



Commissioner for
**Resources Safety
& Health**

Mining Safety and Health Advisory Committee

Annual report 2020–21

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Have your say

The Mining Safety and Health Advisory Committee hopes you find the this annual report informative.

The advisory committee welcomes any comments and feedback about the report. Please send your feedback to commissioner@rshq.qld.gov.au.

28 October 2021

The Honourable Scott Stewart MP
Minister for Resources
1 William Street
Brisbane Qld 4000

Dear Minister

In accordance with section 68(1) of the *Mining and Quarrying Safety and Health Act 1999*, I am pleased to submit to you the Mining Safety and Health Advisory Committee annual report for the year ending 30 June 2021.

Yours sincerely



Kate du Preez
Commissioner for Resources Safety and Health

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From the Chair

In 2020–21, the Mining Safety and Health Advisory Committee entered a new era with the commencement of the *Resources Safety and Health Queensland Act 2020*. The new Act amended the *Mining and Quarrying Safety and Health Act 1999* to broaden the functions of the advisory committee and build upon the proven tripartite working arrangements that have been in place in the mineral mining and quarrying industry for more than 20 years.

The amendments provide a more strategic focus for the advisory committee in identifying critical risks to safety and health and serve to reinforce the advisory committee’s role as an important part of the accountability framework to manage safety and health in the industry, and to ensure mineral mine and quarry workers arrive home safe and healthy every day.

This year, the advisory committee has developed its first five-year strategic plan. This plan provides a solid platform for the advisory committee and will serve as a roadmap in its journey towards achieving its goal of *Safe and healthy mines and quarries, now and in the future*. It sets the key actions and deliverables for the upcoming years, and will ensure that the advice provided to the Minister is contemporary, relevant and evidence-based, and will have a real impact on safety and health outcomes for mineral mine and quarry workers.

This year the advisory committee has met regularly to consider the current issues related to safety and health in the mineral mining and quarrying industries and has proactively sought to identify emerging issues. As an independent tripartite body, the advisory committee is uniquely placed to provide advice and recommendations to the Minister, and to industry, about improvements that can be made to the effectiveness of controls of risk, critical risk management, safety and health systems and safety culture that can make mineral mine and quarry workers safer and healthier.

Over the past 12 months, its advice to the Minister has covered a broad range of topics, including recommended changes to legislation, guidelines and competencies; the effectiveness of the controls in place to manage risk in the industry; the management of respirable dust and other airborne contaminants; the recommendations of Dr Sean Brady’s *Review of all fatal accidents in Queensland mines and quarries from 2000 to 2019*; proposed regulatory changes regarding blood lead levels; and the performance of Resources Safety and Health Queensland.

This would not be possible without the efforts of the highly competent and experienced industry professionals who make up the advisory committee and their willingness to contribute their knowledge and experience. I would like to take this opportunity to acknowledge the efforts of all of the members of the advisory committee throughout this year and to thank them for providing their experience, knowledge and expertise.



Kate du Preez

Commissioner for Resources Safety and Health

Background

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

The advisory committee is a tripartite body formed to provide advice to the Minister about promoting and protecting the safety and health of persons at mines and quarries. The advisory committee is an integral part of the accountability framework that is in place to manage safety and health in the industry and to ensure mine and quarry workers arrive home safe and healthy every day.

Under the *Mining and Quarrying Safety and Health Act 1999*, the chair of the advisory committee must prepare an annual report on the committee's operations for the year. The report must be given to the Minister for Resources as soon as practicable, but within four months, after the end of each financial year. The Minister must table the report in the Legislative Assembly within 14 sitting days.

Functions of the advisory committee

The primary function of the advisory committee is to give advice and make recommendations to the Minister about promoting and protecting the safety and health of persons at mineral mines and quarries and persons who may be affected by mineral mining and quarrying operations.

The committee must discharge its primary function by periodically reviewing the effectiveness of the control of risk to any person from mineral mining and quarrying operations.

The advisory committee also has the following functions:

- recognising, establishing and publishing the following competencies
 - the competencies accepted by the committee as qualifying a person to perform the tasks prescribed by regulation
 - the safety and health competencies required to perform the duties of a person under this Act
- developing a five-year strategic plan for improving the safety and health of persons at mines and persons who may be affected by mining operations
- periodically evaluating, and at least once each year updating, the five-year strategic plan
- developing action plans to achieve measurable targets set in the five-year strategic plan
- obtaining information from Resources Safety and Health Queensland to assess the fulfilment of the five-year strategic plan and the action plans
- identifying and prioritising critical risks to the safety and health of persons at mineral mines and quarries and persons who may be affected by mineral mining and quarrying operations;
- providing advice to the mineral mining and quarrying industry about those risks
- providing information to the Minister about the performance of Resources Safety and Health Queensland.

Membership

The advisory committee consists of 10 members, one of whom is the Chairperson. Members represent the Queensland Government, mine and quarry workers and mine and quarry operators. The chair of the advisory committee is the independent Commissioner for Resources Safety and Health, Mrs Kate du Preez.

Members are appointed for terms of up to three years and there is no limit to the number of terms members can serve. Members are nominated to, and appointed by, the Minister.

The advisory committee includes members from the Australian Manufacturing Workers' Union (AMWU), Australian Workers' Union (AWU), Cement, Concrete and Aggregates Australia (CCAA), Queensland Resources Council (QRC), and the Queensland Mines Inspectorate (QMI) in Resources Safety and Health Queensland (RSHQ). The Chief Inspector of Mines, Mineral Mines and Quarries is to be a member of the advisory committee.

Table 1: Mining Safety and Health Advisory Committee members for 2020–21

Name	Representing	Organisation	Meetings
Kate du Preez	Independent chair	Commissioner for Resources Safety and Health	5
Stephen Carson ¹	Mineral mine and quarry workers	AWU	4
Jack Farry ²	Queensland Government	QMI, RSHQ	5
Hermann Fasching	Queensland Government	QMI, RSHQ	5
John Hempseed	Mineral mine and quarry workers	AMWU	5
Gavin Lawrence	Mineral mine and quarry workers	AWU	5
Katie Ormonde ³	Queensland Government	QMI, RSHQ	4
Joe Russell ⁴	Mineral mine and quarry operators	QRC	5
Russel Wilson	Mineral mine and quarry operators	CCAA	5
Maryann Wipaki	Mineral mine and quarry operators	QRC	5

Substitute members

Substitute members are appointed to stand in when members are not available.

Table 2: Mining Safety and Health Advisory Committee substitute members for 2020–21

Name	Representing	Organisation	Meetings
Peter Ambrose ⁵	Mineral mine and quarry operators	CCAA	0
Des Bouchardt ⁶	Mineral mine and quarry workers	AWU	0
Simon Delander ⁷	Mineral mine and quarry operators	QRC	0

¹ Stephen Carson's term as an advisory committee member ceased on 19 June 2021

² Jack Farry was appointed to the advisory committee on 28 August 2020

³ Katie Ormonde resigned from the advisory committee on 1 April 2021

⁴ Joe Russell was appointed to the advisory committee on 28 August 2020

⁵ Peter Ambrose's term as a substitute member expired on 19 June 2021

⁶ Des Bouchardt's term as a substitute member expired on 19 June 2021

⁷ Simon Delander's term as a substitute member expired on 19 June 2021

Meetings held

Under the *Mining and Quarrying Safety and Health Act 1999*, the advisory committee has an obligation to meet at least twice a year. In 2020–21, the advisory committee met a total of five times. Four of the meetings were scheduled meetings and one was a strategic planning workshop to develop the advisory committee’s first five-year strategic plan. When required, members also worked out-of-session to perform their functions. The advisory committee is committed to holding meetings in regional areas when possible to do so and will continue this commitment in 2021–22.

Table 3: Mining Safety and Health Advisory Committee meetings in 2020–21

Meeting number	Date	Location
68	10 September 2020	Townsville
Five-year strategic plan workshop	12 November 2020	Brisbane
69	9 December 2020	Townsville
70	17 March 2021	Townsville
71	23 June 2021	Townsville

Strategic objectives

With the commencement of the *Resources Safety and Health Queensland Act 2020* in 2020-21, the *Mining and Quarrying Safety and Health Act 1999* was amended to broaden the functions of the advisory committee. The advisory committee must now develop, and periodically evaluate and update, a five-year strategic plan for improving the safety and health of persons at mines and persons who may be affected by mining operations.

The advisory committee developed its first five-year strategic plan in 2020-21, titled the *Mining Safety and Health Advisory Committee 2020-2025 strategic plan*. The strategic plan serves as a roadmap for the advisory committee to achieve its vision of *safe and healthy mines and quarries, now and in the future*.

The advisory committee identified the following four strategic objectives under its strategic plan:

- A safe and healthy workplace
- A competent workforce
- An informed industry
- An effective advisory committee

These four strategic objectives are described in Figure 1 below.



Figure 1: Mining Safety and Health Advisory Committee strategic priorities

Work of the advisory committee

The primary function of the advisory committee is to give advice and make recommendations to the Minister about promoting and protecting the safety and health of persons at mineral mines and quarries and persons who may be affected by mineral mining and quarrying operations.

The work of the advisory committee in 2020-21 included reviewing the effectiveness of the control of risk to mineral mine and quarry workers; identifying, prioritising and providing advice about critical risks to safety and health; providing information about the performance of Resources Safety and Health Queensland; recognising, establishing and publishing competencies; and engaging with stakeholders to communicate emerging harms and risk to industry.

Throughout 2020-21, the Commissioner provided regular briefs to the Minister for Resources on the advice and recommendations from the advisory committee, including information about the performance of Resources Safety and Health Queensland.

Reviewing the effectiveness of the control of risk to any person

In completing its primary function, the advisory committee provided independent advice and recommendations to the Minister about:

- an expert legal assessment of mineral mining and quarrying safety and health legislative framework
- new and revised guidelines
- proposed legislative amendments.

Expert legal assessment of mineral mining and quarrying safety and health legislative framework

In 2019–20, at the request of the then Minister for Natural Resources Mines and Energy the Hon Anthony Lynham, the advisory committee delivered an expert legal assessment of the *Mining and Quarrying Safety and Health Act 1999*, the Mining and Quarrying Safety and Health Regulation 2017 and guidelines.

The *Expert Legal Assessment MQSHA, MQSHR and Guidelines* was an independent expert assessment of the intrinsic adequacy of the legal framework and highlighted key issues for the advisory committee to consider.

The assessment was conducted by a multidisciplinary team from the University of Queensland, incorporating representatives from the Sustainable Minerals Institute's Minerals Industry Safety and Health Centre, and the T.C. Beirne School of Law.

The final report was tabled in the Queensland Parliament on 6 February 2020 by the Minister.⁸ Subsequent to the review, the Minister directed the advisory committee to establish a tripartite sub-committee to review and consider the 72 recommendations of the legal assessment. The sub-committee members are listed in Table 5.

In assessing the recommendations, the sub-committee examined whether the recommended amendments would materially improve the safety and health of workers in the mineral mining and quarrying industries.

The sub-committee held a total of eight meetings and provided the results of their review to the advisory committee in November 2020. A

⁸ <https://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2020/5620T199.pdf>

summary of the sub-committee's assessment is shown in Table 4.

The advisory committee advised the Minister that they supported *in principle* 26 of the 72 recommendations. The advisory committee noted that the 26 recommendations should be progressed through Resources Safety and Health Queensland to be assessed in line with routine government policy and drafting processes, and that the advisory committee be consulted on the final drafting of any proposed legislative changes. Regarding the remaining 46 recommendations that were not supported, the advisory committee advised that they had determined that existing provisions were sufficient or that further prescription was not required or did not improve the effectiveness of the legislation.

Table 4: Summary of Mining Safety and Health Advisory Committee legislation effectiveness review sub committee recommendations

Summary of recommendations	Number	Accepted	Not accepted
Definitions	11	8	3
Health	4	1	3
Policy Issues	13	1	12
Guidelines	4	1	3
SHMS	8	4	4
SSE	6	1	5
SSHR	4	0	4
Supervisor	1	1	0
Technical	21	9	12
Total	72	26 (36%)	46 (64%)

Table 5: Mining Safety and Health Advisory Committee legislation effectiveness review sub-committee

Member group	Member
Queensland Mines Inspectorate—chair	Katie Ormonde
District Workers' Representative	Des Bouchardt
Australian Workers' Union	Brian Devlin
Concrete Cement and Aggregate Australia	Cassandra Koutouridis
Queensland Resources Council	Jason Jones

Changes to regulatory framework

In 2020–21, the advisory committee worked closely with Resources Safety and Health Queensland on the development of one new guideline, one updated guideline and one new proposed guideline.

The advisory committee also provided advice on a range of proposed legislative amendments.

Guideline for respiratory health surveillance of workers in Queensland mineral mines and quarries

The *Guideline for respiratory health surveillance of workers in Queensland mineral mines and quarries* (QGLO4) was developed to help site senior executives to achieve an acceptable level of risk related to preventing occupational respiratory disease through respiratory health surveillance.

The guideline provides advice on:

- the importance of respiratory health surveillance
- frequency of respiratory health surveillance
- when respiratory health surveillance may not apply
- examinations that constitute a respiratory health surveillance medical
- practitioners that can undertake the examinations that constitute respiratory health surveillance.

The guideline expands on the original advice on health surveillance contained in QGLO2 *Guideline for management of respirable dust in Queensland mineral mines and quarries*.

The advisory committee advised the Minister of its endorsement of QGLO4 and the guideline was gazetted by the Minister on 14 May 2021.

Guideline for management of respirable dust in Queensland mineral mines and quarries

The advisory committee advised the Minister that it endorsed the consequential amendments to the *Guideline for management of respirable dust in Queensland mineral mines and quarries* (QGLO2) to ensure alignment and remove any duplication with QGLO4.

The guideline was gazetted by the Minister on 14 May 2021.

Mine surveying and drafting

The advisory committee considered Resources Safety and Health Queensland's proposal to combine Recognised Standard 10 and the proposed *Guideline for mine surveying and drafting* (QGLO5). Member consultation occurred out of session with feedback provided to Resources Safety and Health Queensland.

Proposed regulatory changes regarding blood lead levels

The advisory committee provided advice to the Minister on a proposed change to the Mining and Quarrying Safety and Health Regulation 2017 regarding blood lead level targets.

The change, to be implemented by 1 January 2022, was proposed by Resources Safety and Health Queensland to meet the recommendation by Safe Work Australia that blood lead level for all workers should not exceed 20 µg/dL, and for female workers of reproductive capacity their blood lead

level should not exceed 5 µg/dL. The proposed change would also require that all blood lead level test results must be reported directly to Resources Safety and Health Queensland in a similar manner to dust results. Currently blood lead results are not reported directly to Resources Safety and Health Queensland, but are shared by Queensland Health under a memorandum of understanding.

While the advisory committee supported the proposed change to the Regulation, members were cognisant that the effect of reducing the blood lead level targets to 5 µg/dL may impact on the ability for some female workers from undertaking certain roles.

Proposed amendment to the definition of employer

The advisory committee endorsed the intent of the proposed amendment to the Mining and Quarrying Safety and Health Regulation 2017 regarding the definition of *employer* under the Regulation and provided advice to the Minister.

The proposed change was aimed at providing additional clarity that labour hire companies and service providers are defined as employers under the Regulation and are responsible for their employees' medical health assessments, including cost.

Understanding the effectiveness of controls to manage risk

The advisory committee initiated a process to assess currently available risk assessment tools in order to expand the advisory committee's understanding of the methods available to control risk in the mineral mining and quarrying industry.

The advisory committee conducted initial research on available risk assessment tools and members committed to undertaking the University of

Queensland's one day course in *Risk and critical control management*.

Further research will be conducted in 2021–22.

Identifying, prioritising and providing advice about critical risks to safety and health

In order to identify, prioritise and provide advice to the Minister about critical risks to safety and health, the advisory committee receives quarterly briefings from Resources Safety and Health Queensland on serious incident data, occupational health and respirable dust. The advisory committee also seeks information from other sources which can help it to advise the Minister about current and emerging risks to safety and health.

Analysis of serious incidents

In 2020–21, the advisory committee continued to conduct a standing review of quarterly serious incident data in Queensland mineral mines and quarries, examining the causes of incidents and reviewing in more detail the findings and recommendations of a selection of incidents that occurred during the quarter.

The advisory committee used this information to help it to identify trends and to provide advice to the Minister on improvements that can be made to enhance safety and health performance in the industry.

This analysis has identified that the frequency of serious accidents in surface mineral mines and quarries has continued to decline after a number of years of increasing serious accident frequency rates. However there had been an increase in the frequency of serious accidents in underground mineral mines. While the results are encouraging, the advisory committee noted the need to be cautious and for Resources Safety and Health Queensland to continue to refine data collection

and analysis to ensure the data collected is relevant and beneficial in improving safety and health performance.

Management of respirable crystalline silica and respirable dust

The advisory committee has continued to monitor dust results quarterly and provide advice to the Minister about effective strategies to manage respirable crystalline silica and respirable dust at mineral mines and quarries.

In 2020–21, the advisory committee continued to monitor trends in industry dust results and dust exceedances on a quarterly basis. This quarterly review of dust results identified that the exposure of miners to respirable crystalline silica exceedances had increased, with exceedance rates for the year at their highest since the introduction of QGLo2. However, this increase was expected due to the workplace exposure standard for respirable crystalline silica being reduced from 0.10 mg/m³ to 0.05 mg/m³. The advisory committee noted that the number of exceedances in quarries has not risen to the level that was expected due to the effectiveness of upfront controls and processes that the industry put in place. This puts the industry in good stead to reduce exceedances.

The advisory committee provided advice to the Minister regarding a proposal by Safe Work Australia to lower the workplace exposure standard for respirable crystalline silica to 0.02 mg/m³ (adjusted against a standard 8-hour shift). The advisory committee expressed concerns regarding the methodology for measuring and monitoring respirable crystalline silica at the proposed lower level and the ability for industry to measure accurately and the regulator to enforce effectively the proposed workplace exposure limit due to uncertainty in measurement at low levels, close to the limit of detection.

The advisory committee was concerned that the proposed workplace exposure standard of 0.02 mg/m³ is at the performance limit of the currently available analytical methodology to measure respirable crystalline silica and could make the proposed workplace exposure standard unenforceable in legislation. There is also a concern that current engineering controls do not exist to achieve the proposed workplace exposure standard.

Management of mine dust lung disease

The advisory committee has continued to advise the Minister about incidences of mine dust lung diseases in mineral mine and quarry workers.

The number of reported mine dust lung disease cases from the mineral mining and quarrying industry, or for those individuals with substantial experience in both coal mining and mineral mining and quarrying, is low compared with cases reported for those who have only worked in coal mining.

The advisory committee is concerned that the low prevalence of mine dust lung diseases among mineral mine and quarry workers compared to coal mine workers is due to cases going undetected.

As a result of new respiratory health surveillance requirements that are now stipulated in the Mining and Quarrying Safety and Health Regulation 2017, the advisory committee expects the total number of confirmed cases in the mineral mining and quarrying industries to increase.

The advisory committee will continue to monitor incidences of mine dust lung diseases and advise the Minister.

Brady review

In 2020–21, the advisory committee continued to consider the recommendations of Dr Sean Brady's *Review of all fatal accidents in Queensland mines*

and quarries from 2000 to 2019 and their implications for the safety and health of mineral mine and quarry workers.

One of the key recommendations of the review was that the industry should adopt the principles of high reliability organisational theory in order to reduce the rate of serious accidents and fatalities. The advisory committee has taken an active interest in understanding the practical application of high reliability organisational theory in the Queensland mineral mining and quarrying industry with the aim of advising the Minister on how the industry is applying the principles and determining the gaps.

The advisory committee agreed it was important to develop a deeper understanding of the practical application of the principles of high reliability organisations as they relate to the mineral mining and quarrying industry. To facilitate its understanding, the advisory committee engaged with recognised experts in high reliability organisational theory, including Emeritus Professor Andrew Hopkins from the Australian National University who discussed the functional application in the Queensland mineral mining and quarrying industry and the practicalities of developing a healthy reporting culture.

The advisory committee also engaged with internationally recognised consultant on risk management in high hazard industries Peter Wilkinson from Noetic Group who presented to members on the practical application of the principles of high reliability organisations in the mineral mining and quarrying industry. The advisory committee was particularly concerned with the practicality of applying high reliability organisation principles in when taking into account the variations in operational complexity and size of mineral mines and quarries. This concern led to the establishment of a project by the Commissioner for Resources Safety and

Health benchmark the adoption of high reliability organisation principles in the Queensland quarrying industry.

In 2020–21, the advisory committee provided advice to the Minister regarding this recommendation and Resources Safety and Health Queensland’s role in facilitating the adoption of those principles.

In addition, in line with recommendations that the industry shift its focus from lost time injuries to serious accidents and high potential incidents as its main indicators of safety performance and reporting culture, the advisory committee has continued to analyse these indicators in order to provide advice to the Minister on the safety performance of the industry.

Providing information about the performance of Resources Safety and Health Queensland

As part of the Project Management Office recommendations on enhancing the functions of the advisory committees, the *Mining and Quarrying Safety and Health Act 1999* was amended to include the function for the Mining Safety and Health Advisory Committee to provide advice and information to the Minister on the performance of Resources Safety and Health Queensland.

In 2020–21, the advisory committee provided advice to the Minister on specific matters of concern including Resources Safety and Health Queensland’s approach to consultation on legislative framework.

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 mineral mining and quarrying statutory position under the Act.

The advisory committee maintains a list of approved competencies which is published on the Commissioner for Resources Safety and Health’s website.⁹ As at 30 June 2021, there were 29 competencies published for the coal mining industry. 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 providers.

Ventilation officers

The advisory committee considered whether the requirement to complete specific ventilation officer competencies with only Simtars or the University of New South Wales should be expanded to include other organisations.

Under the requirements, ventilation officers must complete the required competencies and examination assessment only via Simtars and not through another registered training organisation. This restriction could have the effect of limiting the options for those seeking to complete the competencies. The advisory committee agreed there was a need to provide more options for workers wanting to become qualified as ventilation officers, but noted that there was also a need to ensure quality control of ventilation officer training.

To address the lack of training provider options while maintaining control of quality, the advisory committee proposed to remove the requirement to only complete the required competencies via

⁹ www.commissioner.rshq.qld.gov.au

Simtars, but to maintain the requirement for ventilation officers to complete an assessment examination via Simtars.

The advisory committee will further consider the ventilation officer competency in 2021–22.

Stakeholder engagement

In 2020–21, the advisory committee engaged extensively with mineral mining and quarrying stakeholders including:

- Safe Work Australia.
- Queensland Police Service

Safe Work Australia

The advisory committee continued its longstanding relationship with Safe Work Australia which provides the opportunity for open communication and discussion on the work being undertaken by the agency and its potential effect on Queensland mineral mining and quarrying operations and workers.

The advisory committee maintained a standing quarterly update with Safe Work Australia to discuss its progress with it review of the workplace exposure standards.

In addition, the advisory committee engaged with Safe Work Australia about the National Dust Diseases Taskforce’s proposed new clinical guideline and the national occupational lung diseases awareness *Clean Air. Clear Lungs* campaign which was launched in August 2021.

Queensland Police Service

The advisory committee engaged with the Queensland Police Service in Townsville drug use in the Queensland mining industry.

A Detective Senior Sergeant presented to advisory committee members and discussed the prevalence of certain drugs, the types of drugs available and their impact in mining industries.

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 expenditure incurred by the Commissioner in 2019–20 in relation to the advisory committee was \$38,870.92 including GST.

Table 6: Expenses incurred by the Commissioner for Resources Safety and Health in relation to the Mining Safety and Health Advisory Committee

Expense	Amount
Travel and accommodation	8,179.81
Meetings (venue hire and catering)	2,120.65
Facilitation and subject matter experts	28,570.46
Total	38,870.92



Commissioner for
**Resources Safety
& Health**

