

# Minutes

## NSW Mine Safety Advisory Council

### Details

<b>Location:</b>	NSW Resources 516 High Street Maitland
<b>Date/time:</b>	5 June 2025 9 am
<b>Secretary:</b>	Mr Lewis Stoll NSW Resources Department of Primary Industries and Regional Development

### Members

1. Acting Chairperson: Ms Jamie Tripodi, NSW Resources, 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 Ron Cowdrey, Australian Workers Union
6. Prof Deborah Yates, Independent
7. Mr Bob Timbs, Mining and Energy Union

### Observers

1. Mr Tony Linnane, NSW Resources, Department of Primary Industries and Regional Development
2. Mr Anthony Margetts, NSW Resources, Department of Primary Industries and Regional Development
3. Ms Angela Hunter, Coal Services
4. Mr Scott Whittaker, Cement Concrete & Aggregates Australia
5. Mr Wayne Green, Coal Services

### Apologies

Nil

### 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	<p><b>Welcome and Chair's report</b></p> <ul style="list-style-type: none"> <li>The Acting Chair (Ms Jamie Tripodi) commenced the meeting at 9 am.</li> <li>The A/Chair delivered an Acknowledgement of Country and welcomed members, delegates and observers to the meeting.</li> <li>The A/Chair introduced Angela Hunter and Prof Deborah Yates.</li> </ul>
2	<p><b>Declaration of interests</b></p> <ul style="list-style-type: none"> <li>Ian Cribb requested that the Pecuniary Interest Register be updated with additional content he has provided.</li> </ul> <p><b>Actions</b></p> <p>A. Secretariat to update pecuniary interests.</p>
3	<p><b>Acceptance of previous minutes and actions</b></p> <ul style="list-style-type: none"> <li>Members reviewed the previous meeting's minutes and outstanding action items.</li> </ul> <p><b>Outcomes</b></p> <p>MSAC:</p> <ul style="list-style-type: none"> <li><b>Endorsed</b> the minutes of the last meeting.</li> <li><b>Noted</b> the status of actions arising from the last meeting.</li> </ul> <p><b>Actions</b></p> <p>B. Secretariat to publish Minutes from MSAC meeting of 18 March 2025.</p> <p>C. Resources Regulator to provide advice from Resources Safety and Health Queensland regarding its reporting culture survey.</p>

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4	<p data-bbox="260 219 547 264"><b>Correspondence</b></p> <ul data-bbox="260 297 1453 645" style="list-style-type: none"> <li>• MSAC discussed two items of correspondence received.</li> <li>• Members noted that Brian Hauser had resigned from his position with Cement and Concreting Aggregates Australia (CCAA) and that CCAA has nominated Mr Scott Whittaker as their representative to replace Mr James Collings.</li> <li>• Members confirmed they had all received a copy of correspondence received from James Sherritt, Australian Institute of Mine Surveyors (AIMS), and agreed to discuss the in item 7.</li> </ul> <p data-bbox="260 685 427 730"><b>Outcomes</b></p> <p data-bbox="260 745 352 779">MSAC:</p> <ul data-bbox="260 801 1187 835" style="list-style-type: none"> <li>• <b>Noted</b> two items of correspondence received since last meeting.</li> </ul>
5	<p data-bbox="260 898 1251 943"><b>Final Report on Coal Worker Health Surveillance Scheme</b></p> <ul data-bbox="260 976 1469 1753" style="list-style-type: none"> <li>• Coal Services provided the final report on the Coal Worker Health Surveillance Scheme (CWHSS) for MSAC, outlining the conditions and levels for respiratory standards for returning workers with restricted lung function to work. The Council was advised that the final decision for fitness for work rests with an occupational physician. The Report highlighted that Professor Cohen was undertaking additional work to revise the respiratory health standard for workers with restricted lung function to return to work, currently being implemented by Coal Services.</li> <li>• The Council discussed whether mine sites have adequate tools to manage a clinical pathway for returning an employee with restricted lung function to work. The Council understood that a clinical pathway is required for a diagnosis, but only the occupational health specialists can make workplace recommendations for employees returning to the workplace. The Council agreed that further work is required by Coal Services to better understand and improve the system of returning employees to work.</li> <li>• Members agreed that dust control technologies should be reviewed periodically, and industry should be encouraged to adopt the latest technologies.</li> <li>• MSAC endorsed Professor Cohen's report tabled by Coal Services and noted that Coal Services is to establish an implementation working group which will look holistically at the Final Report's recommendations and will report back to MSAC with its findings.</li> </ul> <p data-bbox="260 1771 427 1816"><b>Outcomes</b></p> <p data-bbox="260 1839 352 1872">MSAC:</p> <ul data-bbox="260 1895 995 2024" style="list-style-type: none"> <li>• <b>Endorsed</b> the report provided by Professor Cohen.</li> <li>• <b>Noted</b> the final report on the CWHSS.</li> <li>• <b>Noted</b> the Order 43 Progress Report.</li> </ul>

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	<ul style="list-style-type: none"> <li>• <b>Noted</b> that Coal Services will report back to MSAC on the findings of the CWHSS report recommendations implementation working group.</li> </ul> <p><b>Actions</b></p> <p>D. Coal Services to report on the implementation of recommendations in Professor Cohen’s report to MSAC at 2026-1.</p>
6	<p><b>Update on industry safety and health representatives (ISHRs) for metalliferous mines</b></p> <ul style="list-style-type: none"> <li>• The Department provided the background to the topic for MSAC.</li> <li>• The AWU and MEU presented the results of its follow-up survey of its members in the metalliferous sector. Members discussed the survey results, including the limited sample size and the survey’s scope, which focused on WHS challenges in metals mines rather than the merits of the ISHR proposal.</li> <li>• Members discussed the merits of conducting an additional survey with a more focused scope, considering factors such as ‘survey fatigue’ and the need to reach a timely outcome on this issue.</li> <li>• Union representatives requested additional time for an independent review of the proposal and prepare a paper on their position.</li> <li>• The Department advised members that timely MSAC advice is required to be finalised and conveyed to the Minister for Natural Resources.</li> </ul> <p><b>Outcomes</b></p> <p>MSAC:</p> <ul style="list-style-type: none"> <li>• <b>Noted</b> the brief.</li> </ul> <p><b>Actions</b></p> <p>E. MEU/AWU to conduct an independent assessment and provide a final brief on ISHRs for metalliferous mines.</p>
7	<p><b>Member Updates</b></p> <ul style="list-style-type: none"> <li>• Coal Services provided MSAC with an update for Q1 CY2025.</li> <li>• Members discussed correspondence received from James Sherritt of AIMS about accessibility of hard copy mine survey plans and concerns that the digitisation of mine surveys may create quality issues that do not meet the recommendations of the Gretley inquiry.</li> <li>• The Resources Regulator provided MSAC with an overview of its position on managing survey plans. The Resources Regulator advised that the ‘hardcopy’ plans</li> </ul>

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	<p>are still available in addition to a publicly accessible digitised catalogue that the Department is creating. Additional quality assurance would be conducted to ensure quality of the digital copies.</p> <p><b>Outcomes</b></p> <p>MSAC:</p> <ul style="list-style-type: none"> <li>• <b>Noted</b> the Coal Services Update for Q1 CY2025</li> <li>• <b>Noted</b> the letter of request and briefing note from AIMS on record tracings.</li> </ul> <p><b>Actions</b></p> <p>F. Resources Regulator to consult with AIMS and provide a report/letter to addresses the issues raised in its correspondence, and report to MSAC at 2025-3.</p>
8	<p><b>National Dust Disease Task Force</b></p> <ul style="list-style-type: none"> <li>• MSAC maintains a watching brief regarding the 2023 – 2028 National Silicosis Prevention Strategy (NSPS) and associated National Action Plan (NAP), one of several recommendations from the National Dust Diseases Task Force set out in its Final Report to the Federal Minister for Health and Aged Care in June 2021.</li> <li>• Members noted recent amendments to the WHS laws regarding silica and how these fit into a broader suite of legislative amendments that SafeWork NSW is progressing as part of its commitment to implementing nationally consistent regulations to prevent and ultimately eliminate silicosis as an occupational disease in Australia.</li> </ul> <p><b>Outcomes</b></p> <p>MSAC:</p> <ul style="list-style-type: none"> <li>• <b>Noted</b> the brief.</li> </ul>
9	<p><b>Legislative Framework Update</b></p> <ul style="list-style-type: none"> <li>• The Department advised MSAC that the Mine and Petroleum Site Safety (Cost Recovery) Regulation 2019 will be automatically repealed on 1 September 2025. The Department intends to remake the Regulation and a proposed draft is out for consultation until 18 June 2025.</li> <li>• Members were advised on continued consultations regarding the silica worker register and proposed regulatory provisions, and consultation being run by NSW EPA</li> </ul>

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	<p>regarding the proposed remake of the Protection from Harmful Radiation Regulation 2013.</p> <p><b>Outcomes</b></p> <p>MSAC:</p> <ul style="list-style-type: none"> <li>• <b>Noted</b> the updates to the legislative framework.</li> </ul>
10	<p><b>NSW Resources Regulator Quarterly Update</b></p> <ul style="list-style-type: none"> <li>• The Resources Regulator provided an overview of the Quarterly Safety Performance Report and clarified some of the language used in the Report regarding fatalities. The Regulator iterated that investigations are undertaken to determine whether fatalities are work related.</li> <li>• The Resources Regulator advised MSAC that it has established a new unit focussed on health, with additional occupational hygienists which they are confident will be able to generate more educational materials and enable a greater field presence.</li> </ul> <p><b>Outcomes</b></p> <p>MSAC:</p> <ul style="list-style-type: none"> <li>• <b>Noted</b> the NSW Resources Quarterly Safety Performance Report.</li> </ul>
11	<p><b>Mine Safety Levy Report</b></p> <ul style="list-style-type: none"> <li>• Members were briefed on the status of the Mine Safety Levy. The Department outlined that the levy was forecast to increase and that the budget for 2025/2026 had been approved by the Minister.</li> <li>• Members discussed the current reserve and understood that it was needed to potentially cover legal costs, vacancies and that it was difficult to forecast the amount required.</li> </ul> <p><b>Outcomes</b></p> <p>MSAC:</p> <ul style="list-style-type: none"> <li>• <b>Noted</b> the report</li> </ul> <p><b>Actions</b></p> <p>G. The Department to review previous commitments around Mine Safety Levy reserve management and report back to MSAC at MSAC 2025-3.</p>

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12	<p><b>Progress of MSACs Strategic Plan to 2026</b></p> <ul style="list-style-type: none"> <li>Members understood their requirement to discuss the next strategic plan to 2029 and agreed to delay this planning to allow for the appointment of a new independent Chair.</li> </ul> <p><b>Outcomes</b></p> <p>MSAC:</p> <ul style="list-style-type: none"> <li><b>Noted</b> the progress of strategies identified in MSACs strategic plan to 2026.</li> <li><b>Agreed</b> to delay input into the MSAC Strategic Plan to 2029 to allow for the appointment of new independent Chair.</li> </ul>						
13	<p><b>Meeting dates</b></p> <ul style="list-style-type: none"> <li>Members agreed to change the venue of meeting 2025-3 to accommodate the Minister’s request to attend a meeting in Sydney. The Mining and Energy Union volunteered to host the next meeting at its Sydney office to enable Minister’s attendance.</li> </ul> <table border="1"> <thead> <tr> <th>Proposed Date</th><th>Proposed venue</th></tr> </thead> <tbody> <tr> <td>Thursday 4 September 2025 9.00 am to 12 noon</td><td>Mining &amp; Energy Union Nymboida House 215 Clarence St, Sydney</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><b>Outcomes</b></p> <p>MSAC:</p> <ul style="list-style-type: none"> <li><b>Agreed</b> to the revised 2025 meeting dates and venues.</li> </ul>	Proposed Date	Proposed venue	Thursday 4 September 2025 9.00 am to 12 noon	Mining & Energy Union Nymboida House 215 Clarence St, Sydney	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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14	<p><b>Additional Business</b></p> <ul style="list-style-type: none"> <li>Nil</li> </ul> <p><b>Next meeting</b></p> <p>Next meeting will be held on 4 September 2025 in Sydney (MEU, Nymboida House).</p>						

Paper	Agenda item
	<p>Meeting close</p> <p>A/Chair closed the meeting at 10:52 am.</p>

## Summary of actions

AGENDA ITEM	ACTION
2	A. Secretariat to update pecuniary interests.
3	B. Secretariat to publish Minutes from meeting 18 March 2025. C. Resources Regulator to provide advice from Resources Safety and Health Queensland regarding reporting culture survey.
5	D. Coal Services to report on the implementation of recommendations in Professor Cohens report MSAC in 2026-1.
6	E. MEU/AWU to conduct an independent assessment and provide a final brief on ISHRs for Metalliferous Mines.
7	F. Resources Regulator to consult with AIMS and provide a report/letter to address the issues raised in correspondence, and report to MSAC at 2025-3.
11	G. The Department to review previous commitments around Mine Safety Levy reserve management and report back to MSAC at MSAC 2025-3.