

NSW Mine Safety Advisory Council

7 March 2019 Meeting Minutes

DOC19/204769

Meeting Details	
Name	NSW Mine Safety Advisory Council
Location	Glencore Corporate Office, Bulga Open Cut site 567 Broke Road, Singleton
Date/Time	Thursday 7 March 2019, 9:00am – 12:00pm
Chairperson	Hon. George Souris
Members present	Ian Cribb (NSW Minerals Council), Rob Cunningham (NSW Minerals Council), Chris Dolden (CCAA), Andy Honeysett (CFMEU), Peter Jordan (CFMEU), Anthony Keon (alternate for Lee Shearer) (Department of Planning and Environment), Julie Armour (Independent), Tony Cartwright (Independent), Brock Skelton (Australian Workers' Union)
Secretary	Tony Linnane (Department of Planning and Environment)
Secretariat	Anna Ormerod (Department of Planning and Environment)
Observers	Mark O'Neill (Coal Services), James Barben (NSW Mining)
Apologies	Lee Shearer (Department of Planning and Environment)

Agenda Items

Paper	Description	Outcomes/Actions
Introduction		
1	Welcome and apologies <ul style="list-style-type: none">Mr Cribb provided an overview of the facilities and emergency procedures.The Chair opened the meeting at 8:57am.The Chair thanked Mr Cribb for hosting the meeting.The Chair noted an apology from Ms Lee Shearer and welcomed her alternate, Mr Anthony Keon.Mr Mark O'Neill (Coal Services) and Mr James Barben (NSW Mining) were noted as observers.	
2	Declaration of interests <ul style="list-style-type: none">No conflicts of interest were declared.The Chair advised that an updated pecuniary interest declaration was received from Ms Armour.An updated pecuniary interest register was tabled at the meeting.	
3	Acceptance of previous meeting minutes and actions <ul style="list-style-type: none">No changes were requested to the minutes.All actions were noted.	

- Mr Cribb advised he would discuss action item e (Deborah Yates' letter) in additional business.

4 Correspondence

- The Chair advised that he received a response to his letter by email and telephone from the previous chair, the Hon Carl Scully.

Presentation/Guest speakers

5 Guardvant monitoring presentation

- Mr Trevor Wells (Director Operations NSW Operations) and Ms Kylie Ah Wong of Glencore Coal Assets Australia joined the meeting at 9:04am to present on fatigue management and technology at Glencore sites.
- Key points from the presentation were:
 - fatigue management technology was introduced in vehicles in attempt to reduce the number of fatigue-related events
 - new practices were introduced requiring light vehicles to give way to heavy vehicles; heavy vehicles giving way to their left and reducing the number of drivers onsite
 - Glencore has taken a position of no discipline for a fatigue-related event which has led to a cultural shift
 - Guardvant has been adopted as a last chance control.
- Mr Cunningham commented that recognising fatigue as a condition, not as a weakness, has assisted them getting a shift in a worker's perspective.
- Mr Honeysett raised that in the presentation the data showed that between 3am and 6am was a critical period for fatigue but most incidents in the videos were outside those times.
- Mr Wells commented that additional factors such as school holidays and the change of season was contributing to the risk. They are in the process of gathering data indicators that they can use for further analysis.
- Mr Honeysett asked if there was a critical time for day shifts.
- Mr Wells responded that the hour after lunch appeared to be of concerns but there have been incidents at 9am as well. The day shift statistics are more scattered.
- Ms Ah Wong commented that they are starting to see improvements in reducing of number of incidents.
- Mr Wells and Ms Ah Wong left the meeting at 9:55am.

6 Proposed respirable crystalline silica and coal dust exposure standards

Ms Jackii Shepherd, Director, Occupational Hygiene Policy, Safe Work Australia dialled into the meeting at 10:15am.

- Ms Shepherd provided an overview of Safe Work Australia. It was advised:
 - it is an independent Commonwealth agency
 - made up by 15 members that determine workplan
 - includes representatives from the Commonwealth, each state/territory, CEO, chair, workers and employer representatives
 - it is responsible for WHS and workers compensation law and regulation.
- Ms Shepherd advised that the draft evaluation report for the workplace exposure standards for silica and coal dust has been provided to members. A review of these two standards is part of a large task of reviewing 727 chemicals. It was requested that silica and coal dust be reviewed first as a priority by Queensland. The methodology relied on trusted sources from reputable bodies around the world and Australia; primary and secondary. It is understood that there are limitations doing it this way. Interim results have been produced as an outcome and they are in the consultation period. They are seeking technical information about the data, measurement and analysis. The numbers are not mandatory or the final.
- The Chair invited comments from members.
- Mr Cribb commented that the process was a literature research. The issue is that in Queensland there was a complete collapse in the system. It hasn't failed in NSW. NSW has higher levels than the recommendations. If the levels are putting people at risk, why aren't we seeing higher incidents in NSW.
- Ms Shepherd commented that this issue has been raised by occupational physicians as well. There may be some sites exceeding exposure standards. NSW has some very strict requirements around health monitoring, collection and reporting of data. According to the data there are adverse health effects at the lower levels. Ms Shepherd agreed to take the feedback to members that if the sites are operating within a regulatory framework that is effective, what is going to be the impact of dropping the standards based on health-based data.
- Mr Barben questioned why the AIOH paper 2018 was a secondary source when it was the most recent local study but the most recent primary source dates back to 2010.
- Ms Shepherd replied that the AIOH did not meet requirements for primary as it did not make the required number of exposure standards.
- Mr Barben asked what about the process for adopting the final standards.
- Ms Shepherd replied that once all 727 reports have been completed, members will decide on the final standards and

then a transitional period will apply. It is estimated that recommendations will be made to their Board in the first quarter of 2020.

- Mr Skelton asked if the recommendations will be across every industry, not just mining. Ms Shepherd confirmed that was correct.
- Ms Shepherd advised members on another project on occupational lung diseases. They are working with the British Occupational Hygiene Society to 'Australianise' their Breathe Freely Program. They will be doing a roadshow style presentation with experts. Ms Shepherd asked if that is something that members see as useful in NSW. They could develop resource sector materials if of value.
- All members agreed that would be useful.
- Mr Linnane commented that the WHS framework in NSW for mining is the WHS Act plus additional mine-specific regulation under the WHS Act legislation.
- Ms Shepherd said she would be willing to provide future updates for MSAC.
- The Chair thanked Ms Shepherd for her update.
- Ms Shepherd left the meeting at 10:31am.

For Discussion and/or Decision

7 MSAC strategic issues for Minister

- Mr Linnane advised that the paper is further to discussions at the last meeting about the future focus of MSAC and the development of a new strategic plan. The current strategic plan was endorsed in March 2017 by Minister Don Harwin. We are currently in a parliamentary election period. Caretaker mode commenced on 1 March 2019. Depending outcomes of the election there may be a new Government and Minister. MSAC's role is to provide advice to the Minister.
- Mr Linnane suggested that it would be appropriate for the Chair to write to the incoming minister advising the new areas of focus for MSAC and seek feedback from the Minister on any additional items for consideration.
- The Chair commented that even if the same minister is elected, it would be appropriate, given the election and the appointment of a new MSAC chair, to write to the Minister.
- The Chair sought comments from members.
- There were no comments.
- The recommendations were endorsed.

Outcomes

- MSAC agreed on the priority areas of focus.
- MSAC endorsed the referral of priority areas of focus to the incoming Minister for consideration.

Actions

- a. Chair to write to the Minister regarding MSAC's priority areas of focus and seek feedback on additional areas for consideration.

8 Employment type and safety performance in NSW mines 2017-2018

- Mr Linnane advised that at the last meeting in December it was requested that the Department prepare statistics on employment status and incidents. The report is attached to the papers. The report covers incidents reported to the Regulator but does not include high potential incidents as employment type is not collected as part of the reporting process.
- Mr Keon spoke to the report and advised that further analysis on specific issues can be undertaken, if required.
- Mr Cunningham commented that the statistics reflected their business as well, they are seeing the same sort of results.
- Mr Skelton commented that the contractor rate has increased by 30% which is significant. He asked if part of the problem was FIFO workers who may be working two jobs (e.g. working in NSW but then working in Queensland during their days off).
- Mr Keon replied that this was a challenge and the Resources Regulator has identified it as a risk. There were reports from a fatality (accident driving home) last year that a contractor was also working at a construction site. The Resources Regulator is examining ways to audit contractors however, gathering the data is a challenge.
- Mr Skelton asked what the definition of a contractor is.
- Mr Linnane advised that an employee is a worker directly employed by a mine operator. Everyone else is considered a contractor.
- Mr Skelton expressed concerns about organisations that are contracting out their full operations.
- Ms Armour asked if there was any difference in the types of injuries.
- Mr Linnane replied that this analysis didn't look at injury types except serious injuries and lost time injuries. There doesn't seem to be a commonality across the categories.
- Mr Cribb questioned how the frequency rates in the individual graphs are lower for contractors (figures 1 to 5) but the average total rate is higher (figure 6).
- Mr Linnane commented that there may be some differences in how matters are identified and reported.
- Mr Keon agreed to provide a more detailed report.
- The Chair requested an updated version for the next meeting.

Actions

- b. Department to provide a more detailed version of the employment type and safety performance report at the next meeting.

Business for noting

9 Regulator's report

- Mr Keon provided a verbal report on recent incidents.
- Members were shown a video regarding a hoist incident.

- Mr Keon noted that work still needs to be done on the recommendations.
- Mr Cribb commented that there are no recommendations in relation to spooling.
- Mr Keon noted the feedback.
- Members were shown a second video of a near miss (tyre blow out).
- Mr Cribb commented that speed was involved in the incident and was only a near miss as evasive action taken.
- Members noted the report.

10 Mine safety levy report

- Mr Keon spoke to the levy report. It was advised that the protocol attached to the papers will be sent to the new minister once the election is finalised.
- Mr Keon advised that the Minister signed off on next years levy last week.
- Mr Cribb commented that the wages had increased by 8.1% from 2018 to 2020.
- Mr Keon replied that the budget did not accurately reflect staffing figures as it was an average figure not an actual figure.
- Members noted the report.

11 Removal of website purporting to be 'NSW Mining'

- Mr Linnane advised members that the Department had identified an entity using logos and materials in attempt to purport to be NSW mining. The Department posted a letter at the end of January and the website has since been removed. No further action is required. The Department will monitor the website reappearing and any similar sites.
- Members noted the report.

12 MSAC Constitution

- Mr Linnane advised that the Secretariat has added the strategic plan back in to the constitution and the track changes has been removed.
- Mr Skelton noted the Australian Workers Union is no longer Greater NSW Branch, just 'NSW Branch'.
- Mr Cribb raised that on page 8 under members alternate, it should read 'alternate' not 'deputy chairperson'.
- Mr Linnane noted that Construction, Forestry, Mining and Energy Union should be updated to 'Construction, Forestry, Maritime, Mining and Energy Union'.
- It was requested that the Secretariat amend the organisation names under Members (page 4) in the Constitution and make the change under Deputy Chairperson).

Actions

- c. Secretariat to amend the organisation names under Members (page 4) in the Constitution and make the change under Deputy Chairperson).

Other business

13 Additional business

Coal Mine Dust Lung Disease (CMDLD) Collaborative Group

- Mr Cribb advised that at the last meeting he agreed to seek approval from the Queensland health and safety committee to forward a copy of Deborah Yates letter to MSAC members discussion last meeting coal mining and dust disease collaborative group paper.
- The paper has been sent to the secretariat for forwarding to members.

Future meetings

- The next meeting will be held on Thursday 6 June 2019.
- The Chair suggested that the:
 - June meeting be hosted by the Department in Sydney
 - September meeting be hosted by the CFMEU (Mr Jordan) in Cessnock
 - December meeting be hosted by the Minerals Council in Sydney.
- Members agreed.

Model law review

- Mr Keon advised that the Department is currently reviewing the 34 recommendations from the model WHS law review conducted by Safework Australia.

Outcomes

- Members agreed to the following meeting venues for 2019:
 - June in Sydney (Department)
 - September in Cessnock (CFMEU)
 - December in Sydney (Minerals Council)

Actions

- d. Secretariat to circulate the coal mining and dust disease collaborative group paper to members.
- e. Secretariat to send calendar invitations with meeting venues for the remainder of the 2019 meetings.

The Chair thanked Mr Cribb for hosting the meeting and closed the meeting at 11:24am.

Summary of actions

Agenda Item	Action
MSAC strategic issues for Minister	a. Chair to write to the Minister regarding MSAC's priority areas of focus and seek feedback on additional areas for consideration.
Employment type and safety performance in NSW mines 2017-2018	b. Department to provide a more detailed version of the employment type and safety performance report at the next meeting.
MSAC Constitution	c. Secretariat to amend the organisation names under Members (page 4) in the Constitution and make the change under Deputy Chairperson).
Additional business – Coal Mine Dust Lung Disease (CMDLD) Collaborative Group	d. Secretariat to circulate the coal mining and dust disease collaborative group paper to members.
Additional business – Future meetings	e. Secretariat to send calendar invitations with meeting venues for the remainder of the 2019 meetings.