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Regulator**

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MINE SAFETY ADVISORY COUNCIL

2018/2019



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NSW Mine Safety Advisory Council

The NSW Mine Safety Advisory Council (MSAC) is a tripartite forum made up of employers, unions and government. It was established to foster an industry with safety as a core value and to provide advice to the Minister on strategic health and safety issues in the mining and extractives industry.

It is established under section 60 of the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

MSAC comprises people representing the interests of industry, unions, NSW Department of Planning, Industry and Environment, and independent work health and safety experts. It is chaired by an independent chairperson.

MSAC is a collaborative partnership that integrates the views of all stakeholders while working towards common goals to:

- strengthen relationships and build trust
- agree on priority work health and safety issues and actions to address them
- gather, analyse, evaluate and communicate information on work health and safety.

Vision

The NSW Government's vision is for MSAC to operate in an environment of trust and co-operation to address health and safety issues and that all stakeholders demonstrate a willingness to support the work of MSAC and move forward on mutual matters of importance as one group.

Terms of reference

MSAC's terms of reference are to:

- establish strategic safety and health direction and goals
- analyse and review the safety performance of the industry
- provide leadership to the mining industry to develop safe and healthy workplaces within a framework which:
 - encourages innovative and safe technology and processes
 - sets the strategic direction for the industry in developing competent people
 - advances a legislative framework which leads to safe mining practice
- encourage a move towards cross-industry and national standards.

For comprehensive information on MSAC see the webpage:

<https://resourcesandgeoscience.nsw.gov.au/miners-and-explorers/safety-and-health/about-us/advisory-council>

Introduction

MSAC is established under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

This MSAC annual report covers activities between 1 July 2018 and 30 June 2019.

The council met on three occasions during the reporting period:

- 4 December 2018 (Sydney)
- 7 March 2019 (Singleton)
- 6 June 2019 (Sydney).

Functions of MSAC

The functions of MSAC are detailed in the Act and the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014.

MSAC's functions under section 61 of the Act are:

- to provide advice to the Minister on any policy matter relating to work health and safety in mines
- any other advisory function relating to work health and safety in mines that is prescribed by the Regulations.

The functions prescribed under clause 161 of the Regulation are:

- to advise the Minister on any matter, other than a policy matter, relating to work health and safety in mines that is referred to it by the Minister, and
- to advise the Minister on any other matter, other than a policy matter, relating to work health and safety in mines that it considers relevant.

Membership of MSAC

In addition to the chairperson, there are three employer representatives, three employee representatives, one representative of the department and two independent members. The members of the council as at 30 June were (see membership notes):

Name	Representing	Nominee of	Regulation section	Term expires
Hon. George Souris	Chairperson	Independent Chairperson	160(1)(d) and (2)	23/10/21
Mr Ian Cribb	Employers in the coal sector	NSW Minerals Council	160(1)(a)(i)	30/11/20
Mr Rob Cunningham	Employers in the metalliferous sector	NSW Minerals Council	160(1)(a)(ii)	31/07/19
Mr Chris Dolden	Employers in the extractives sector	Cement Concrete and Aggregates Australia	160(1)(a)(iii)	30/05/19 ¹
Mr Andy Honeysett	Employees	Construction, Forestry, Mining and Energy Union, Mining and Energy Division	160(1)(b)(i)	27/09/20 ²
Mr Peter Jordan	Employees	Construction, Forestry, Mining and Energy Union, Mining and Energy Division	160(1)(b)(ii)	27/09/20
Mr Brock Skelton	Employees	Australian Workers Union, Greater NSW Branch	160(1)(b)(ii)	15/12/19
Ms Lee Shearer	Secretary of the Department	Secretary of the Department	160(1)(c)	27/09/20 ³
Ms Julie Armour	Independent	Independent member	160(1)(d)	11/04/21
Mr Tony Cartwright	Independent	Independent member	160(1)(d)	11/04/21

Membership notes:

¹ Mr Chris Dolden's appointment expired on 30 May 2019. A new representative was not formally appointed until after the reporting period.

² Mr Andy Honeysett retired from his position effective 7 June 2019. A new representative was not formally appointed until after the reporting period.

³ Ms Lee Shearer resigned from the Resources Regulator, Department of Planning and Environment in April 2019. A new representative was not formally appointed until after the reporting period. Ms Shearer was represented at meetings by an alternate.

Attendance at MSAC meetings during 2018/2019 is detailed below:

Member	Position	Present	Represented
Hon. George Souris	Chairperson	3/3	n/a
Mr Ian Cribb	Member	2/3	1/3
Mr Rob Cunningham	Member	3/3	n/a
Mr Chris Dolden	Member	2/2	n/a
Mr Andy Honeysett	Member	3/3	n/a
Mr Peter Jordan	Member	3/3	n/a
Mr Brock Skelton	Member	1/3	0/3
Ms Lee Shearer	Member	0/2	2/2
Ms Julie Armour	Member	3/3	n/a
Mr Tony Cartwright	Member	3/3	n/a

MSAC activities and focus during 2018/19

The NSW Mine Safety Advisory Council Strategic Plan to 2020 lists six strategic action areas:

1. Evidence-based regulatory approach.
2. Participate, engage and communicate with industry and community.
3. Focus on health and wellbeing.
4. Identify risks of fatal incidents and disease.
5. Address emerging trends.
6. Human and organisational factors.

Strategic focus

Members considered the future strategic focus of MSAC and issues to be included on its workplan. In addition to the matters above, members resolved that the following matters would be of strategic focus over the next three years:

- vehicle interactions
- recommendations from the Queensland Coal Mine Dust Lung Disease Collaborative group
- remote controlled operations
- isolation (as a risk mitigation control).

The chair also wrote to the incoming Minister to advise him of the new areas of MSAC focus and to seek the Minister's view on additional issues for MSAC consideration.

Members agreed on an update to the constitution, including requirements that all members (current and future) complete pecuniary interest declarations.

Safety initiatives

The NSW Resources Regulator informed the MSAC of a new approach to disseminating information about safety issues utilising animated video presentations. The MSAC was given a preview of an animation detailing a fire incident at Mount Arthur Coal Mine. Website data from the Regulator showed that the video had achieved significantly greater engagement with industry stakeholders. All future major incident investigations by the Regulator will be accompanied with an animated presentation available online. The MSAC strongly supported the safety initiative.

The MSAC received a presentation on fatigue management technology being utilised by Glencore Coal Assets Australia to demonstrate the technology and to discuss results of a recent trial program at Glencore mining operations. During the trial program, the system was fitted inside vehicles and in conjunction with policy changes and improvements to road design and management, it was reported to have shown a reduction in the number of incidents.

The MSAC considered whether there was a correlation between incident data and the changing status of mining employment (e.g. a shift towards contractors instead of direct mine employment). A report with a statistical data analysis was presented to the MSAC by the Regulator that indicated there was not a correlation between greater use of contractors and safety incidents. Members agreed that further consideration of the issue be undertaken in 2020.

Regulatory framework

Members engaged directly with Safe Work Australia on its review of airborne contaminant exposure standards, including the standards for respirable coal dust and respirable crystalline silica. Members were also informed of a joint project between the Safe Work Australia and the UK's Health and Safety Executive on occupational lung disease.

MSAC members considered the proposed reforms of the exposure standards for respirable coal dust and respirable crystalline silica in the workplace exposure standards for airborne contaminants (WESFAC) document and expressed the following concerns to Safe Work Australia:

- industry will not be able to meet the proposed standards
- there is no clear driver and a lack of evidence for changes required in NSW
- existing measurement equipment and techniques may not be capable of measuring the level of the proposed standards.

The Regulator gave the MSAC an update following its release of a 2018 discussion paper proposing legislative changes to better manage fires on mobile plant. The MSAC was advised the Regulator was not intending to proceed with legislative changes, but instead would seek to ensure necessary improvements in industry performance under the existing legislative and regulatory framework.

Industry engagement

The MSAC agreed to establish a multi-media sub-committee to oversee the development of a safety campaign focusing on three of the industry's major issues - airborne contaminants, fatigue and mental health. The sub-committee comprises representation from each of the stakeholder groups represented on the MSAC.

The MSAC was presented with a report by the Regulator on the industry roundtable with senior mining company officials in September 2018. The roundtable was held to promote an open dialogue between the Regulator and the mining industry concerning high-potential incidents, including near misses. An outcome of the roundtable was the development of a video based on near miss incidents in the industry.

Members considered the final three modules of the *Learning from disasters* training package developed by the Regulator, including the eight case studies which identify lessons learnt from previous events. This included an hour-long induction program (refresher), a two-hour program for quarry managers (practicing certificate holders - restricted) and a day-long workshop (practicing certificate holders – any class). The MSAC strongly supported the training package.

Hon. George Souris AM

Independent Chairperson

NSW Mine Safety Advisory Council