

# NSW MINE SAFETY ADVISORY COUNCIL

## Meeting minutes

### Meeting details

Meeting	<b>NSW Mine Safety Advisory Council</b>	Date	Thursday 4 June 2020
Location	Videoconference	Time	9am to 10:30am
Chair	Hon George Souris AM		
Attendees	Mr Ian Cribb (NSW Minerals Council (coal)) Mr Peter Jordan (Construction Forestry Maritime Mining and Energy Union) Mr Anthony Keon (Resources Regulator, Department of Regional NSW) Ms Julie Armour (Independent) Mr Graeme Osborne (Construction Forestry Maritime, Maritime and Energy Union) Mr Brock Skelton (Australian Workers' Union, New South Wales Branch) Mr Tony Cartwright (Independent) Mr Matthew Freeman (Cement Concrete & Aggregates Australia) Mr Tony Linnane (MSAC Secretary, Resources Regulator, Department of Regional NSW) Mr Garvin Burns (Chief Inspector, Resources Regulator, Department of Regional NSW)		
Apologies	Mr Rob Cunningham (NSW Minerals Council (metalliferous)) Mr Bruce Grimshaw (Coal Services)		
Observers	Ms Lucy Flemming (Coal Services) Mr James Barben (NSW Minerals Council) Mr Jason Kuchel (Cement Concrete & Aggregates Australia)		
Prepared by	Ms Sally Tull (Resources Regulator, Department of Regional NSW)	CM9	DOC20/421820

## Minutes

ITEM	AGENDA DISCUSSED/ACTION
1	<p><b>Welcome and apologies</b></p> <ul style="list-style-type: none"> <li>■ The Chair opened the meeting at 9am</li> <li>■ The Chair noted apologies from Mr Rob Cunningham and Bruce Grimshaw</li> <li>■ The Chair noted the member appointments expiring this year and that they are being actioned</li> <li>■ Ian Cribb joined the meeting at 9:30</li> </ul>
2	<p><b>Declaration of interests</b></p> <ul style="list-style-type: none"> <li>■ Mr Linnane noted there are two updates to the Pecuniary Interests Register from Graeme Osborne and Matthew Freeman</li> <li>■ Nil conflicts declared</li> </ul>
3	<p><b>Acceptance of previous minutes and actions</b></p> <ul style="list-style-type: none"> <li>■ Minutes from the previous meeting were accepted</li> <li>■ All actions have been completed</li> </ul>
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>Impact of COVID-19 on mining industry</b></p> <ul style="list-style-type: none"> <li>■ Mr Linnane provided an overview of the paper outlining the impact of COVID-19 on the Resources Regulator's regulatory functions and the mining industry.</li> <li>■ Mr Burns said the Resources Regulator had published a report on the COVID-19 inspection program on 13 May 2020.</li> <li>■ He said the Regulator is not aware of any confirmed cases of COVID-19 in mine workers who have been at mines sites. Two miners contracted case overseas but were not spread to mine sites. The Chair noted this is a good outcome.</li> <li>■ The Regulator received 30 COVID-19 related complaints from workers and worker's families regarding implementation of controls. No complaints have been received in the last fortnight. Complaints were followed up by the Regulator and have been addressed by the mine site, eg PPE</li> </ul>

AGENDA	DISCUSSED/ACTION
ITEM	
	<ul style="list-style-type: none"> <li>■ Mr Burns noted that mines are proactively updating the Regulator on their measures.</li> <li>■ The Regulator undertook a risk assessment and identified high risk staff and ceased some field activities, eg travelling together and leaving the region. While this resulted in some gaps in regulatory coverage, it has not impacted the number of inspections. A risk assessment is underway to investigate how tasks can be reimplemented in the next couple of weeks, such as overnight travel.</li> <li>■ Regulator staff are still working from home where possible and will continue until effective controls are implemented in the workplace.</li> <li>■ The Regulator conducted a desktop assessment of emergency management preparedness and was very well received by participating operators. The assessment identified a few issues and these have been communicated to the industry.</li> <li>■ Ms Flemming asked if there has been any evidence of counterfeit respiratory PPE entering the mining industry. Mr Burns said the Regulator communicated with the industry and found there is no evidence of this in NSW. A Queensland report notes most problems were poor quality in terms of fit testing.</li> <li>■ Mr Linnane noted the ongoing Regulator participation on a state and national level in the approach to COVID-19. The Regulator is working with Safe Work Australia and SafeWork NSW to publish guidance material to various industries. The material will assist PCBs to understand how to manage risks. The Minerals Council of Australia has applied to ACCC to put in place measures to ensure PPE and plant is available to industry.</li> </ul>
6	<p><b>Respirable coal dust and silica exposure standards</b></p> <ul style="list-style-type: none"> <li>■ Mr Linnane provided an overview of the paper outlining the Government's proposed amendments to the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 to implement the new respirable coal dust exposure standard from 1 February 2020 and the position paper on the revision of the respirable crystalline silica exposure standard.</li> <li>■ Mr Keon gave credit and thanks to council regarding the proposal to the Deputy Premier to introduce the new coal dust standard and stated it was a great example of the purpose of MSAC and strength of tripartite approach.</li> </ul>

AGENDA ITEM	DISCUSSED/ACTION
	<ul style="list-style-type: none"> <li>■ Mr Burns noted the implementation of the new respirable crystalline silica standard will be impacted by COVID-19. Feedback from small operators has been positive so far. The next stage is to increase industry awareness.</li> </ul>
7	<p><b>Analysis of Brady Review recommendations</b></p> <ul style="list-style-type: none"> <li>■ Mr Linnane provided an overview of the analysis of the Brady Review. It is the Regulator's view that the issues raised by the review have largely been addressed following the Wilkinson Fatalities Review and the Regulator's Incident Prevention Strategy.</li> <li>■ Mr Burns noted there are measures in place that demonstrate the Regulator recognises these issues.</li> <li>■ Mr Barben asked what the proposed Regulator interactions with company officers would look like in relation to the review's high reliability organisation recommendation (number 6). Mr Linnane said the Regulator is building on the learning from disasters program, focusing on management of critical controls and due diligence by all aspects of the organisation. The program aims to build awareness of past incidents and ensuring all participants recognise their responsibilities regarding health and safety at mines. Mr Keon added that the Regulator is focusing not only on frontline workers and supervisors, but those with financial and organisational control of mines.</li> <li>■ Mr Barben asked if the complexity of the reporting requirements could be reviewed. Mr Burns responded there is a significant difference between the reporting process in Queensland and New South Wales. The problem is how operators are able to report incidents. The Regulator has implemented a standard process for reporting and Queensland will be doing the same.</li> <li>■ Mr Cribb noted the analysis indicates the Brady Review did not provide any new areas for improvement and did not consider training, supervision or controls. Mr Burns noted the analysis looked at any gaps the Regulator may have and did not consider the industry as a whole.</li> </ul>
8	<p><b>Statutory review of WHS (MPS) laws</b></p> <ul style="list-style-type: none"> <li>■ The Chair advised he had a consultation session with the independent reviewer Kym Bills.</li> <li>■ Mr Bills is considering the 24 submissions received and feedback from the public consultation sessions.</li> </ul>

AGENDA ITEM	DISCUSSED/ACTION
	<ul style="list-style-type: none"> <li>■ Mr Linnane noted the report is being drafted and should be complete by November and provided to the Deputy Premier to table in both houses of Parliament.</li> </ul>
9	<p><b>Regulator's Report</b></p> <ul style="list-style-type: none"> <li>■ Mr Burns provided an overview of the Regulator's Report and Quarterly Report January to March 2020.</li> <li>■ He said there has been a reduction in incidents. Ms Flemming noted this is consistent with Coal Services reports. However, the level of severity and complexity of incidents is higher. Mr Burns added that the number of dangerous/high potential incidents have decreased, however injuries have increased.</li> <li>■ Mr Keon advised that a prosecution has commenced prosecution against Boral Resources (NSW) Pty Ltd alleging breaches related to silica exceedances at Peppertree Quarry and that a class exemption had been made to reduce WHS reporting requirements for small mines.</li> <li>■ Mr Keon also advised that the Resources Regulator is now part of the newly formed Department of Regional NSW</li> </ul>
10	<p><b>Mine Safety Levy Report</b></p> <ul style="list-style-type: none"> <li>■ Mr Keon provided an overview of the Mine Safety Levy Report and noted that:</li> <li>■ Levy determination had been reduced by 23.4% from 2019/20 to 2020/21 – including a reduction in RR operating costs of 11%</li> <li>■ the planned reduction of the levy reserve to 10% may not be achieved by end of next financial year because of reduced operating costs during COVID-19 restrictions.</li> </ul>
11	<p><b>Multi-media campaign sub-committee</b></p> <ul style="list-style-type: none"> <li>■ Mr Linnane provided an overview of the paper outlining the progress of the media campaign <i>Take Action to Prevent Dust Disease campaign</i>.</li> <li>■ He said the campaign is expected to be undertaken during July 2020, with a survey and evaluation to occur during August 2020.</li> <li>■ Mr Kuchel queried the statements made in the video that PPE will not stop you from getting the disease. Mr Kuchel is concerned workers will not wear PPE after</li> </ul>

AGENDA ITEM	DISCUSSED/ACTION
	<p>hearing this message. Mr Burns said the message is that PPE alone will not prevent disease and it is the supervisors, managers and operators that are responsible for ensuring workers wear the correct PPE.</p> <ul style="list-style-type: none"><li>■ Members considered the statement in the video and determined that no changes were necessary.</li></ul>
12	<p><b>Additional business</b></p> <ul style="list-style-type: none"><li>■ Mr Burns said he had spoken with the Queensland Chief Inspector regarding the recent gas explosion at Grosvenor Mine but did not have any additional information available to what had already been made public.</li></ul>
13	<p><b>Future MSAC meetings and conferences</b></p> <ul style="list-style-type: none"><li>■ The MSAC meetings scheduled for 3 September and 3 December 2020 will be held in Maitland and Aberdare, or by videoconference, depending on the COVID-19 restrictions at the time.</li><li>■ Meeting closed 10:30am</li></ul>