

# Mining and Petroleum Competence Board

## Meeting Minutes

DOC19/436222

Details	
<b>Name</b>	Mining and Petroleum Competence Board
<b>Location</b>	Waratah Room, Dept of Planning & Environment, Level 31, 320 Pitt St Sydney
<b>Date/Time</b>	Tuesday 21 May 2019, 11am – 2pm
<b>Chairperson</b>	Ruth Mackay (Chair, Independent)
<b>Members in attendance</b>	Tony Linnane (Resources Regulator, Department of Planning and Environment), Andy Honeysett (Construction Forestry Mining and Energy Union, Northern Mining & NSW Energy District), Stephen Tranter (Construction Forestry Mining and Energy Union, Northern Mining & NSW Energy District), Janine Lea-Barrett (Independent), Peter Standish (Independent), Rachael Whiting (NSW Minerals Council), Justin Smith (Australian Workers' Union, alternate for Ron Cowdrey),
<b>Observers</b>	Andrew Palmer (Resources Regulator, Department of Planning and Environment), Evelyn Subagio (NSW Minerals Council)
<b>Secretariat</b>	Kylie Cooksey (Resources Regulator, Department of Planning and Environment)
<b>Member apologies</b>	Greg Shields (NSW Minerals Council), Leanne Parker (Cement Concrete & Aggregates Australia), Garvin Burns (Resources Regulator, Department of Planning and Environment)

Paper	Description	Outcomes/Actions
<b>Introduction</b>		
1	<b>Welcome and apologies</b>	<ul style="list-style-type: none"> <li>• The Chair advised that apologies were received from Ms Parker, Mr Shields and Mr Burns.</li> <li>• The Chair welcomed Justin Smith (Australian Workers' Union) as the alternate for Ron Cowdrey. Mr Smith has been nominated to replace Mr Cowdrey.</li> <li>• The Chair welcomed Evelyn Subagio (NSW Minerals Council) attending today as an observer.</li> <li>• Mr Honeysett advised that this is his last meeting as he is retiring.</li> <li>• Ms Mackay acknowledged the contribution Mr Honeysett had made over a number of years and thanked him on behalf of the Board.</li> <li>• The traditional custodians of the land were acknowledged.</li> </ul>
2	<b>Declaration of interests</b>	<ul style="list-style-type: none"> <li>• No conflicts declared.</li> <li>• Mr Standish advised that he has sent an update of his declaration to the Secretariat.</li> <li>• Mr Linnane informed members of the need to maintain conflicts of interest on an ongoing basis. If there are any changes in conflicts, members need to notify.</li> </ul>
3	<b>Acceptance of previous minutes and actions</b>	<ul style="list-style-type: none"> <li>• No changes were requested to the draft minutes. Minutes accepted.</li> <li>• All action items were noted.</li> </ul>
4	<b>Correspondence</b>	<ul style="list-style-type: none"> <li>• Incoming and outgoing correspondence was noted.</li> <li>• Members noted the resignation of Gary Parker as Deputy Chief Inspector of the Resources Regulator and convenor of the Underground Coal Mines Mining Engineering manager examination panel convenor.</li> <li>• Members noted the nomination of Justin Smith as the AWU representative.</li> </ul>

Paper	Description	Outcomes/Actions
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<b>Presentation</b>		
5	<p><b>Implementation of the practising certificate system and maintenance of competence scheme</b></p> <ul style="list-style-type: none"> <li>Mr Palmer brought members attention to the change in the composition of the table in attachment A. The table now shows aggregate figures for the issuing of practising certificates for the quarter rather than month by month and is now organised into statutory functions. Totals are in line with what the regulator expected.</li> <li>Mr Palmer advised that he will be in Dubbo on June 20 to present to MISHEF.</li> <li>Ms Whiting stated that they have Rob Cunningham on site and are aware of the steps involved in getting a practising certificate, but perhaps other mine sites are not aware of the steps of the implementation period. She suggested that it would be good to cover it at the MISHEF meeting as all the mine managers go to that meeting.</li> <li>Mr Standish enquired about the legal status of audit records collected by the regulator.</li> <li>Mr Palmer advised that there is a requirement to provide evidence to the Regulator to support records listing learning completed when required for an audit by the Regulator. Auditing determines whether holders are satisfying their maintenance of competence condition on their practising certificate.</li> </ul>	

**Agenda items**

6	<p><b>Discussion paper on proposed changes to experience for certificates of competence</b></p> <ul style="list-style-type: none"> <li>Mr Linnane advised that the board had previously discussed and recommended that the experience requirements for various certificates of competence be amended. A discussion paper has been prepared for broad consultation, to ensure that there has been an effective consultation process undertaken in relation to the proposed changes, and to solicit any further views that should be considered by the Board.</li> <li>Mr Tranter made a point that on page 9 in relation to the reference to extraction experience, the frontline supervisor and manager of engineering ratio should be the other way around (ie the ratio of direct to general presence).</li> <li>Mr Linnane advised that the frontline supervisor functions are more hands on and so should involve greater direct presence at the extraction face and to supervise activities versus general presence from other parts of the mine. Management function requires less supervision and</li> </ul>	<p><i>Actions</i></p> <ol style="list-style-type: none"> <li>Mr Linnane and Mr Palmer to review maximum and minimum requirements for clarity.</li> <li>The Department to add a note to the beginning of the document and on page 7 stating the positions that have not changed.</li> </ol>
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Paper	Description	Outcomes/Actions
	<p>experience at the extraction face and more general experience from whether the function can be carried out at the mine.</p> <ul style="list-style-type: none"> <li>• Mr Tranter stated that there should only be a minimum, it doesn't make sense to have a maximum as well. Mr Linnane said the the department would re-work the paper it to make it very clear.</li> <li>• Ms Lea-Barrett suggested that there should be a note at the front of the document to state the positions that have not changed so that people don't have to read through it all and look for changes that have not been made. A note should be made on page 7 and at the beginning of the document.</li> <li>• Ms Whiting said she expected a lot of feedback, particularly from smaller mines.</li> <li>• The Chair asked the members to endorse the paper, subject to the identified changes and corrections. Moved by Mr Honeysett and agreed by Mr Standish.</li> </ul>	<ul style="list-style-type: none"> <li>c. The Department to improve the linkage on page 4 about why changes are being made.</li> <li>d. The Chair to provide the Secretariat with a marked-up copy of grammatical changes and typos.</li> </ul>

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#### Auditing of maintenance of competence scheme compliance

- Mr Palmer introduced attachment A and gave a summary of the proposed auditing program for the maintenance of competence scheme.
- Mr Standish and Ms Lea-Barrett enquired about the resources required such as number of staff to carry out auditing.
- Mr Palmer advised that it would be a voluntary process to start with. The department is moving to a computerised situation which would assist the program. The program will start internally with the department staff who are certificate holders and will also be on a voluntary basis initially.
- Mr Linnane advised that it would be a desktop audit, not site visits.
- Mr Palmer advised that there is a senior auditor within the Regulator helping with development and there is training organised for key Regulator staff.
- The Chair noted that she sees an issue in the audit process being random. She asked if that is the way it needs to be and questioned whether the audits should be risk based.
- Mr Palmer advised that the program may still require more depth, but they will identify trends and any competencies issues from incidents. Random indicates that at some point they will be audited.
- Mr Palmer advised that there will be reports back to the board such as levels and percentages of compliance and issues identified.

Paper	Description	Outcomes/Actions
8	<p><b>RII training package</b></p> <ul style="list-style-type: none"> <li>Mr Palmer introduced paper 8 regarding the Industry training package – the last Coal Mining IRC meeting was held on 16 April 2019.</li> <li>There is going to be an extractives project for updating of qualifications. There will also be a major project on metalliferous mining units, with proposed removal of qualifications for Certificate III in Small Mining Operations, Diploma of Metalliferous Mining Operations and Advanced Diploma of Metalliferous Mining due to zero enrolments 2014-2017. The Advanced Diploma is a pre-requisite qualification for the Mining Engineering Manager – Underground Mines certificate of competence (the other being a Bachelor degree in mining). Ms Whiting indicated that CMOC-Northparkes Mines has 3 employees enrolled in the Advanced Diploma qualification since 2018.</li> <li>The Chair asked about the qualifications possibly being deleted and enquired if there is any further consultation taking place around that. Other members expressed concern regarding this as well.</li> <li>Mr Palmer advised that the Resources Regulator has registered a concern about the proposed removal qualifications with Skills for Australia and further consultation is to take place in the project.</li> <li>The Chair asked if it would be helpful for the board to write in about this concern at this stage as it seems to be a serious consequence.</li> <li>Mr Linnane said the Board's and the department's feedback and any concerns will be communicated to Skills of Australia and through working groups.</li> <li>A Skills for Australia project working group have developed RII qualification units on industrial hygiene. Emergency response and rescue is also being reviewed by another group.</li> </ul>	<p><i>Actions</i></p> <ul style="list-style-type: none"> <li>e. The department to communicate to Skills for Australia that the Board has concerns regarding the removal of stated metalliferous mining qualifications.</li> </ul>
9	<p><b>Appointing and amending terms for examiners</b></p> <ul style="list-style-type: none"> <li>Mr Linnane advised that at the previous meeting the board agreed to appoint all examiners indefinitely rather than for a period of 3 years. They will be appointed as ongoing, but the board can revoke an appointment at any time, and it was agreed to do an annual review.</li> <li>The examiner list has been updated and changed to alphabetical order.</li> <li>Mr Leigh Nicholls is recommended for approval as the convenor of the Underground Coal Mine – Mining Engineering Manager panel.</li> <li>Mr Standish moved, and Ms Lea-Barrett agreed.</li> </ul>	<p><i>Outcomes</i></p> <p>Leigh Nicholls appointed as convenor of the Underground Coal Mine – Mining Engineering Manager panel.</p>

Paper	Description	Outcomes/Actions
10	<p><b>Stepped approach for certificates of competencies</b></p> <ul style="list-style-type: none"> <li>At its previous meeting the board agreed to adopt a combination of options 2 and 4 in the paper for a stepped approach to certificates of competence. The preliminary analysis for option 2 is in attachment A.</li> <li>Mr Honeysett commented that he is satisfied with the paper options 2 and 4. He believes it meets a lot of the criteria the CFMMEU wanted.</li> <li>Ms Whiting commented that in relation to paper 6, often graduates don't have the right amount of experience and life skills, but there are older people that do have that experience. Do we ask for a recommendation from anyone to say they can see their competence in the role?</li> <li>Mr Linnane replied that there is no mechanism for that other than those supervisors signing off on the practical experience.</li> <li>It was noted that the examination process will be updated for the consideration of the Board.</li> </ul>	<p><i>Actions</i></p> <p>f. Department to update the examination process for the agreement of the Board.</p>
11	<p><b>Quarry manager statutory function three-tiered approach</b></p> <ul style="list-style-type: none"> <li>Mr Linnane introduced paper 11 on the implementation of a 3-tiered scheme recognising the difference between three different types of operations – low, medium and high-hazards operations. There are 2 types of practising certificates granted for quarry manager – a practising certificate with a certificate of competence or a practising certificate granted with conditions.</li> <li>Mr Tranter asked about the tier 2 requirement of 8 hours maintenance of competence. How will that be determined? Is there something robust around what they will have to do? Mr Linnane responded that the department will conduct a one-day refresher course covering all relevant matters.</li> <li>Mr Standish expressed concern about the process of ranking of mines. He said that this is an important aspect rather than just giving it a score. If there is any one dimension that suggests it needs a higher level of risk, then it will trigger a higher tier competence requirement. Mr Palmer indicated that the risk profile tool allows the assessor to make a qualitative assessment in addition to quantitative. This operates well in practise with inspectors able to factor future changes at the quarry such as expansions or contractions.</li> <li>The Chair was concerned that Ms Parker was absent from this discussion today as she is involved with quarries. She suggested that there be further discussion on the issue and members can provide feedback out of session.</li> </ul>	<p><i>Outcome</i></p> <p>Due to concern that Ms Parker is absent from this meeting, the Chair suggested further discussion and members to provide feedback out of session at this time.</p> <p><i>Action</i></p> <p>g. Members to provide feedback on the quarry manager statutory function to the secretariat out of session.</p>

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	<ul style="list-style-type: none"> <li>Mr Smith asked is there a timeframe based on a snapshot of a particular place at a time? E.g. if a quarry expands over the next few years? Mr Linnane said the approach would accommodate ongoing review of mining operations – a review could be triggered by the mine operator or the regulator.</li> </ul>	
12	<p data-bbox="331 438 907 478"><b>Geotechnical engineer statutory function</b></p> <ul style="list-style-type: none"> <li>Mr Linnane introduced paper 12 which was prepared to consider the reasons for and against introducing a new statutory function of geotechnical engineer for coal mines. The proposal for a new statutory function was requested by the CFMMEU.</li> <li>The Resources Regulator’s analysis found there is no strong evidence for or against introducing the statutory function.</li> <li>Mr Linnane said any proposed introduction of a statutory function would require broad consultation with industry and regulatory assessment.</li> <li>Mr Standish asked about the current geotechnical consultants and the result if they are told they are no longer competent. Mr Linnane responded that under the proposal there would be an obligation on the mine operator to appoint a person to be a geotechnical engineer which could be a consultant or worker at the mine.</li> <li>The Chair commented that the discussion paper would need to include more information on the need for the new statutory function.</li> <li>Mr Linnane responded that it will be finalised and sent out to industry for consultation.</li> </ul>	<p data-bbox="1653 438 1736 478"><i>Action</i></p> <p data-bbox="1653 502 2040 678">h. Department to prepare discussion paper on the proposed statutory function and release for public comment.</p>
13	<p data-bbox="331 997 929 1037"><b>Sample examination question and answers</b></p> <ul style="list-style-type: none"> <li>Mr Palmer presented a sample of a written questions from the quarry manager panel using a standard template that is provided to panels as part of developing exam papers. The template is being developed by a panel in conjunction with an RTO adviser. This will provide a platform for objective marking. The Resources Regulator will publish the sample questions and answers on its website.</li> <li>The members supported the documents and their publication.</li> </ul>	<p data-bbox="1653 997 1736 1037"><i>Action</i></p> <p data-bbox="1653 1045 2040 1189">i. The Department to publish the sample questions and answers on the website.</p>

Paper	Description	Outcomes/Actions
14	<p><b>Length of oral exams</b></p> <ul style="list-style-type: none"> <li>Mr Palmer advised that two examination panel convenors had been consulted and said there is an issue in getting examiners to come for more than one day at a time. Extending the length of oral exams has some issues. There is nothing compelling to say that it should be changed at this time.</li> <li>Mr Honeysett commented that he was satisfied that there had been a review of the matter.</li> <li>It was agreed that no further action was needed.</li> </ul>	
15	<p><b>MPCB Strategic Plan</b></p> <ul style="list-style-type: none"> <li>Mr Linnane said the department recommended that the Board's November meeting will review progress against the strategic plan.</li> <li>Mr Linnane said the Board members should identify any strategic issues that need to be addressed to ensure the competency scheme is meeting the objectives of the legislation.</li> <li>Members were asked to go back to stakeholder groups and identify key issues that they would like to discuss, issues that could be explored as part of the strategic plan. Each of the stakeholder groups and independents are here to represent the industry. They can use their websites, etc to gather that information.</li> <li>The Chair commented that the paper provided by PWC was well set out and that the secretariat could consider presenting the Board's action plan in this form.</li> </ul>	<p><i>Actions</i></p> <ul style="list-style-type: none"> <li>j. Members to go back to stakeholder groups and identify key issues for discussion.</li> <li>k. Secretariat to remind members to bring these issues to the next meeting to prepare an agenda for the November meeting.</li> <li>l. Secretariat to consider adopting action plan format used in PWC papers.</li> </ul>
<b>Other business</b>		
16	<p><b>Additional business</b></p> <p><b>Competency landscape presentation</b></p> <ul style="list-style-type: none"> <li>Mr Linnane tabled a presentation on the current competency landscape for age of practising and certificate of competence holders.</li> </ul>	<p><i>Action</i></p> <ul style="list-style-type: none"> <li>m. Members to review the presentation to discuss at the next meeting.</li> </ul>

Paper	Description	Outcomes/Actions
	<ul style="list-style-type: none"> <li>It was agreed that members would review the presentation and discuss at the next meeting.</li> </ul>	
17	<p><b>Next meeting</b></p> <ul style="list-style-type: none"> <li>The next meeting will be held: <ul style="list-style-type: none"> <li>Date: Tuesday 20 August 2019</li> <li>Time: 9:30am to 2pm</li> <li>Location: Department of Planning and Environment Waratah Room, Level 31, 320 Pitt Street, Sydney</li> </ul> </li> <li>Ms Lea-Barrett will be an apology for the next meeting.</li> <li>The calendar invite for November needs to be updated to read 9am-4pm</li> </ul>	<p><i>Action</i></p> <p>n. Secretariat to update calendar invite for the November meeting.</p>

*The meeting closed at 2pm.*