

Minutes

NSW Mine Safety Advisory Council

Details

Location:	NSW Minerals Council 12 O Connell Street Sydney
Date/time:	18 March 2025 9 am
Secretary:	Mr Lewis Stoll NSW Resources Department of Primary Industries and Regional Development (as delegate for Mr Tony Linnane)

Members

1. Acting Chairperson: Mr Peter Day, NSW Resources Regulator, Department of Primary Industries and Regional Development
2. Mr Robin Williams, Mining and Energy Union
3. Mr Ian Cribb, NSW Minerals Council (coal)
4. Ms Kylie Harris, NSW Minerals Council (metalliferous)
5. Mr James Collings, Cement Concrete & Aggregates Australia
6. Mr Ron Cowdrey, Australian Workers Union – delegated to Mr Daniel Brookman
7. Mr Robert Timbs, Mining and Energy Union – South West District

Observers

1. Ms Lucy Flemming, Coal Services
2. Mr Anthony Margetts, DPIRD
3. Mr James Barben, NSW Minerals Council
4. Mr Brian Hauser, Cement Concrete & Aggregates Australia
5. Mr Wayne Green, Coal Services (remote attendance -Item 5)

Apologies

1. Mr Ron Cowdrey part meeting – Delegate Mr Daniel Brookman
2. Mr Tony Linnane – Delegate Mr Lewis Stoll

Secretariat

1. Ms Vanessa Cleary, NSW Resources, Department of Primary Industry and Regional Development
2. Mr Lewis Stoll, NSW Resources, Department of Primary Industry and Regional Development

Meeting minutes

Paper	Agenda item
1.	Welcome and Chair's Report <ul style="list-style-type: none"> The Acting Chair (Mr Peter Day) commenced the meeting at 9 am. The A/Chair delivered an Acknowledgement of Country and welcomed members, delegates and observers to the meeting and thanked the NSW Minerals Council for hosting the meeting.
2.	Declaration of interests <ul style="list-style-type: none"> Robert Timbs provided his updates to the secretariat. Actions <p>A. Secretariat to update pecuniary interests register to reflect Robert Timbs declarations</p>
3.	Acceptance of previous minutes and actions <ul style="list-style-type: none"> MSAC Noted and endorsed the minutes of the previous meeting. Outcomes <ul style="list-style-type: none"> Members endorsed the minutes of the last meeting. Members noted the status of actions arising from the last meeting. Actions <p>B. Secretariat to publish Minutes from meeting 5 December 2024.</p>
4.	Correspondence Outcomes <ul style="list-style-type: none"> Members noted nil correspondence sent and received since last meeting.
5.	Review of Coal Worker Health surveillance scheme <ul style="list-style-type: none"> Members noted the update on the CWHSS. Ms Flemming provided an overview of Prof. Cohen's draft report into the implementation of the review recommendations 2 & 14, which recommends the removal of inhalable dust thresholds for returning workers with respiratory diseases

Paper	Agenda item
	<p>to work. When the report is finalised and endorsed by MSAC, the clinical guidelines will be updated to reflect this change.</p> <ul style="list-style-type: none"> Robert Timbs (MEU) raised concerns about how any changes will impact those workers who have already had modified employment requirements due to dust exposure. The MSAC agreed that more detail is required in the guidelines which will be provided to Unions for worker information. The MSAC acknowledged that Prof. Cohen's report is only a draft with the final report expected by the end of April 2025. The MSAC discussed that any amendments to the guidelines will keep NSW closely aligned to those of other jurisdictions and noted that Coal Services would circulate out of session a comparison highlighting any changes to the Queensland guidelines. Ms Flemming (Coal Services) stressed the importance that any changes in clinical pathways must be accepted by both affected workers and physicians ensuring decisions around returning employees to work are not unilateral. Ms Flemming (Coal Services) noted the impact of diagnosis of reduced lung function can have on mental health and agreed care and consideration is needed in any re-draft of the guidelines. MSAC noted the February progress report for the implementation of recommendations from the review of the coal worker health surveillance scheme. <p>Outcomes</p> <ul style="list-style-type: none"> MSAC noted the review progress dashboard. MSAC noted the Order 43 consultation progress report. <p>Actions</p> <ul style="list-style-type: none"> C. Coal Services to provide secretariat with final report from Prof Cohen to be circulated out of session. D. Coal Services to present final report from Prof Cohen for endorsement at meeting 2-2025
6.	<p>Adverse Vehicle Interaction Advisory Committee Progress Report</p> <ul style="list-style-type: none"> Anthony Margetts (Resources Regulator) provided an update on the work of the Adverse Vehicle Interaction Advisory Committee, which the MSAC noted. Consultation on the Roads and Vehicle Operating Areas Technical Reference Guide (TRG), a key deliverable of the Committee, closed on 9 March 2025. The Resources Regulator will examine the responses develop an implementation plan for the TRG once finalised. The plan is likely to include communications and education products such as videos and site visits. MSAC discussed the need to use common language that spans all industries and stakeholders.

Paper	Agenda item
	<ul style="list-style-type: none"> Anthony Margetts mentioned the importance of verifying the performance of the TRG following publication before considering codifying any of its key components. Robin Williams (MEU) commended the Resources Regulator on the collaborative process for developing the TRG, which provided an opportunity to understand different perspectives and uses for the TRG. <p>Outcomes</p> <ul style="list-style-type: none"> MSAC noted the update
7.	<p>Safety Reporting Culture Survey</p> <ul style="list-style-type: none"> Peter Day (Resources Regulator) advised the MSAC on the next steps for the second iteration of the Safety Reporting Culture Survey, including a basic outline of expected deliverables. The project is expected to commence later this year. The Resources Regulator will provide a more detailed update, including project milestones and timeframes at the next meeting. <p>Outcomes</p> <ul style="list-style-type: none"> MSAC noted the update and the attached paper.
8.	<p>ISHRs in Metalliferous mines</p> <ul style="list-style-type: none"> Members noted three papers tabled at the meeting for consideration and discussion, including a submission on the ISHR proposal from the NSW Minerals Council, initial feedback on the proposal from the NSW Mine Workers Alliance, and safety incident report data in metalliferous mines across NSW. Peter Day (Resources Regulator) outlined the next steps for the proposal, which will involve presenting a compilation of the stakeholder feedback on the proposal to the Minister for consideration. James Barben (NSW Minerals Council) provided an overview of the NSW Minerals Council position on the proposal, per the submission tabled. The NSW Minerals Council concerns include risk of duplication of current safety roles, the low Union involvement in the metals sectors, and whether there are alternative means for addressing any identified safety gaps in the metals sector. Robin Williams (MEU) suggested further clarity around the rationale for extending ISHRs to metal mines is needed. Mr Williams requested further time to obtain more information to provide quantitative evidence in addition to the current anecdotal data to better inform the MEU's position.

Paper	Agenda item
	<ul style="list-style-type: none"> Robert Timbs (MEU) advised the MSAC that they would like the opportunity to further canvass employee views to better inform the MEU's position. Daniel Brookman (AWU) agreed with the MEU, reiterating the requirement for more time to follow up with employees and garner data. Ian Cribb (NSW Minerals Council) emphasised the need to progress this matter to a conclusion. The Chair agreed that further time should be provided to enable informed, data-based advice to the Minister. Robert Timbs (MEU) provided an undertaking that additional survey data would be ready to present at the next MSAC meeting. Ron Cowdrey (AWU) disagreed with the NSW Minerals Council position outlined in its submission, and agreed with Mr Timbs, Mr Williams, and Mr Brookman that more time was needed to engage workers before any final position is submitted to the Minister for consideration. <p>Outcomes</p> <p>MSAC:</p> <ul style="list-style-type: none"> Noted the NSW Minerals Council submission on the proposal for extending Industry Safety and Health Representatives (ISHRs) to metalliferous mines Noted the NSW Mineworkers Alliances previous feedback on the proposal and data on safety incidents reported in metals mines Agreed to the MEU and AWU's request for further time to gather quantitative and further qualitative data from the worker perspective. <p>Actions</p> <p>E. AWU and Western Mining Alliance to gather further data about the ISHRs in metalliferous mines proposal and report back to MSAC for meeting 2025-2</p>
9.	<p>Implementation of proposed WELFAC standards</p> <ul style="list-style-type: none"> Anthony Margetts (Resources Regulator) provided an overview of the Resources Regulator's position paper on how they will apply the proposed exposure limit for diesel particulate matter (DPM) in NSW mines, coming into effect in December 2026. The paper proposes to not apply the WELFAC to all coal mines and underground metalliferous mines and adopt a DPM workplace exposure limit of 0.05mg/m³ for these mines. This is due to the difficulties in accurately measuring concentrations at

Paper	Agenda item
	<p>such a low level, and the risk of creating unintended health and safety hazards by applying management controls to stay under such a low threshold.</p> <ul style="list-style-type: none"> Mr Margetts explained that the Resources Regulator has undertaken its own review using a hygienist who agreed that adopting a limit of 0.05mg/m³ for underground mines was a sensible way forward for compliance action. The MSAC discussed the monitoring and compliance issues associated with applying the proposed WELFAC DPM of 0.05mg/m³ at open cut non-coal mines and quarries. Mr Margetts stated that the Resources Regulator would only take enforcement action at these types of worksites once levels exceed 0.05mg/m³. The proposed position is consistent with Queensland, Western Australia, and Europe. Robin Williams (MEU) stated that the position paper is a sensible way ahead and understands the lack of applicability to non-coal open cut mines and quarries due to natural ventilation. Mr Williams asked about the regulation of exposure limits for workers in workshop environments adjacent to open cut mines and quarries as these work areas may have limited ventilation. Mr Margetts stated that additional hygienists working for the Resources Regulator meant that more focus can be directed to regulating exposures in workshop environments. <p>Outcomes</p> <ul style="list-style-type: none"> MSAC supported the position paper. <p>Actions</p> <p>F. Resources Regulator to publish position paper</p>
10.	<p>Member updates</p> <ul style="list-style-type: none"> The MSAC discussed the reports that Coal Services provided (see outcomes below). The discussion in the reports showed that body stressing injuries remains an issue in the mining industry and an increase in vaping is being reported. Coal Services recommended that short topic updates be provided to the MSAC at each meeting. The NSW Minerals Council offered to seek presentations from industry representatives on various safety initiatives, in particular if MSAC is being hosted at a mine site for this agenda item at future meetings. <p>Outcomes</p> <p>MSAC:</p> <p>Noted the Coal Services quarterly report for Q4/CY2024</p>

Paper	Agenda item
	<p>Actions</p> <p>G. NSW Minerals Council to provide topics to Secretariat for inclusion in the agenda.</p>
11.	<p>National Dust Disease Taskforce</p> <ul style="list-style-type: none"> Lewis Stoll (NSW Resources) advised the MSAC that both the Commonwealth and NSW have endorsed the Silica National Strategic Plan 2024-2030 and key initiatives, some of which have come into effect in NSW with the latest amendments to Work Health and Safety Regulation 2017 around silica processes. James Barben (NSW Minerals Council) raised concerns about unintended consequences of implementation with some of the recommendations and gave an example of enforcement of workers having to be clean shaven in the context of personal protective equipment (PPE) use in low risk settings. The NSW Minerals Council advised that this is a generic wider industry concern, and they will raise this issue directly with SafeWork NSW. <p>Outcomes</p> <ul style="list-style-type: none"> MSAC Noted the information provided in the brief.
12.	<p>Legislative Framework Update</p> <ul style="list-style-type: none"> Lewis Stoll (NSW Resources) updated the MSAC on changes to the WHS legislative framework that occurred since the last meeting. Mr Stoll advised that: <ul style="list-style-type: none"> an amendment to the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 had commenced in December 2024 imposing maintenance of competence (MoC) requirements on interstate workers relying on automatic mutual recognition to have their qualifications treated as a practising certificate to perform statutory functions in NSW mines. public consultation on the remake of the Work Health and Safety Regulation 2017 has commenced, with consultation to extend to 26 March 2025 SafeWork NSW is currently finalising amendments to the Work Health and Safety Regulation 2017 which will codify requirements for the proposed silica worker register, and that the Resources Regulator is currently working with SafeWork NSW to exempt coal mines subject to Coal Services Order 43 from the proposed register requirements.

Paper	Agenda item
	<ul style="list-style-type: none"> SafeWork NSW is seeking feedback on the operation of the engineered stone ban to inform a review into the operation of the ban, and that the consultation will run until 31 March 2025. <p>Outcomes</p> <p>MSAC noted the updates</p>
13.	<p>NSW Resources Regulator Quarterly Report</p> <ul style="list-style-type: none"> Anthony Margetts provided an overview of the Quarterly Safety Report, highlighting that sadly there have been two deaths in the last quarter, though they were not work related. The Resources Regulator is verifying that there were not any work-related contributing factors. Mr Margetts explained the reporting rates in small mines and quarry sector - especially in tier 2 facilities - and that Resources Regulator will be increasing regulatory oversight of tier 2 quarries to obtain better data to ensure greater compliance. <p>Outcomes</p> <ul style="list-style-type: none"> MSAC noted the report.
14.	<p>Mine Safety levy report</p> <ul style="list-style-type: none"> Peter Day (Resources Regulator) provided an overview of the report. The levy reserve is increasing and while there is a current underspend in salaries, the Resources Regulator has been successful in recruiting into more positions. The Mine Safety Inspectorate is still operating under budget, though operating expenditure remains slightly over Government levels. The Mine Safety Fund continues to show a deficit in total operating expenses which is explained primarily by cost recovery of legal expenses. <p>Outcomes</p> <ul style="list-style-type: none"> MSAC noted the report.
15.	<p>Progress of MSACs Strategic Plan to 2026</p> <ul style="list-style-type: none"> Lewis Stoll (NSW Resources) provided an overview of MSAC's progress against its Strategic Plan to 2026 and noted that MSAC is required to develop a new Strategic

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	<p>Plan from 2026-2029, which would include Safety Reporting Culture Survey work as a key pillar.</p> <ul style="list-style-type: none"> MSAC noted that the Department will develop a draft 2026-2029 Strategic Plan for consideration by end of year. <p>Outcomes</p> <p>MSAC:</p> <ul style="list-style-type: none"> Noted the progress of strategies identified in MSACs strategic plan to 2026. Agreed – to amend timelines and carry over culture reporting surveys. Noted the requirement to input into the MSAC Strategic Plan to 2029. 								
16.	<p>Meeting dates</p> <table border="1"> <thead> <tr> <th>Proposed Date</th><th>Proposed venue</th></tr> </thead> <tbody> <tr> <td>Thursday 5 June 2025 9.00 am to 12 noon</td><td>Mining and Energy Union, Northern 67A Aberdare Road, Aberdare</td></tr> <tr> <td>Thursday 4 September 2025 9.00 am to 12 noon</td><td>TBC Mine site visit (NSW Minerals Council) to arrange</td></tr> <tr> <td>Thursday 4 December 2025 9.00 am to 12 noon</td><td>Department of Primary Industries and Regional Development 516 High Street, Maitland</td></tr> </tbody> </table> <p>Outcomes</p> <ul style="list-style-type: none"> MSAC agreed to the proposed 2025 meeting dates and venues. <p>Actions</p> <p>H. NSW Minerals Council to advise MSAC of location of meeting 2025-3.</p>	Proposed Date	Proposed venue	Thursday 5 June 2025 9.00 am to 12 noon	Mining and Energy Union, Northern 67A Aberdare Road, Aberdare	Thursday 4 September 2025 9.00 am to 12 noon	TBC Mine site visit (NSW Minerals Council) to arrange	Thursday 4 December 2025 9.00 am to 12 noon	Department of Primary Industries and Regional Development 516 High Street, Maitland
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17.	<p>Additional Business</p> <ul style="list-style-type: none"> MSAC to conduct evaluation of the implementation of the recommendations from the CWHSS likely later in 2026 with the possibility of it being added to Strategic Plan to 2029. The current intention is to postpone this work until 2026, allowing Coal Services and industry time to embed and provide results for the evaluation. 								

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	<ul style="list-style-type: none"> Chair advised MSAC that Lucy Flemming is retiring from her role at Coal Services and thanked her for her significant contribution to the MSAC.
	<p>Next meeting</p> <p>Next meeting will be held on 5 June 2025 in Aberdare (MEU).</p>
	<p>Meeting close</p> <p>A/Chair closed the meeting at 10:50am.</p>

Summary of actions

Agenda Item	Action
2	A. Secretariat to update Pecuniary Interests register with Mr. Robert Timbs's declaration.
3	B. Secretariat to publish the 6 December 2024 minutes.
4	C. Coal Services to provide secretariat with final report from Prof Cohen to be circulated out of session. D. Coal Services to present final report from Prof Cohen for endorsement at meeting 2-2025.
8	E. AWU and Western Alliance to conduct survey as to requirements of ISHRs in metalliferous mines and report back to MSAC for meeting 2025-2.
9	F. The Resources Regulator will publish the paper.
10	G. NSW Minerals Council to provide topics to Secretariat for inclusion in the agenda.
16	H. NSW Minerals Council to advise MSAC of location of meeting 2025-3.