

# NSW Mine Safety Advisory Council Annual Report 2023-24

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## Introduction

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

MSAC is established under section 60 of the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*. Membership is specified in the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022*.

MSAC comprises industry representatives, unions, NSW Department of Primary Industries and Regional Development (formerly the Department of Regional NSW) and independent work health and safety experts. It has an independent chair. 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.

This MSAC annual report covers activities between 1 July 2023 and 30 June 2024.

## Functions of MSAC

The functions of MSAC are detailed in the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* (the Act) and the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022* (the Regulation). MSAC's functions under section 61 of the Act are:

- to advise the responsible 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 as prescribed by the regulations.

The functions as prescribed under section 164 of the Regulation are to:

- 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.

## More information on MSAC

For comprehensive information on MSAC and its activities visit the webpage:  
[www.resourcesregulator.nsw.gov.au/safety-and-health/about-us/advisory-council](http://www.resourcesregulator.nsw.gov.au/safety-and-health/about-us/advisory-council)

## Contact MSAC

NSW Mine Safety Advisory Council

c/- NSW Department of Primary Industries and Regional Development

PO Box 344, Hunter Region Mail Centre NSW 2310

Email: [rr.secretariat@regional.nsw.gov.au](mailto:rr.secretariat@regional.nsw.gov.au)

## Membership

The members of MSAC during the 2023-2024 financial year were:

Name	Nominee	Appointed under (Regulation section)
Hon. George Souris	Independent Chairperson	164(1)(d) and (2)
Mr Ian Cribb	NSW Minerals Council (coal sector)	164(1)(a)(i)
Mr Aaron Brannigan	NSW Minerals Council (metalliferous sector)	164(1)(a)(ii)
Mr James Collings	Cement Concrete & Aggregates Australia	164(1)(a)(iii)
Mr Robin Williams	Mining and Energy Union	164(1)(b)(i)
Mr Graeme Osborne	Mining and Energy Union	164(1)(b)(i)
Mr Peter Day	NSW Resources Regulator, Department of Primary Industries and Regional Development	164(1)(c)
Ms Julie Armour	Independent member	164(1)(d)
Prof. Deborah Yates	Independent member	164(1)(d)
Mr Ron Cowdrey	Australian Workers Union NSW Branch	164(1)(b)(ii)
Ms Kylie Harris	NSW Minerals Council (Metalliferous)	164(1)(a)(ii)

The Secretary of MSAC is appointed by the Secretary of the Department of Primary Industries and Regional Development under section 164(3) of the Regulation. The MSAC Secretary for the reporting period was Mr Tony Linnane, Department of Primary Industries and Regional Development. The Department provides Secretariat support.

# Meetings

The council met on four occasions during the reporting period:

- 7 September 2023
- 7 December 2023
- 18 March 2024
- 17 June 2024.

Attendance at MSAC meetings during the reporting period is detailed below:

Member	Position	Present
Hon. George Souris	Chairperson	3/4
Mr Ian Cribb	Member	4/4
Ms Julie Armour	Member	2/4
Prof. Deborah Yates	Member	3/4
Mr Graeme Osborne	Member	4/4
Mr James Collings	Member	3/4
Mr Peter Day	Member	4/4
Mr Robin Williams	Member	4/4
<sup>1</sup> Mr Aaron Brannigan	Member	1/1
<sup>2</sup> Ms Kylie Harris	Member	3/3
<sup>3</sup> Mr Ron Cowdrey	Member	3/4 (a delegate attended the 4 <sup>th</sup> meeting in his place)

MSAC meetings were also attended by invited observers from Coal Services, NSW Minerals Council, Cement, Concrete and Aggregates Australia and the Department of Primary Industries and Regional Development.

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<sup>1</sup> Mr Aaron Brannigan resigned 22 September 2023

<sup>2</sup> Ms Kylie Harris term commenced 04 December 2023

<sup>3</sup> Mr Ron Cowdrey term commenced 03 July 2023

## MSAC activities and focus during 2023-24

The *NSW Mine Safety Advisory Council Strategic Plan to 2026* (MSAC Strategic Plan) lists three priority focus areas and 18 strategies for improving WHS for the NSW mining industry:

1. Focus on health.
2. Focus on fatal incidents, serious injuries and illnesses.
3. Focus on emerging trends.

MSAC oversees the implementation of the actions and provides the Minister, industry and the community with regular updates on its progress.

Activities of MSAC during the reporting period against the three priority focus areas and strategies is detailed below.

### Focus on health

The health of workers in the NSW mining industry continues to be a major focus for MSAC.

In recent years there has been a re-emergence of coal worker pneumoconiosis and silicosis in the Queensland and NSW mining industries. NSW has had a robust and multi-faceted framework in place for managing the risks associated with occupational dust disease in the coal mining sector for many years. This includes a comprehensive regulatory scheme in place under the Resources Regulator and Coal Services, with specific mining health and safety legislation.

#### Coal mine worker health surveillance scheme review

MSAC has overseen an independent quality assurance review by the University of Illinois (Chicago) of the health surveillance scheme for coal mine workers provided by Coal Services Health. The purpose of the review was to ensure that the scheme is providing robust and effective health surveillance for NSW coal workers. The review also sought to provide assurance to industry that the scheme is effective in the early identification of health conditions or potential health conditions that may affect workers.

The University provided a review report to MSAC which found that Coal Services Health has a robust system of medical surveillance of coal mine workers. The review found that Coal Services has made considerable improvements in medical surveillance of coal mine workers since the re-identification of black lung disease in Australia in 2015. The review also identified opportunities for significant improvements in Coal Services Health's protocols for data collection, chest imaging and spirometry. In addition, the review determined that Coal Services Health's external doctor network and respiratory specialist providers should be provided clear training on the spectrum of coal mine dust lung disease.

The review report made 16 recommendations based on its findings, which MSAC accepted. MSAC has been monitoring the implementation of the recommendations tabled at its June 2023 meeting.

## Monitoring health and safety

MSAC receives quarterly updates from Coal Services on health surveillance in the coal sector. This includes an ongoing update on airborne dust, periodic medical compliance and workers compensation claims and injury trends. MSAC also receives quarterly updates from the Resources Regulator on health and safety performance report for mining operators in NSW, safety incident notifications, compliance activities and outcomes.

## Psychosocial hazards (including bullying and harassment)

MSAC continued to monitor the implementation of changes to the Work Health and Safety Regulation 2017 on psychosocial risks to understand the extent of exposure to these risks in the NSW mining and petroleum sectors.

MSAC received updates from the Resources Regulator who continue to monitor compliance with the legislative changes.

At its June 2024 meeting MSAC were briefed on Western Australia's Mental Awareness, Respect and Safety (MARS) program insights. The key findings from this report may inform MSAC's ongoing work with respect to psycho-social hazards.

## National Dust Disease Taskforce

The Department provided MSAC with regular updates on the National Dust Disease Taskforce. The Taskforce was established in July 2019 to develop a nationally consistent approach to the prevention, early identification, control, and management of occupational dust diseases in Australia.

The Australian Government Department of Health is developing the 2023 – 2028 National Silicosis Prevention Strategy (NSPS) and associated National Action Plan (NAP). The action plan will outline Commonwealth and state and territory government, industry, union, and medical peak body commitments. The Resources Regulator provided input into the consultation process.

MASC members continue to monitor the work of the Taskforce.

## Focus on fatal incidents, serious injuries, and illness

Fatalities and serious injuries and illnesses are key measures which are the focus of health and safety performance in the NSW mining industry. While they are lag indicators, fatality and serious injury and illness data are indicative of the effectiveness of the implementation of critical risk controls.

MSAC monitored all relevant major incidents, incident statistics and inquiries through advice received from the Resources Regulator on quarterly trends of serious injuries and illnesses reported to the regulator during the reporting period. MSAC considered the analysis provided by the regulator and continued to monitor trends on a quarterly basis.

MSAC provided advice on possible future WHS improvement initiatives to reduce incidence of these.

MSAC resolved to do a follow-up survey on safety reporting culture following the low response rate to the previous survey conducted in 2021. MSAC reviewed similar surveys such as the Queensland survey and will consider applying similar methodology to a future survey with the goal of promoting greater participation giving a broader data capture and greater insights into safety reporting.



## Focus on emerging trends

MSAC monitored and considered relevant information to anticipate emerging (or reoccurring) issues and provided the opportunity for key stakeholders to discuss solutions or research going forward.

### Strategies and technologies to promote vehicle interactions and collision awareness

The Resources Regulator and the NSW Minerals Council undertook a staged project to promote strategies and technologies on vehicle interactions and collision awareness. The purpose of the project was to engage the NSW mining industry to advance the knowledge of collision avoidance systems, and collaboratively develop a strategic approach to the implementation of recommended approaches. MSAC considered the outcomes from forums and feedback from a public discussion paper and provided advice on addressing areas for WHS improvement. MSAC received advice from both the Resources Regulator and the NSW Minerals Council on number and types of incidents and what process changes had been made to reduce the incidence of vehicle interactions and collisions which led to advice on further WHS improvement.

### Work health and safety laws

MSAC has continued to participate in the NSW Government's review of the work health and safety laws applying to the mining and petroleum industries. Advice and recommendations on regulatory amendments were made.

MSAC monitors Safe Work Australia strategies such as the Australian Work Health and Safety Strategy 2023-2033 agreed by all Australian governments.

MSAC were briefed on the *Work Health and Safety Amendment (Industrial Manslaughter) Bill 2024* and considered the impacts for industry with the Bill to introduce a new industrial manslaughter offence which carries maximum penalties of 25 years imprisonment for an individual or a \$20 million fine for body corporates.

MSAC provided advice on proposed amendments to the WHS Regulations which will protect workers from silicosis. Worker health screening and monitoring has occurred with MSAC monitoring results.

MSAC continues to monitor the Safe Work Australia review of workplace exposure standards for airborne contaminants. During the reporting period, MSAC discussed the proposed diesel particulate matter exposure standard of 15ug REC/m<sup>3</sup> for elemental carbon. The current exposure standard in the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 is 100ug REC/m<sup>3</sup>.