Coal Mining Safety and Health Advisory Committee

Annual report 2017–18

Queensland Government

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FROM THE CHAIR

The Coal Mining Safety and Health Advisory Committee has played a significant role in 2017–18 in protecting the safety and health of mine workers. Committee members have worked tirelessly to provide professional and informed advice to the Minister for Natural Resources, Mines and Energy and this hard work is illustrated by the activities and achievements outlined in this report.

Due to the number of emergent issues that arose this year, the advisory committee met nine times in total. This is significantly more frequent than the statutory requirement to only meet twice a year and illustrates the genuine commitment of all members to improving coal mining safety and health in Queensland. One of the meetings was a non-quorum meeting to provide advice to the Minister in relation to a discussion paper on potential new models for the resources safety and health regulator. The advisory committee also held two working group meetings as part of its project to review the effectiveness of the legislation in accordance with its statutory obligations.

I have always maintained that one of the significant strengths of Queensland's mining safety and health legislative environment is its consultative approach. The tripartite nature of the advisory committee ensures that the views of all stakeholders are equally represented and all parties are able to come together on equal footing to provide advice that is in the best interests of mine workers and the industry as a whole. The diverse, complex and often robust discussions that the advisory committee has had over the past 12 months give me confidence that the industry has the expertise and the willingness to continue to protect coal mine workers in Queensland.

In 2018–19, the advisory committee will continue to focus on:

- reviewing the effectiveness of the suite of legislation
- reviewing the effectiveness of the controls in place to limit the risks to people from coal mining
- providing advice regarding proposed amendments to the *Coal Mining Safety and Health Act 1999* and associated Regulation
- working closely with the Department of Natural Resources, Mines and Energy on key actions and strategies to protect workers from methane, coal dust and diesel particulates
- ensuring competencies for the coal mining industry are up to date and relevant
- monitoring respirable dust results by reviewing the industry's quarterly respirable dust data
- assessing the impact of intoxicants on mine workers and evaluating strategies to overcome the social and health issues they cause
- reviewing and/or updating recognised standards with the advice of its recognised standards sub-committee
- reviewing and providing advice on proposed amendments to the suite of legislation.

Finally, I would like to thank each member of the advisory committee and the recognised standards sub-committee for providing their valuable time and expertise. Advisory committee members are volunteers who donate their time and expertise due to their desire to see a safer and healthier coal mining industry.

Kate du Preez
Commissioner for Mine Safety and Health

BACKGROUND

The Coal Mining Safety and Health Advisory Committee is established under part 6 of the *Coal Mining Safety and Health Act 1999*.

An annual report on the committee's operations must be prepared by the chair as soon as practicable, but within four months, after the end of each financial year and given to the Minister for Natural Resources, Mines and Energy. The Minister must table the report in the Legislative Assembly within 14 sitting days.

ROLE OF THE COMMITTEE

The primary function of the committee is to give advice and make recommendations to the Minister about promoting and protecting the safety and health of people at coal mines.

The committee must discharge its function by periodically reviewing the effectiveness of:

- the Act, regulations and recognised standards
- the control of risk to any person from coal mining operations.

In periodically reviewing effectiveness, the committee must have regard to:

- the risk management performance of the coal mining industry
- the appropriateness of recognised standards
- education, training and standards of competency within the coal mining industry
- the implementation of recommendations from inspectors' investigations, coroners' inquests, boards of inquiry and other sources
- the promotion of community knowledge and awareness of safety and health in the coal mining industry
- any other matter referred to it by the Minister.

The committee also has the function of establishing, recognising and publishing the competencies accepted by it as qualifying a person to perform the stated tasks, and the safety and health competencies required to perform the duties of a person under the Act.

MEMBERSHIP

The advisory committee consists of nine members and four substitute members representing the Queensland Government, mine workers and mine operators. Members are nominated to, and appointed by, the Minister. The chair of the committee is the Commissioner for Mine Safety and Health. Members are appointed for terms of up to three years and there is no limit to the number of terms members can serve.

The committee includes members from the Construction, Forestry, Mining and Energy Union (CFMEU), Electrical Trades Union (ETU), Queensland Resources Council (QRC) and Department of Natural Resources, Mines and Energy (DNRME).

Table 1: Coal Mining Safety and Health Advisory Committee members for 2017–18

NAME	MEMBERSHIP	ORGANISATION	NUMBER OF MEETINGS	
			Quorum	Non-quorum
Kate du Preez	Commissioner for Mine Safety and Health	Independent chair	7	1
Russell Albury	Queensland Government representative	DNRME	5	0
Ian Cribb	Operators' representative	QRC	5	1
Greg Dalliston	Workers' representative	CFMEU	7	1
Shaun Dobson	Queensland Government representative	DNRME	8	0
Glenn Hall[1]	Workers' representative	ETU	1	0
Jim Randall	Operators' representative	QRC	8	1
Stephen Smyth	Workers' representative	CFMEU	5	0

Substitute members

Four substitute members were appointed to stand in when members are not available.

Table 2: Coal Mining Safety and Health Advisory Committee substitute members for 2017–18

NAME	MEMBERSHIP	ORGANISATION	NUMBER OF MEETINGS	
			Quorum	Non-quorum
Peter Baker	Operators' representative	QRC	6	1
Brett Garland	Operators' representative	QRC	0	0
Jason Hill	Workers' representative	CFMEU	6	0
Stephen Evetts[2]	Workers' representative	ETU	5	1

1 Glenn Hall resigned as ETU workers' representative on 29 September 2017.

2 Stephen Evetts has been representing the ETU as a substitute members as a result of the resignation of Glenn Hall on 29 September 2017.

MEETINGS HELD

The committee held eight meetings in 2017–18 and one non-quorum meeting.

Table 3: Coal Mining Safety and Health Advisory Committee meetings in 2017–18

MEETING NUMBER	DATE	LOCATION
79	5 July 2017	Brisbane
Board of Examiners nominations	20 July 2017	Teleconference—extraordinary meeting
80	1 September 2017	Brisbane
81	30 October 2017	Brisbane/teleconference—extraordinary meeting
82	29 November 2017	Brisbane
83	19 December 2017	Brisbane—extraordinary meeting
No quorum	26 March 2018	Brisbane
84	19 April 2018	Brisbane—extraordinary meeting
85	20 June 2018	Brisbane

The non-quorum meeting held on 26 March 2018 considered the advice that would be given to the Minister regarding the Queensland Government discussion paper *Options for resources safety and health regulator models in Queensland*. It was not possible to form a quorum at this meeting as the DNRME representatives elected to abstain from the meeting to avoid the possibility of the department being party to conflicting advice given to the Minister.

A teleconference was held on 20 July 2017 to provide advice to the Minister regarding nominees for vacancies on the Board of Examiners. A quorum was present at this meeting and it is has been counted as a meeting of the advisory committee.

Two additional meetings were held to review the effectiveness of the legislation. While these meetings had a quorum of members, they were working group meetings as part of a project run by the advisory committee to meet its statutory obligations and they were not considered advisory committee meetings.

WORK OF THE COMMITTEE

The committee achieves its primary function by:

- reviewing the effectiveness of the legislation (Act, Regulations and recognised standards)
- reviewing the effectiveness of the control of risk to any person from coal mining operations
- recognising, establishing and publishing
  - the competencies qualifying a person to perform tasks prescribed under the Regulation
  - the safety and health competencies required to perform the duties of a person under the Act.

Review the effectiveness of the legislation

In reviewing the effectiveness of the coal mining safety and health legislation, the advisory committee examines the *Coal Mining Safety and Health Act 1999*, the Coal Mining Safety and Health Regulation 2017[3] and the suite of recognised standards published under the Regulation.

The committee maintains a good working relationship with the Department of Natural Resources, Mines and Energy and will continue to identify amendments that are essential to the effectiveness of the suite of legislation.

Review of Act, Regulation and recognised standards

In 2017–18, the committee continued its review of the full suite of coal mining safety and health legislation in accordance with the Act. The review aims to advise the Minister on the effectiveness of the Act, Regulation and recognised standards, and the control of any risk to any person from coal mining operations.

In 2017–18, the advisory committee held two working group meetings to consider how it would assess and measure effectiveness. These meetings will underpin the review as it continues through 2018–19.

As part of the review, the committee is considering:

- the risk management performance of the coal mining industry
- the appropriateness of the recognised standards
- education, training and standards of competency within the coal mining industry
- the implementation of recommendations from investigations conducted by mines inspectors, inquests by the Coroners Court of Queensland, boards of inquiry and other sources
- the promotion of community knowledge and awareness of safety and health in the coal mining industry
- any other matter that may be referred to the advisory committee by the Minister.

The need to provide advice to the Minister on matters such as the Mines Legislation (Resources Safety) Amendment Bill 2017, subsequent 2018 Bill and the *Options for resources safety and health regulator models in Queensland* discussion papers hindered the progress of the effectiveness review.

The review will continue in 2018–19.

3 This Regulation replaced the Coal Mining Safety and Health Regulation 2001 on 1 September 2017.

Amendments to the Coal Mining Safety and Health Act 1999

The committee analysed and provided advice regarding 25 proposed amendments to the Act that were under consideration by the Queensland Parliament.

These amendments were originally contained in the Mines Legislation (Resources Safety) Amendment Bill 2017 that lapsed following the announcement of the November 2017 Queensland election. In anticipation of the re-tabling of a resources safety and health Bill following the election, the advisory committee held an extraordinary meeting on 19 December 2017 to develop advice for the Minister on refinements of the 2017 Bill to ensure the 2018 Bill was both accurate and workable.

Subsequently on 20 March 2018, the Minister tabled the Mines Legislation (Resources Safety) Amendment Bill 2018 that included: a proposal to mandate a requirement for an underground mine ventilation officer; continuing professional development; administrative penalties; officer obligations; and the notification of diseases. This Bill included a number of amendments that resulted from the committee's advice.

Remaking of the Coal Mining Safety and Health Regulation 2001

In 2017, the department undertook a policy-neutral review of the Coal Mining Safety and Health Regulation 2001. This review was necessary as a preface to remaking the Regulation before it automatically expired on 31 August 2017. Issues identified included transitional changes, inaccurate and out of date Australian Standard references, and references to a number of bodies that had been renamed.

The advisory committee noted the need to remake the Regulation, but expressed concerns with the short timeframe provided by the department. This short timeframe severely limited the advisory committee's ability to thoroughly identify drafting errors and to explore the flow-on impact of proposed amendments and their impact on the industry. Advisory committee members, representing each of the tripartite stakeholder groups, met with the department on 11 July 2017 to examine the proposed changes and to ensure that potential impacts from the remaking were minimised.

The advisory committee identified a number of inaccuracies in the drafting process and also worked with the department to ensure that the renumbering of the Regulation did not occur. A renumbering of the Regulation would have had a significant administrative impact on industry given the mandatory references to the Regulation in safety and health management systems and associated documentation.

Of further concern to the advisory committee was that many of the people responsible for making and/or advising on changes to mining safety and health legislation did not have practical or operational experience in mining. Given the highly technical nature of the legislation, it is considered that there should be officers with operational exposure in the mining industry in the policy unit or, in the absence of this, at the very least there needs to be strong cooperation between the policy unit and a tripartite group such as the advisory committee.

The Coal Mining Safety and Health Regulation 2017 came into effect on 1 September 2017 replacing the Coal Mining Safety and Health Regulation 2001.

Updates to recognised standards

The committee worked closely with the department, directly and through the recognised standards sub-committee, on the development and/or updating of the following recognised standards.

Underground electrical equipment and electrical installations (RS01)

This recognised standard applies to electrical equipment and electrical installations below ground in an underground coal mine, and electrical equipment and electrical installations on the surface directly associated with the underground operations of a coal mine. It does not apply to the general surface of an underground coal mine.

The purpose of this standard is to establish the minimum standards for the selection, installation, maintenance and operation of electrical equipment and electrical installations in an underground coal mine.

Amendments were made to the standard to bring it in line with earlier amendments to the Australian Standard and it was remade in April 2018.

Underground non-flameproof diesel vehicles (RS04)

This standard applies to diesel powered vehicles that are non-flameproof fire protected, but not explosion protected, in the underground operations of a coal mine. It does not apply

to vehicles for use on the surface of an underground coal mine.

This recognised standard was gazetted in July 2003 and no review was completed until 2017–18. Over this time, there had been a number of changes to the Australian Standard referenced in the recognised standard.

The recognised standard was amended to reflect these updates.

Stakeholders were consulted on the changes at electrical engineer management group forums and underground mine managers forums at Moranbah and Emerald.

Monitoring respirable dust in coal mines (RS14)

This recognised standard applies to all underground and surface coal mines, and includes all on-site activities as defined by the *Coal Mining Safety and Health Act 1999*. It states ways to achieve an acceptable level of risk to people arising out of coal mining operations by providing the minimum requirements that must be included in a coal mine's safety and health management system for monitoring, preparing records and reporting concentrations of respirable dust levels.

When this recognised standard became operational on 1 January 2017, the advisory committee committed to reviewing it six months after implementation. Accordingly, a post implementation desk top review of the recognised standard was carried out by the advisory committee's recognised standards sub-committee. The sub-committee reported to the advisory committee on 1 September 2017 that the recognised standard was largely working and only minor adjustments were necessary. A full operational review examining dust data and the operational implementation of RS14 is currently being conducted.

In addition, RS14 is being examined to consider how real-time gas monitors can be used in non-gassy environments for compliance monitoring.

Review the effectiveness of the control of risk to any person

In reviewing the effectiveness of the control of risk to any person from coal mining operations, the committee provided independent advice to the Minister and department about:

- proposed initiatives to address the Monash University Centre for Occupational Health and Environment review
- the creation of an independent dust review committee and its operation
- the management of a respirable dust database
- changes to the table of competencies for coal mining
- Safe Work Australia's review of the workplace exposure levels of around 700 respirable airborne contaminants
- coal mining safety and health matters, including recognised standards, guidelines, safety alerts and bulletins, and other documentation.

Respirable dust

In 2017–18, the advisory committee commenced a quarterly review of dust results from the respirable dust database. The review process examines not only dust results, but also the performance of the database itself.

This quarterly review of the dust results has identified there was a general decrease in the exposure of miners to dust and dust exceedances, with average exposure rates and exceedance rates for the year below the requisite levels. The monitoring work undertaken by the department identified that the two highest risk similar exposure groups for underground mines were the longwall and development groups, and in open cut mines, the field maintenance and coal handling preparation plant laboratory groups.

The Coal Workers' Pneumoconiosis Select Committee recommended the establishment of a standing dust committee similar to that which is in place in New South Wales. At the Minister's request, the advisory committee considered the potential for establishing a standing dust committee in Queensland. Following detailed analysis, including extensive consultation with Coal Services NSW, the advisory committee advised the Minister that the advisory committee's regular review of respirable dust results and the work being done by the inspectorate and Simtars were largely delivering similar services and oversight to that which the standing dust committee in New South Wales delivers.

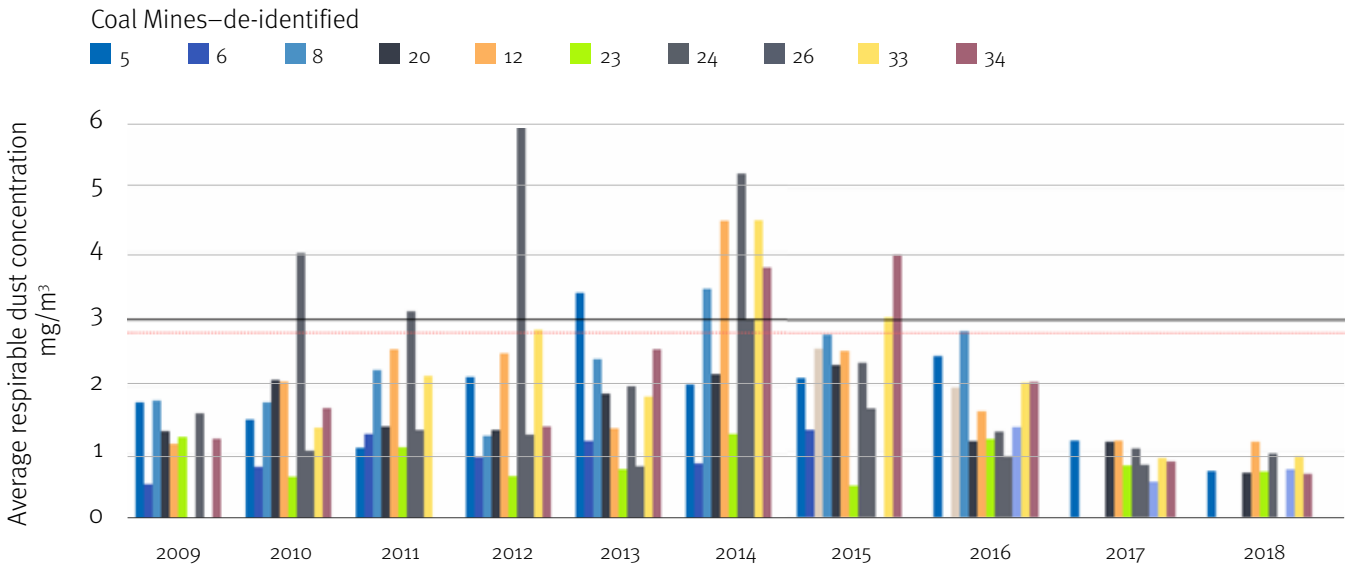


Figure 1: Average respirable coal dust concentrations for the longwall similar exposure group, 2009–2018

As such, the advisory committee felt that the establishment of a separate standing dust committee in Queensland was not necessary at this time. The advisory committee will continue to monitor dust results quarterly and advise the Minister accordingly.

Evaluation of the suitability of real-time personal dust monitoring devices

The Coal Workers' Pneumoconiosis Select Committee recommended the advisory committee consider endorsing the use of the Thermo Scientific *PDM3700 Personal Dust Monitor* in surface and underground coal mines as a monitoring tool. The advisory committee sought the advice of its standards sub-committee which worked in conjunction with an industry project team and Simtars to assess the instrument's suitability for use in Queensland coal mines.

The advice provided to the advisory committee was that the PDM3700 was not intrinsically safe as gaps were identified with spark testing, polyswitches, ingress protection and the type of fasteners.

As a result, to comply with the select committee's recommendation, there is a process of certification that would have to be circumvented or changed to certify the device and neither is a suitable option as they would result in the transport of a potential ignition source into gassy environments.

While members found that they could see great value in the use of real-time gas monitoring devices in both reducing exposure to respirable coal dust and as a compliance instrument, there is a certification process that can't be met and the process should not be changed to suit a single instrument.

It was unanimously determined that the PDM3700 in its current form would not be approved for use in gassy or potentially gassy environments.

The advisory committee has sought further advice from the industry project team and standards sub-committee regarding what changes could be made to recognised standard 14 that would enable the PDM3700 to be used in non-gassy environments, including surface operations, as a compliance monitoring instrument.

Safe Work Australia airborne contaminants review

In 2017–18, the advisory committee regularly considered a review by Safe Work Australia of the exposure standards for around 700 airborne contaminants.

The advisory committee provided advice to the Director-General of the Department of Natural Resources, Mines and Energy of the need to request Safe Work Australia to include respirable coal dust and respirable crystalline silica in a trial of the project methodology with a view to expediting the review of the occupational exposure levels for those contaminants.

In March 2018, on the advisory committee's advice, the Minister wrote to the Commonwealth requesting that Safe Work Australia prioritise the release of the results for the trial. The advisory committee advised the Minister that any change in occupational exposure limits should be linked to this review.

Discussion paper—Options for resources safety and health regulator models in Queensland

In November 2017, the Minister established a project management office to advise him on how the Queensland Government might best achieve the intent of a number of the Coal Workers' Pneumoconiosis Select Committee's recommendations relating to the management of resources safety and health.

In May 2018, the advisory committee provided detailed advice to the Minister in relation to the *Options for resources safety and health regulator models in Queensland* discussion paper produced by the project management office.

Recognising, establishing and publishing competencies

The advisory committee is responsible for establishing, recognising and publishing the competencies qualifying a person to perform the duties of a coal mining statutory position under the Act.

The advisory committee maintains a list of approved competencies which is published on the Queensland Government's Business Queensland website. This list is periodically updated to ensure that people in coal mining statutory positions have appropriate skills and knowledge to perform their duties.

In setting the competencies, the advisory committee consults broadly, including with tripartite stakeholders, other jurisdictions and training organisations.

The committee developed and published updated competencies for trainers and training assessors—competency 20 and 21—to provide for equivalent competency recognition of the nationally accredited trainers and assessors course.

The committee is continuing to review competencies for:

- shot firers (competency 11 and 12)
- section 153 of the Coal Mining Safety and Health Regulation 2017 (giving direction to a person appointed under section 60(8) (control and management of underground activities) or (9) (explosion risk zones) of the Act).

Stakeholder engagement

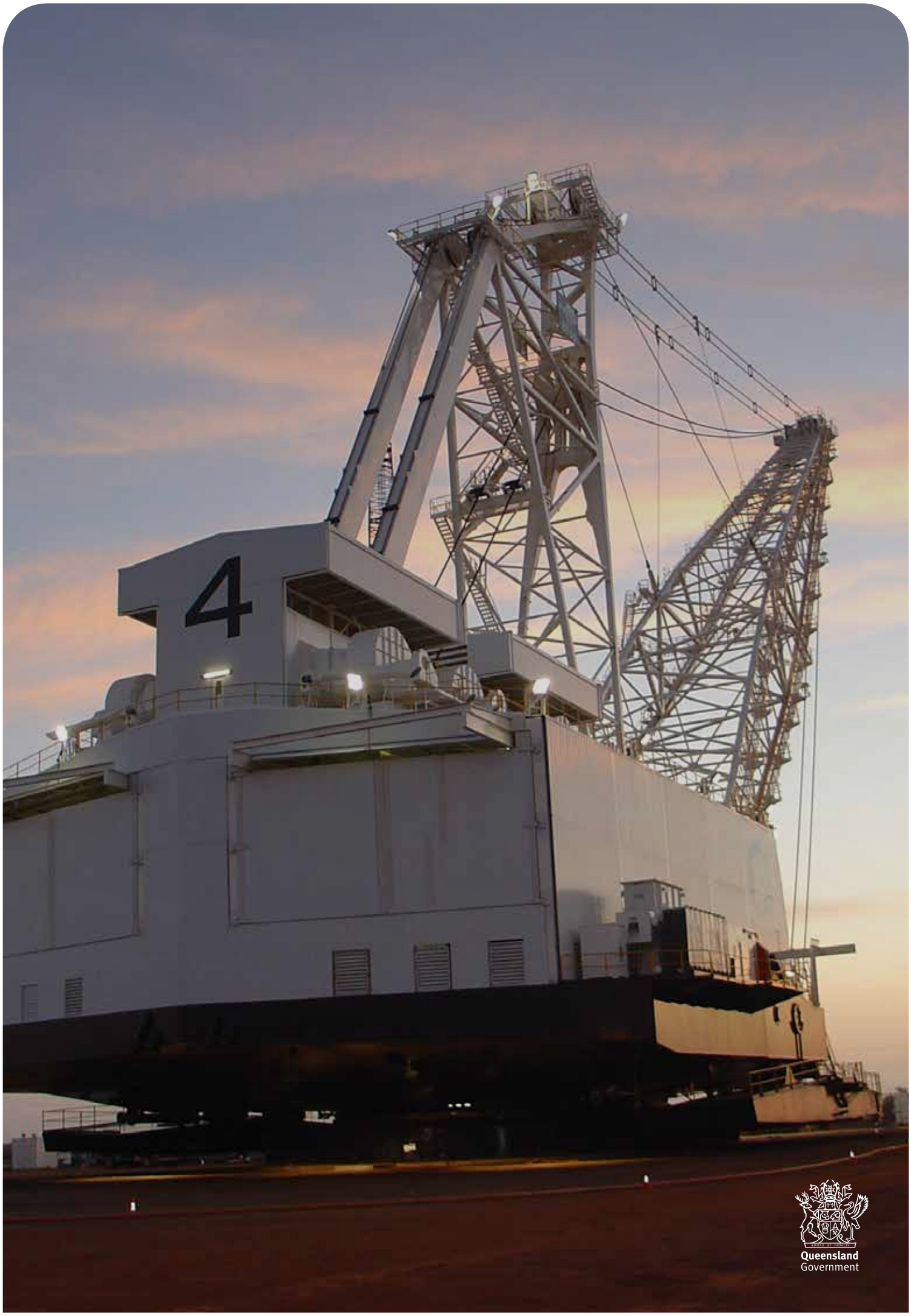
The committee consulted extensively with coal mining stakeholders, including:

- the department's Occupational Health and Hygiene unit on strategies for implementing measures to address the findings of the Monash review
- Queensland Mines Inspectorate occupational hygienists in relation to respirable coal dust and respirable crystalline silica results and the dust database
- the Explosives Inspectorate in relation to changes to the *Explosives Act 1999* that will impact on coal miners
- mining industry senior stakeholders to understand the effectiveness of mine safety and health from a mine operator's perspective
- Safe Work Australia in relation to the respirable airborne contaminants workplace/operational exposure standards review project and the impacts that may have on workplace exposure standards in Queensland
- the Occupational Health Mining Advisory Committee regarding drugs—including prescription drugs—and alcohol use and their impact on mine workers, other workers and colleagues, and the public
- the Queensland Police Service on drug and alcohol testing procedures
- Glencore and AngloAmerican in relation to a risk-assessment project on a real-time dust monitoring device to determine if it is safe for use in potentially explosive gassy environments
- Resources Training Council in relation to training competencies for trainers and assessors.

Expenses incurred

Members of the committee are not entitled to any remuneration other than the reimbursement of reasonable expenses and travel allowances to attend meetings.

The total expenses incurred and claimed by members in 2017–18 was $3026.11



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