

Meeting	Mine Safety Advisory Council		
Meeting No.	2 of 2016	Date	Thursday 14 July 2016
Location	67A Aberdare Road Cessnock NSW 2325 Boardroom	Time	10:00 – 14:15
Members	Mr Carl Scully (Chair), Mr Ian Cribb (NSWMC), Mr Tony McPaul (NSWMC), Mr Andy Honeysett (CFMEU), Mr Peter Jordan (CFMEU), Mr Douglas Revette (Department), Ms Barbara McPhee (Independent), Dr Graeme Peel (Independent), Mr Chris Dolden (CCAA), Mr John Flint (Secretariat)		
Observers	Ms Lee Shearer (NSW Resources Regulator), Mr Greg Sullivan (NSWMC), Ms Lucy Flemming (Coal Services), Mr Bruce Grimshaw (Coal Services), Mr Todd Hacking (CCAA), Mr Rob Cunningham (NSWMC), Mr Gary Parker (Department), Ms Jenny Nash (Department), Mr Tony Linnane (Department), Mr Marty Jones (Department), Ms Anna Kneath (Secretariat)		
Not present	Mr Glenn Seton (AWU)		

MINUTES

Item	Issue	Actions
1	INTRODUCTION	
1.1	<p>Welcome and Apologies</p> <ul style="list-style-type: none"> The Chair opened the meeting at 10:00am and thanked everyone for their attendance. Mr Jordan was thanked for hosting the meeting. The Chair noted this was Mr McPaul's last meeting of MSAC. Mr McPaul was thanked for his valuable contributions. Members acknowledged Mr McPaul's contribution and wish him luck in his future endeavours. Mr Cunningham was welcomed as the new NSWMC metalliferous sector representative replacing Mr McPaul. Mr Dolden was also welcomed as the new CCAA representative. Ms Flemming and Mr Grimshaw were welcomed as official observers. Mr Jones was welcomed to the meeting. 	
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. 	

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	<p>NSW Resources Regulator</p> <ul style="list-style-type: none"> • Due a recent restructure at the department and issues regarding Coal Workers Pneumoconiosis in Queensland the Chairman proposed to change the formal agenda requested Ms Shearer outline the changes and for Ms Flemming to discuss air bone contaminants in the coal industry. • Ms Shearer provided an update to members on the establishment of the NSW Resources Regulator. It was advised that: <ul style="list-style-type: none"> – a separate entity, the NSW Resources Regulator was established within the Department of Industry on 1 July 2016 – Ms Shearer has been appointed as the Chief Compliance Officer, NSW Resources Regulator and reports directly to the Secretary – it is a single resources regulator across the mining and energy sectors of the Department of Industry and includes agriculture, biosecurity, food safety, fisheries, Crown lands and water – the driver behind the change is to have clear separation of industry promotion and development from regulatory activities. • It was advised that the MSAC Secretariat remains with Mr Revette under the Governance branch within Resources and Energy. 	
1.3	<p>Acceptance of Previous Minutes</p> <ul style="list-style-type: none"> • Members requested some grammatical changes to 2.1 – Emergency Management of the minutes. It was agreed that the Secretariat would discuss these amendments with Ms McPhee out of session. • Members accepted the minutes from the last meeting on 8 March 2016, as a true and accurate record subject to the grammatical edits. • Members noted the status of the actions arising from the last meeting. 	a. Secretariat to amend the previous minutes on Emergency Management as per discussions with Ms McPhee out of session.
1.4	<p>Correspondence</p> <ul style="list-style-type: none"> • Members noted the incoming correspondence. 	
2.7	<p>Coal Workers' Pneumoconiosis</p> <ul style="list-style-type: none"> • Agenda item 2.7 was brought forward. • Ms Flemming delivered a presentation on the Prevention of Respiratory Occupational Disease in NSW as per paper 9, Attachment A. Key points from the presentation and discussions were: <ul style="list-style-type: none"> – there have been no confirmed cases of coal workers' pneumoconiosis in NSW – the Dust Disease Board still exists and takes precedence of dust matters across all industries – in NSW, the mandated limit for respirable dust is 2.5 (dropped from 3 in 2005); the Safe Work Australia legislated limit is currently 3 milligrams per cubic meter of air 	b. Ms Flemming to provide MSAC with Coal Services' opinion on each of the recommendations from the Senate Select Committee on Health interim report on black lung.

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	<ul style="list-style-type: none"> - there has been a confirmed case in QLD of a 37 year old who has only worked in the industry for 11 years; consideration needs to be given to what implications this may have for industry - in NSW all exceedances of the exposure standard are examined - Coal Services tests for all respirable dust diseases. It is unknown how many cases of silicosis may be in existence. - diesel particulate is a class 1 carcinogen. There have been some potential cases coming out of WA recently but NSW hasn't seen anything as yet. • Ms Flemming provided a brief update on the Senate Select Committee on Health (Black Lung) interim report April 2016 and noted: <ul style="list-style-type: none"> - there were several multi part findings by the Senate findings - it is recommended that a national coal dust monitoring group be established - there is a push for a national regulator to be established - Safe Work Australia is reviewing the current air borne dust exposure level recommendations - Coal Services supports some of the recommendations but not all. • It was agreed that Ms Flemming would provide to the Secretariat, for the next MSAC meeting, Coal Services' opinion on each of the recommendations from the Senate Select Committee on Health (Black Lung). • Ms Flemming also provided a brief update on the QLD report prepared by Monash University and the University of Illinois. <ul style="list-style-type: none"> - noted that the same key issues were identified in the final report as the interim report - a sample set of 278 x-rays were reviewed with 18 cases undergoing further scans - it was recommended that educational programs be increased and that screening processes be improved. - there is a gap on how to reach retired workers and provide a reminder mechanism for testing • It was agreed that once endorsed by the Coal Services Board, a copy of Coal Services' response to the Report would be provided to MSAC. • The Chair raised the question what is MSAC's role in relation to this matter. It was agreed that: <ul style="list-style-type: none"> - MSAC needs to provide a regular update to the Minister - the Minister agrees that advice from MSAC is the appropriate forum - regular updates need to be provided at each MSAC meeting. • It was raised that MSAC needs to be careful that we have the correct facts on what each state is doing in terms of prevention and response. It was agreed that Ms Flemming would prepare a comparison of QLD and NSW activities for the next MSAC meeting. 	<ul style="list-style-type: none"> c. Once endorsed by the Coal Services Board, a copy of Coal Services' response to the Monash University Report to be provided to MSAC. d. Secretariat to add air borne contaminants to the agenda as a standing item. e. Ms Flemming to prepare a comparison of QLD and NSW actions in relation to coal workers' pneumoconiosis for the next MSAC meeting.

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3.1	<p>Incident Prevention Strategy</p> <ul style="list-style-type: none"> • Agenda item 3.1 was brought forward. • Ms Shearer and Mr Parker delivered a presentation on the Department’s Mine Safety Regulatory Reform Incident Prevention Strategy. It was advised: <ul style="list-style-type: none"> – the implementation of the Strategy is moving at a quick pace. In the last couple of weeks the Department has been running a number of industry forums which have been very well attended. – a new mission statement has been developed. The previous statement talked about achieving zero harm. This is a difficult target to achieve. Mine Safety should be aiming to add value to industry and support them in their goal of achieving zero harm. It is about empowering and adding value to operators. The new statement focuses on how inspectors conduct their work to enable, support and focus individuals and operators to address critical controls and high risk. – we are shifting towards a proactive rather than reactive program of work – Inspectors are no longer allocated to specific mines – the larger operations will have a primary contact inspector – a centralised incident reporting system via a 1300 number commenced on 4 July 2016; all calls made to this number are answered by an Inspector – five triaging methods now exist replacing the old 1, 2 and 3 levels – changes in language will become evident in the weekly reports – the existing Prosecution Policy from 1999 will be reviewed and moved to a more consolidated enforcement policy. Once drafted, the policy will be distributed for comment. • It was requested that the Secretariat distribute a copy of Ms Shearer’s presentation with the minutes. <p><i>Mr Hacking left the meeting at 1:33pm</i></p> <ul style="list-style-type: none"> • The Chair questioned whether there is a continuing need for the two working groups under MSAC established in relation to the Incident Prevention Strategy. • Members agreed to disband the Regulatory Strategy Reference Group and requested that Ms Shearer provide a regular update on the strategy at each MSAC meeting. • Members agreed that there is a need to keep the Risk Management Technical Working Group in place. It was agreed that Mr Parker should establish the working group and hold the inaugural meeting by the end of August 2016. 	<ul style="list-style-type: none"> f. Secretariat to add the Incident Prevention Strategy as a standing agenda item for each MSAC meeting. g. Mr Parker to establish the Risk Management Technical Working Group and schedule the inaugural meeting by end of August 2016.

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	<p>Coal Workers' Pneumoconiosis</p> <ul style="list-style-type: none"> The Chair continued discussions on agenda item 2.7 - Coal Workers' Pneumoconiosis and opened discussions in relation to MSAC's role. Ms Flemming raised that Coal Services needs support from industry so NSW is prepared if any cases arise. The Minister has also expressed a desire for MSAC to play a role in this. The Chair requested that MSAC be kept informed regularly of any updates and progress. The Chair expressed concerns that this matter has not been given the appropriate priority in the MSAC Strategic Plan. It was agreed that the Strategic Plan should be updated accordingly and include MSAC's role. It was raised that there is a gap in terms of available research in this area. Members questioned whether or not there is any funding available to support research. Ms Flemming advised that Coal Service is currently seeking grants. It was agreed that MSAC should have a strategic level role and ensure that the Minister is kept well informed. It was requested that the Secretariat prepare a paper for the next MSAC meeting on \ issues that MSAC should consider and discuss in relation to air borne contaminates. It was also raised that we need to be aware of what is happening at a Federal level. 	<ul style="list-style-type: none"> h. Secretariat to update the MSAC Strategic Plan to incorporate and prioritise air borne contaminates. i. Secretariat to prepare a paper for the next MSAC meeting on issues that MSAC should consider and discuss in relation to air borne contaminates.
2	FOR DISCUSSION AND/OR DECISION	
2.1	<p>MSAC Strategic Plan to 2020</p> <ul style="list-style-type: none"> Agenda item held over until next meeting. 	
2.2	<p>Dual Investigation Model</p> <ul style="list-style-type: none"> The Chair noted the Department's position that further legal advice was still being sought in relation to the dual investigation model and as such, discussions on this topic would need to be deferred. Ms Shearer agreed that subject to the Secretary waiving legal privilege, advice on the Department's position once received, will be circulated out of session. It was raised that the Minerals Council may want to then seek further legal advice. It was agreed that Ms Shearer, Mr Sullivan and Mr Scully should meet out of session and prepare advice for consideration by MSAC per the action from the Dual Investigation Model workshop. Members agreed that the next MSAC meeting should be extended to allow for discussion on the legal advice and the dual investigation model. 	<ul style="list-style-type: none"> j. Ms Shearer, Mr Sullivan and Mr Scully to meet out of session and prepare advice on the dual investigation model for consideration at the next MSAC meeting.
2.3	<p>Fatigue Management Practices Evaluation Report</p> <ul style="list-style-type: none"> Agenda item held over until next meeting. 	

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2.4	Commuting and Contractor Fatigue Management Recommendations <ul style="list-style-type: none"> • Agenda item held over until next meeting. 	
2.5	Review of the Fatigue Management Plan <ul style="list-style-type: none"> • Agenda item held over until next meeting. 	
2.6	Fatigue Information Sheet – ‘Why Sleep’ <ul style="list-style-type: none"> • Mr Sullivan provided a verbal update on the Minerals Council Conference in August. It was advised: <ul style="list-style-type: none"> – MSAC is sponsoring the plenary session 3 on day 2 with Dr Mabbott as a key note speaker – Ms Shearer and Mr Linnane are participating in the safety session on day 1; the last half of that session has been set aside for an MSAC panel discussion. • Members agreed: <ul style="list-style-type: none"> – that MSAC should participate in the panel discussion session – the Secretariat to liaise with members out of session to determine who will sit on the panel – the Secretariat and Mr Sullivan to hold a pre-briefing with Dr Mabbott in relation to topics to be covered in his session – Mr Scully to have a role in relation to launching the Fatigue Fact Sheet as part of the plenary session. • Members endorsed the Fatigue Fact Sheet subject to the X axis on both graphs being labelled. 	<ul style="list-style-type: none"> k. Secretariat to liaise with members out of session to determine who will sit on the panel. l. Secretariat and Mr Sullivan to hold a pre-briefing with Dr Mabbott and Mr Scully in relation to the Minerals Council Conference.
3	BUSINESS FOR NOTING	
3.2	Associated Non-Technical Skills Next Generation Implementation Strategy <ul style="list-style-type: none"> • Agenda item held over until next meeting. 	
3.3	Culture Benchmarking <ul style="list-style-type: none"> • Agenda item held over until next meeting. 	
3.4	International Electrotechnical Commission Meeting Report <ul style="list-style-type: none"> • Agenda item held over until next meeting. 	
3.5	Mining Competence Board – ANTS Competencies <ul style="list-style-type: none"> • Agenda item held over until next meeting. 	

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4	OTHER BUSINESS	
	<ul style="list-style-type: none"> • The next meeting will be held on Thursday 22 September 2016 at the CFMEU, Cessnock from 10am to 3pm. • It was agreed that the Risk Management Technical Working Group (RMTWG) meeting should be held before the next MSAC meeting in later August. It was further agreed that all RMTWG meetings be held prior to MSAC meetings in order for a report to be presented at each meeting. 	
5	CLOSE	
	<ul style="list-style-type: none"> • The Chair thanked members and observers for their attendance. • The Chair closed the meeting at 14:15 hours. 	