

MPCB MEETING MINUTES

18 FEBRUARY 2020

Meeting	Mining and Petroleum Competence Board	Date	Tuesday 18 February 2020
Location	Room 3.07, Level 3, 4 Parramatta Square, 12 Darcy St, Parramatta	Time	9am – 1pm
Chair	Ruth Mackay (Chair, Independent)		
Attendees	<ul style="list-style-type: none"> - Greg Shields (NSW Minerals Council) - Stephen Barrett (Construction, Forestry, Maritime, Mining and Energy Union) - Stephen Tranter (Construction, Forestry, Maritime, Mining and Energy Union) - Justin Smith (Australian Workers' Union) - Peter Standish (Independent) - Janine Lea-Barrett (Independent) - Garvin Burns (Resources Regulator, Department of Planning, Industry and Environment) - Tony Linnane (Resources Regulator, Department of Planning, Industry and Environment) - Andrew Jefferies (Cement Concrete & Aggregates Australia) – as delegate for Chris Dolden - Craig Reed (Newcrest) – as delegate for Rachael Whiting 		
Apologies	<ul style="list-style-type: none"> - Chris Dolden (Cement Concrete & Aggregates Australia) - Rachael Whiting (NSW Minerals Council) - Evelyn Subagio (Observer, NSW Minerals Council) 		
Guests	<ul style="list-style-type: none"> - Andrew Palmer (Resources Regulator, Department of Planning, Industry and Environment) 		
Prepared by	Sally Tull (Resources Regulator, Department of Planning and Environment)	CM9	DOC20/136136

Minutes

AGENDA ITEM	DISCUSSED/ACTION
1	<p>Welcome and apologies</p> <ul style="list-style-type: none">■ The Chair welcomed members and acknowledged the traditional custodians of the land.■ Apologies and delegates were noted■ The appointment of Chris Dolden to the Board was noted■ The resignation of Rachael Whiting was noted■ Justin Smith joined the meeting at 11am■ Janine Lea-Barrett participated via telephone
2	<p>Declaration of interests</p> <ul style="list-style-type: none">■ Nil conflicts were declared
3	<p>Acceptance of previous minutes and actions</p> <ul style="list-style-type: none">■ The Board accepted the minutes from the meeting held 19 November 2019■ The Board noted the action items:<ul style="list-style-type: none">– Secretariat to follow up regard letters to Leanne Parker and Board position on Part A examinations– Brief to Minister re concerns of AMCAC regarding federal support for CCIM and AMCAC in progress <p>Action:</p> <p>A. Secretariat to follow up letters of recognition to Leanne Parker and letter with Board position on Part A examinations</p>
4	<p>Correspondence</p> <ul style="list-style-type: none">■ The Board noted the correspondence.■ The Board noted that Leanne Parker had been sent a letter of recognition by the Deputy Premier
5	<p>Certificate of competence examination review – project plan</p> <ul style="list-style-type: none">■ The development of the blueprinting for the certificate of competence examination process is the key body of work as recommended by the

review. An open tender will be undertaken to identify a suitably provider to deliver the blueprinting project.

- The Board discussed the progress against the review recommendations:

Recommendations 1 and 2:

- Members will have an opportunity to provide feedback on the blueprinting process
- The blueprint project will not address candidate qualifications

Recommendation 3:

- The improvements to the examination process will be determined in the blueprinting process

Recommendation 4:

- Accepted – no further action required

Recommendation 5:

- Will be addressed as part of blueprinting

Recommendation 6:

- Accepted – no further action required

Recommendation 6a:

- The Competencies and Authorisations team will investigate this recommendation and report back to the Board before a decision is made
- The examination panel members had raised concerns about the development of a bank of questions and said new exams for each round was preferable (eg questions developed to reflect contemporary industry issues)

Recommendation 6b and 6c:

- These will be addressed through the blueprinting process

Recommendation 6d:

- an induction module for exam panel members will be developed by the Resources Regulator

Recommendation 6e:

- To be completed by the Competencies and Authorisations team

Recommendation 7a and 7b:

- The Board did not accept the recommendations. No further action required.

Recommendation 7c:

- The Board did not accept the recommendations in full, however agreed to conduct exams at the same time, but not one exam for multiple statutory functions.

Recommendation 7d:

- This will be addressed in the blueprinting process.

Recommendation 8:

- Virtual reality implementation will be considered after the blueprinting process.

Action B: Resources Regulator to report on progress of certificate of competence examination review recommendations project plan

6 **Geotechnical engineer statutory function**

- Garvin Burns spoke on the Resources Regulator's position that the regulatory case for the Geotechnical Engineer statutory function had not been made out
- He said the statutory review of the WHS (Mines and Petroleum) laws is commencing next month and stakeholders would have the opportunity to raise the issue through that process.
- Steve Barrett said he received feedback from some geotechnical engineers who believed that had made submissions through the Resources Regulator's portal were not received. Tony Linnane said he would follow this up and if submissions had been made, they would be considered by the Board
- The Chair asked if there is a safety issue that required the statutory function.

- Garvin Burns noted that from 11 incidents there is no evidence to suggest they were caused by not having the statutory function in place.
- The Chair noted that this function is already part of someone's role and is not stopping incidents from occurring. If there is a scheme in place, there should be a function in place for all roles.
- Garvin Burns noted that it is the Mining Engineering Manager's responsibility to ensure those who are recruited have the skills, qualifications and experience to do the job. If we go forward with the statutory function, there will need to be a qualification developed. This means nothing without experience.
- Greg Shields noted that developing a qualification and competency will make the process of employing people very difficult and would still be sourcing externally. He noted the value of statutory functions is the transparency of experience and competency and management systems can be structured accordingly. Adding another tier will add complexity and will not be beneficial.
- Garvin Burns noted there is a small pool of geotechnical engineers and this issue should be reviewed, however there is no evidence that a statutory function will affect safety outcomes
- He said the report on the regulator's Targeted Assessment Program on ground and strata will be published soon. The main findings were:
 - procedures are not being followed
 - monitoring is not installed, used and maintained properly.
 - mine workers:
 - identify and implement control but is not documented
 - identify a control but it is not implemented
 - have not considered a control at all and is not implemented

Action C: Tony Linnane to follow up receipt of submissions from geotechnical engineers as advised by Steve Barrett

Decision: The Board resolved that the proposed geotechnical engineer statutory function was not warranted

7 **Automatic application of senior statutory functions to multiple statutory functions**

- The Board considered a recommendation that if a person has not been assessed for a specific statutory function, then that person cannot be granted a practising certificate to perform that function.
- Members had differing views on this issue:
 - a person cannot maintain competency for a role they have not worked in
 - there are common parts of roles and there is scope to have a process to ensure competence for both
 - an underground manager does not mean that person is competent to be an open cut manager
 - a person should hold the relevant certificate of competence for each role
 - there is evidence that people may not be competent to perform statutory functions for which they have not been assessed
- Any proposed change to the current approach should be supported by transitional arrangements
- The blueprinting process should determine if expanding the exams may be a solution or have the candidate sit all the exams

Action D: Garvin Burns to prepare a position paper on automatic application of senior statutory functions to multiple statutory functions for consideration by the Board

8 **Review of draft strategic plan**

- Members reviewed the horizon scanning summary and draft strategic objectives developed at the November 2019 workshop
- The reference to Johnstaff is not required and should be removed
- The lead indicators should come from proactive programs. Garvin Burns suggested the 'Lead Indicators' (2.3) be changed to 'Performance Indicators, which was agreed. The Secretariat will draft proposed indicators for consideration
- The Board agreed that action 2.4 is better placed in section 4.
- The Queensland Brady Review report will be considered where it is relevant to the functions of the Board, e.g. training and supervision, operation and function of the Board
- A draft plan that incorporates agreed changes will be tabled at the next meeting

Action E: Secretariat to amend strategic objectives as agreed, prepare draft strategic plan and prepare draft workplan

9 **Appointment of examiners**

- The Board agreed to approve all appointments
- The Board agreed to amend the application form and criteria to allow Board discretion when considering applications

Action F: Andrew Palmer to amend Examiner Application Form to allow for Board discretion regarding criteria

10 **Implementation of practising certificate system and maintenance of competence scheme**

- Version 2 of the app should remove the current faults and will allow users to keep records. Any feedback on the app needs to go to Coal Services as the owner
- The Chair asked if there is a formalised feedback process? Can recordkeeping be assisted by talking to training providers to provide records of training. Ask about communication problems with people?
- What enforcement actions will the regulator take for non-compliance? E.g. Penalty notice for not renewing practising certificate
- The Resources Regulator conducted a roadshow with low attendance. The roadshow gave examples of voluntary audits. The regulator will continue to communicate with certificate holders.
- Feedback is welcomed and the Resources Regulator will be holding webinars with latest findings of audits, etc
- Point 6.2 of the guide needs to be reviewed for clarity. The guide should be reviewed after implementation to determine if it is justified

Action G: Members to provide feedback on the maintenance of competence guide to Andrew Palmer

11 **Review of 2019 examination results**

- We did not see a variance in success rates in the last two years. Grant rates are lower than desired

- The blueprinting process should result in consistency across examination results, roles and sectors. There other factors to be investigated impacting on consistency, e.g. training provided by mines.
- Member discussed whether we have the information and ability to monitor those variances to measure success of system being implemented. It was noted that the blueprinting project and moderation are tools to investigate and address fail rates.

12 **Additional business**

- New locations for the Board meetings were suggested, including NSW Minerals Council, CFMMEU or Maitland. Secretariat to follow up.
- Some companies are providing good training regarding competencies, however this is troublesome for non-employees, e.g. cost.
- Some practising certificate holders do not appear to be aware of the conditions on their certificate.

Action H: Secretariat to follow up with Greg Shields, James Barben and Steve Tranter regarding their stakeholder groups hosting future Board meetings.

Action items

NO.	RESPONSIBILITY	ACTION	DUE DATE
A	Secretariat	Secretariat to follow up letters of recognition to Leanne Parker and letter with Board position on Part A examinations	19/05/2020
B	Tony Linnane	Resources Regulator to report on progress of certificate of competence examination review recommendations project plan	ongoing
C	Tony Linnane	Tony Linnane to follow up receipt of submissions from geotechnical engineers as advised by Steve Barrett	19/05/2020
D	Resources Regulator	Garvin Burns to prepare a position paper on automatic application of senior statutory functions to multiple statutory functions for consideration by the Board	19/05/2020
E	Secretariat	Secretariat to amend strategic objectives as agreed, prepare draft strategic plan and prepare draft workplan	19/05/2020

F	Andrew Palmer	Andrew Palmer to amend Examiner Application Form to allow for Board discretion regarding criteria	19/05/2020
G	Board / Andrew Palmer	Members to provide feedback on the maintenance of competence guide to Andrew Palmer	19/05/2020
H	Secretariat	Secretariat to follow up with Greg Shields, James Barben and Steve Tranter regarding their stakeholder groups hosting future Board meetings	19/05/2020

Approval

NAME/POSITION	SIGNATURE/APPROVAL	DATE
Ruth Mackay, Chairperson	Approved at MPCB meeting	19 May 2020

Comment: