there were no responses. Given the small sample size there will be a margin of error in the results.</li><li>■ The Chair requested that that be reflected in the report.</li><li>■ Mr Cribb offered to table the results of the Glencore survey at the next meeting for members information.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>• Members noted that the final draft report on the MSAC Safety Reporting Survey has been received by Mining, Exploration and Geoscience (MEG) and is currently under internal review.</li><li>• Members noted that the final version of the report will be circulated to MSAC members for review and consideration.</li></ul> <p><b>Actions</b></p> <ul style="list-style-type: none"><li>A. The Resources Regulator to send the final report with the outcomes of the survey to members, out of session, by the end of July.</li><li>B. The Resources Regulator to prepare an action plan to support the report given the preliminary results and present it at the next meeting.</li><li>C. Mr Cribb to table the results of the Glencore survey at the next meeting.</li></ul>
8	<p><b>Psychosocial hazards (including bullying and harassment)</b></p> <ul style="list-style-type: none"><li>■ Mr Barben provided members with a verbal overview of the paper.</li><li>■ Mr Brannigan commented that MSAC needs to be particularly sensitive with this issue.</li><li>■ Ms Flemming commented that Coal Service is starting to see increase in psychological claims; they are currently examining the results further to understand the data.</li><li>■ Mr Day suggested that there is a correlation between this topic and the previous agenda item. Mr Day proposed that MSAC await the report from the survey results before considering whether actions are required to address psychosocial hazards.</li><li>■ The Chair commented that the military has a robust approach and that MSAC would benefit from its approach to managing psychosocial hazards.</li></ul>

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	<ul style="list-style-type: none"><li>Members agreed that the Resources Regulator would contact the military to discuss its approach to managing psychosocial hazards and determine if MSAC could learn from its approach.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>Members noted the NSW mining industry response to managing psychosocial health.</li><li>Members agreed to contact the military to discuss its approach to managing psychosocial hazards.</li></ul> <p><b>Actions</b></p> <ul style="list-style-type: none"><li>D. Resources Regulator to contact the military to discuss its approach to managing psychosocial hazards.</li></ul>
9	<p><b>Resourcing and pipeline of statutory roles under WHS (MPS) laws (schedule 10)</b></p> <ul style="list-style-type: none"><li>Mr Barben provided members with a verbal overview of the paper.</li><li>Mr Day commented that the principle of statutory roles is a strength and the requirements have been put in place because of past failures. Mr Day noted that the Resources Regulator is conducting an audit of practicing certificate holders and will present results of the audit at the next meeting for further discussion.</li><li>Members noted that this is ultimately an issue for companies to resolve however it is becoming a critical issue. Mr Barben advised that the NSWMC would continue to discuss the issue with industry.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>Members noted the NSW Minerals Council’s paper and survey results.</li><li>Members agreed to consider the matter further at the next meeting taking into consideration the results of the survey.</li></ul> <p><b>Actions</b></p> <ul style="list-style-type: none"><li>E. The Resources Regulator to present results of the audit of practicing certificate holders at the next meeting.</li></ul>
10	<p><b>Evaluation of the Resources Regulator’s proactive assessment program</b></p> <ul style="list-style-type: none"><li>Mr Day provided members with a verbal overview of the paper.</li></ul> <p><b>Outcomes</b></p>

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	<ul style="list-style-type: none"><li>Members noted the endorsed evaluation report for airborne hazard management under the Resources Regulator’s proactive assessment program, covering the metalliferous sector.</li><li>Members noted the evaluation report will be published on the Resources Regulator’s website in the interests of transparency.</li></ul>
11	<p><b>Member updates</b></p> <ul style="list-style-type: none"><li>Ms Flemming provided members with a verbal overview of the paper.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>Members noted the report tabled by Coal Services.</li></ul>
12	<p><b>National Dust Diseases Task Force</b></p> <ul style="list-style-type: none"><li>Mr Linnane provided members with a verbal overview of the paper.</li><li>Ms Armour raised a matter on behalf of Ms Yates. A 20 year longitudinal study has been released on silicosis in foundry workers in Sweden which will be worth keeping an eye on, noting the levels are much lower than NSW, and the potential impact of interactions between silica with other chemicals. Deborah to speak to next meeting.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>Members noted the progress on consultation and development of the National Silicosis Prevention Strategy and associated National Action Plan.</li></ul>
13	<p><b>Legislative framework update</b></p> <ul style="list-style-type: none"><li>Mr Linnane provided members with a verbal overview of the paper.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>Members noted the update on legislative developments and reform.</li></ul>
14	<p><b>NSW Resources Regulator report</b></p> <ul style="list-style-type: none"><li>Mr Nicholls provided members with a verbal overview of the paper.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>Members noted the quarterly safety report.</li></ul>

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Paper	Agenda item
15	<p><b>Mine safety levy report</b></p> <ul style="list-style-type: none"><li>Mr Day provided members with a verbal overview of the paper.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>Members noted the Mine Safety Levy Fund report.</li></ul>
16	<p><b>Update on MSAC Strategic Plan</b></p> <ul style="list-style-type: none"><li>Mr Linnane provided members with a verbal overview of the paper.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>Members noted the progress of strategies identified in MSAC's Strategic Plan to 2023.</li><li>Members noted that the secretariat will prepare a paper for the September meeting for members to consider additional actions and projects to address each strategy.</li></ul>
17	<p><b>Additional business</b></p> <ul style="list-style-type: none"><li>There was no additional business.</li></ul>
18	<p><b>Next meeting</b></p> <ul style="list-style-type: none"><li>The next meeting will be held on 8 September in Lithgow.</li></ul>

## Summary of actions

ACTION	AGENDA ITEM
A. The Resources Regulator to send the final report with the outcomes of the survey to members, out of session, by the end of July.	7. Survey of mining industry on perceptions that labour hire and non-permanent workers under-report safety concerns
B. The Resources Regulator to prepare an action plan to support the report given the preliminary results and present it at the next meeting.	7. Survey of mining industry on perceptions that labour hire and non-permanent workers under-report safety concerns

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ACTION	AGENDA ITEM
C. Mr Cribb to table the results of the Glencore survey at the next meeting.	7. Survey of mining industry on perceptions that labour hire and non-permanent workers under-report safety concerns
D. Resources Regulator to contact the military to discuss its approach to managing psychosocial hazards.	8. Psychosocial hazards (including bullying and harassment)
E. The Resources Regulator to present results of the audit of practicing certificate holders at the next meeting.	9. Resourcing and pipeline of statutory roles under WHS (MPS) laws (schedule 10)