



# NSW Mine Safety Advisory Council

Meeting 1 – 2 March 2023

## NSW Mine Safety Advisory Council meeting minutes

### Meeting details

<b>Meeting</b>	NSW Mine Safety Advisory Council (MSAC)	<b>Date</b>	2 March 2023
<b>Location</b>	Department of Regional NSW 516 High Street, Maitland	<b>Time</b>	9am to 12pm
<b>Chair</b>	Hon. George Souris AM, Independent	<b>Reference</b>	RDOC23/69898
<b>Secretary</b>	Mr Tony Linnane, Mining, Exploration and Geoscience, Department of Regional NSW		
<b>Members</b>	Prof. Deborah Yates, Independent Ms Julie Armour, Independent Mr James Collings, Cement Concrete and Aggregates Australia Ms Kylie Ah Wong (delegate for Ian Cribb), NSW Minerals Council (coal) Mr Aaron Brannigan, NSW Minerals Council (metalliferous) Mr Peter Day, Resources Regulator, Department of Regional NSW Mr Robin Williams, Mining and Energy Union Mr Graeme Osborne, Mining and Energy Union		
<b>Observers</b>	Mr Ron Cowdrey, Australian Workers' Union, New South Wales Branch Mr Garvin Burns, Resources Regulator, Department of Regional NSW Mr James Barben, NSW Minerals Council Mr Jason Kuchel, Cement Concrete & Aggregates Australia Ms Lucy Flemming, Coal Services Ms Leanne Hunter, Mining, Exploration and Geoscience, Department of Regional NSW Mr Lewis Stoll, Mining, Exploration and Geoscience, Department of Regional NSW		
<b>Apologies</b>	Mr Ian Cribb, NSW Minerals Council (coal)		
<b>Secretariat</b>	Ms Anna Ormerod, Mining, Exploration and Geoscience, Department of Regional NSW		

### Meeting minutes

Paper	Agenda item
1	<p><b>Welcome and Chair's report</b></p> <ul style="list-style-type: none"><li>■ The Chair opened the meeting at 9am.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>• Members noted that Mr Collings was a late apology.</li><li>• Members noted the:<ul style="list-style-type: none"><li>○ apologies, delegates and observers attending the meeting</li><li>○ member appointments expiring in 2023</li><li>○ events attended by the Chair since the last meeting</li><li>○ key stakeholder event planned for 2023.</li></ul></li></ul>
2	<p><b>Declaration of interests</b></p> <ul style="list-style-type: none"><li>■ No conflicts of interest were declared.</li><li>■ Members agreed that there was no conflict of interest with agenda item 5 for Ms Yates.</li><li>■ The Chair advised that an updated pecuniary interest declaration was provided to the secretariat by Mr Williams out of session.</li></ul> <p><b>Actions</b></p> <p>A. <a href="#">Secretariat to update Mr Williams' pecuniary interest declaration in the register for the next meeting.</a></p>
3	<p><b>Acceptance of previous minutes and actions</b></p> <ul style="list-style-type: none"><li>■ No changes were requested to the minutes.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>• MSAC 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>

Paper	Agenda item
5	<p><b>Discussion on final report of the Review of Health Surveillance Scheme for Coal Mine Workers</b></p> <ul style="list-style-type: none"><li>■ Mr Barben advised that the NSW Minerals Council will provide a written response on the report to the Department.</li><li>■ Ms Flemming commented that many of the actions in the recommendations in the report are being actioned by Coal Services as a result of previous internal reviews including a review of Order 43 initiated in 2020.</li><li>■ <i>Mr Osborne joined the meeting at 9:12am.</i></li><li>■ On behalf of the NSW Minerals Council, Mr Barben raised concerns that the full scope of the review had not been addressed. He advised that the NSW Minerals Council will give a written response on the report to the Department.</li><li>■ Members discussed that perhaps this may have been discussed by the Review Steering Committee. Members also noted that there may be a requirement to undertake further work which will feed into MSAC's future strategic plan.</li><li>■ The Chair suggested that the Department collate comments from Coal Services, NSW Minerals Council and MSAC members and seek further information from the University of Illinois on any issues raised, where appropriate.</li><li>■ Mr Day proposed that:<ul style="list-style-type: none"><li>□ MSAC endorse the recommendations of the review</li><li>□ MSAC monitor the implementation of the recommendations.</li></ul></li><li>■ Members unanimously adopted Mr Day's proposal.</li><li>■ Mr Day commented that the Department will develop a communications plan and will prepare MSAC's advice to the Minister on the outcome of the review.</li><li>■ Mr Linnane commented that NSW is entering the caretaker period on March 3 ahead of the state election on March 25. MSAC's advice to the Minister won't be finalised until after the election. The deliberations of MSAC should not go beyond MSAC until the new Minister has received MSAC's advice on the report.</li></ul> <p><b>Outcomes</b></p>

Paper	Agenda item
	<ul style="list-style-type: none"><li>• MSAC noted the final report of the Review of the NSW Health Surveillance Scheme for Coal Mine Workers undertaken by the University of Illinois Chicago.</li><li>• MSAC endorsed the recommendations of the review.</li><li>• MSAC agreed to monitor the implementation of the recommendations.</li></ul> <p><b>Actions</b></p> <ul style="list-style-type: none"><li>B. Mr Barben to provide a copy of the NSW Minerals Council response to the report to the secretariat.</li><li>C. Department to collate comments from Coal Services, NSW Minerals Council and MSAC members.</li></ul>
6	<p><b>Update on development of MSAC Strategic Plan 2023-2026</b></p> <ul style="list-style-type: none"><li>■ Mr Day advised that the proposed workshop to consider the strategic plan would be held after the state election.</li><li>■ Mr Day proposed that:<ul style="list-style-type: none"><li>□ members provide feedback today on whether any of the incomplete strategies from the current plan should be carried forward into the new plan and any proposed strategies for the new plan</li><li>□ members provide additional comments out of session</li><li>□ the Department collate all feedback into a paper for the June 2023 meeting</li><li>□ a draft plan will then be developed for consideration at the September 2023 meeting.</li></ul></li><li>■ The Chair sought comments from members:<ul style="list-style-type: none"><li>□ Ms Armour commented that musculoskeletal disorders should be added</li><li>□ Mr Kuchel suggested psychosocial hazards be added</li><li>□ Mr Linnane commented that airborne contaminants was already a priority in the current strategic plan.</li></ul></li><li>■ Mr Day requested that when suggesting topics, members also include a clear action around what MSAC's role will be in relation to that topic.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>• Members agreed to provide additional comments out of session on:<ul style="list-style-type: none"><li>○ whether any of the incomplete strategies from the current plan should be carried forward into the new plan</li><li>○ additional strategies for inclusion in the new plan.</li></ul></li></ul>

Paper	Agenda item
	<p><b>Actions</b></p> <ul style="list-style-type: none"><li>D. Secretariat to develop a timeframe for members to provide feedback on strategies for the new plan and circulate to members out of session with a request to provide comment on the draft new strategic plan.</li><li>E. Department to collate all feedback and provide a paper for June 2023 meeting.</li><li>F. Department to prepare a draft strategic plan for consideration at the September 2023 meeting.</li></ul>
7	<p><b>Member updates</b></p> <ul style="list-style-type: none"><li>■ Ms Flemming provided a quarterly update on behalf of Coal Services.</li><li>■ Ms Ah Wong raised that the graph on slide 7 was not necessarily representative of the current situation; when appointments are not filled, they go back into the pool for industry. Ms Flemming commented that it is not always possible to fill unutilised appointments due to the short notice provided by employers and/or workers.</li><li>■ Ms Ah Wong requested that Coal Services consider how the data is reported and consider breaking the data down further.</li><li>■ Ms Flemming advised that individual employers are provided with more detailed data specific to their operations.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>• Members noted the report tabled by Coal Services.</li></ul>
8	<p><b>National Dust Disease Task Force</b></p> <ul style="list-style-type: none"><li>■ Mr Linnane provided a verbal update on the paper and advised that the draft National Silicosis Prevention Strategy and accompanying National Action Plan have been released for public consultation until March 10.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>• Members noted the draft National Silicosis Prevention Strategy and accompanying National Action Plan have been released for public consultation.</li></ul>
9	<p><b>Legislative framework update</b></p> <ul style="list-style-type: none"><li>■ Mr Linnane provided a verbal report on the paper. Members were advised that:<ul style="list-style-type: none"><li>□ Safe Work Australia released the new 10-year national WHS strategy</li></ul></li></ul>

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	<ul style="list-style-type: none"><li>SafeWork NSW has advised that audiometric testing under clause 58 of the WHS Regulation will be required every two years from 1 January 2024 as the current exemption will not be remade when it expires on 31 December 2023.</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>
10	<p><b>NSW Resources Regulator Report</b></p> <ul style="list-style-type: none"><li>Mr Burns delivered a presentation to MSAC members.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>Members noted the Quarterly safety report – October to December 2022 and the Resources Regulator Mine Safety Performance Report 2021-22.</li></ul>
11	<p><b>Mine safety levy report</b></p> <ul style="list-style-type: none"><li>Mr Day provided a verbal report on the paper. Members were advised that the Resources Regulator’s audit report will be presented at the June meeting.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>Members noted the Mine Safety Levy Fund report – Actuals &amp; Forecast Jan 2023.</li></ul> <p><b>Actions</b></p> <p>G. Resources Regulator to present the audit report at the June 2023 meeting.</p>
12	<p><b>2023 meeting dates</b></p> <ul style="list-style-type: none"><li>Mr Brannigan offered to host the September meeting at Cadia gold mine.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>Members agreed to hold the September meeting at Cadia gold mine.</li></ul> <p><b>Actions</b></p> <p>H. Secretariat to update the invite for the September meeting to include the venue.</p>
13	<p><b>Additional business</b></p>

# NSW MINE SAFETY ADVISORY COUNCIL

Meeting 1 – 2 March 2023

Paper	Agenda item
	<ul style="list-style-type: none"><li>Ms Armour raised that a sexual discrimination infographic was sent to members out of session after the last meeting.</li></ul>
	<b>The meeting closed at 11:45am.</b>

## Summary of actions

AGENDA ITEM	ACTION
Declaration of interests	A. Secretariat to update Mr Williams' pecuniary interest declaration in the register for the next meeting.
Discussion on final report of the Review of Health Surveillance Scheme for Coal Mine Workers	B. Mr Barben to provide a copy of the NSW Minerals Council response to the report to the secretariat.
Discussion on final report of the Review of Health Surveillance Scheme for Coal Mine Workers	C. Department to collate comments from Coal Services, NSW Minerals Council and MSAC members.
Update on development of MSAC Strategic Plan 2023-2026	D. Secretariat to develop a timeframe for members to provide feedback on strategies for the new plan and circulate to members out of session with a request to provide comment on the draft new strategic plan.
Update on development of MSAC Strategic Plan 2023-2026	E. Department to collate all feedback and provide a paper at the June 2023 meeting.
Update on development of MSAC Strategic Plan 2023-2026	F. Department to prepare a draft strategic plan for consideration at the September 2023 meeting.
Mine safety levy report	G. Resources Regulator to present the audit report at the June 2023 meeting.
2023 meeting dates	H. Secretariat to update the invite for the September meeting to include the venue.