

MINUTES			
MEETING	Mining and Petroleum Competence Board (the Board)		
MEETING NO.	2 for 2016	DATE	10 May 2016
LOCATION	Newcrest Cadia Valley Operations, 1460 Cadia Road, South Orange	TIME	9.05 am – 1.05pm
ATTENDEES	Bryan Davis (Chairman), Mick Cairney (NSWMC), Nickolas Strong (NSWMC), Leanne Parker (CCAA), Andy Honeysett (CFMEU), Keith Shaw (CFMEU), Glenn Seton (AWU), Tony Linnane as the delegate for Jenny Nash (NSW Department of Industry), Tony Ingram (Independent) <i>Secretariat:</i> John Flint, Andrew Palmer, <i>Observers from NSW Department of Industry:</i> John Moss (Technical Advisor to the Board for metalliferous mines and extractives), Bryan Doyle (arrived at 10.20am), Gary Parker (Chief Inspector)		
APOLOGIES	Jenny Nash and Doug Revette (NSW Department of Industry), Bob Gibbons (Independent)		
PREPARED BY	Andrew Palmer		

Welcome and preliminary business

No.	Item	Status
1	Introduction	
1.1	The Chairman welcomed those in attendance and asked for any apologies. Nick Strong completed a safety induction to the mine.	Noted apologies and Tony Linnane as the written nominated delegate for Jenny Nash ongoing – refer to paper 2 - Correspondence.
1.2	Declaration of conflict of interest The Chairman asked members if they had a conflict of interest to declare. No declarations were made.	
1.3	Acceptance of previous minutes and actions arising The minutes of the previous meeting 25 February 2016 in paper 1, as amended, were accepted. Actions arising from previous meeting have been completed with meeting papers confirming completion.	No conflicts of interest declared.
1.4	Correspondence Correspondence received from Jenny Nash nominating Tony Linnane as her ongoing delegate	Minutes accepted.

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	until further notice.	

This meeting

No.	Item	Status
2.1	<p>2. For update and discussion and/or decision</p> <p>Paper 3 - Working group plan for public comment on maintenance of competence system</p> <p>The Working Group has met twice since the last Board meeting and developed a plan for responding to the public comment. The plans are to action comment for the design of the scheme first and then cover implementation and administrative issues such as a recording system.</p> <p>The Board considered and endorsed the plan and terms of reference for the working group to address the public comment. The Chairman commended the work progressed by the group, as noted by the Board, and set out in meeting papers 4 - 7.</p>	<p>Terms of reference and working plan endorsed by the Board. The progress of the working group was noted and commended by the Chairman.</p>
2.2	<p>Paper 4 - Purpose and revised objectives for Maintenance of competence scheme</p> <p>Andrew explained that the working group had revised the objectives to better communicate what the scheme is to achieve and be measured against. An overall purpose was also proposed to support a better understanding of the scheme.</p> <p>Leanne expressed concern about making changes to the version of objectives that came from the New Zealand version of the scheme, as this reduces harmonisation and so should only be carried if it is very necessary.</p> <p>The Board endorsed the revised version of the objectives and the new Purpose, subject to a minor amendment to the second objective with the word 'latest' to be replaced by 'effective'.</p>	<p>The Board endorsed the revised version of the objectives and the new Purpose for the Scheme, subject to a minor amendment to the second objective by the Secretariat.</p>
2.3	<p>Paper 5 - Revising areas of competence</p> <p>The Board discussed the changes recommended by the working group for the areas of competence in response to public comment and analysis of other Continuing Professional Development Schemes:</p> <ol style="list-style-type: none"> a) Rename the areas of competence titles to better reflect their content, including Leadership to 'Leadership and Management' and 'Operating and Safety Systems' to 'Mining and WHS systems' b) Removing and adding topics so only those essential to remind individuals of their 	<p>Board agreed to the design of the areas of competence to be revised in response to public comment and to align to the WHS (Mines and Petroleum Sites) legislation and other CPD schemes, as much as possible.</p> <p>The working group is to further consider:</p>

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	<p>importance and relevance remain. The list is only suggestive and they can do other relevant topics.</p> <p>There was discussion around the practicality of topics eg. What does 'operational planning' mean and why is it required. It was also noted that some topics were missing (eg. Ventilation control plan) or should be added (hoisting and conveyors).</p> <p>c) In addition to the rules for areas of competence, using guidance to advise on learning that should be covered under specialist topics sub lists eg. learning for the Electrical engineering control plan topic should include refreshing on explosion protection for underground mines</p>	<ol style="list-style-type: none"> 1) the practicality and appropriateness of topics so individuals understand what learning is required to refresh their competence 2) insert any missing topics including the Ventilation Control Plan and Hoisting & conveyors
2.4	<p>Paper 6 - Revisions to types of learning required</p> <p>The Board discussed and endorsed the revisions recommended by the working group in attachments A – C of meeting paper 6 for types of learning recognised, as summarised below:</p> <ol style="list-style-type: none"> 1. The minimum ratio of formal to informal types of learning and hours are to be on a sliding scale of 33:66 for front line supervisor to 50:50 for middle management (eg. Undermanager) to 66:33 for Managers, to reinforce external learning at higher levels, and informal at lower levels for internal focus ie. a minimum of formal hours to be completed, a maximum of informal 2. The minimum hours to be recognised for types of learning to be increased from two to four hours to make it more significant and reduce the potential number of types of learning to be undertaken, thereby reducing complexity 3. Recognition of actual hours for attendance at seminars etc, as per public comment, excluding breaks ie. not restricted to 6 hours for each one. However, a proposed rule that no one type of formal training can account for more than 50% of the total formal hours required over the five years was amended to apply to only attending conferences/seminars eg. maximum of 40 hours of the 80 hours of formal hours required for managers. The justification for the rule is to encourage a balanced range of formal training types to be undertaken and reduce the risk of this type of learning for people attending, but not actually undergoing learning. 4. Transfer of in house organisation and Original Equipment Manufacturer (OEM) training from informal to formal learning 5. Simplifying the criteria for acceptable formal training courses from 10 to 3 items and for it 	<p>The Board agreed to:</p> <ol style="list-style-type: none"> 1. a sliding scale for the ratio of the minimum percentage of formal hours to the maximum of informal hours from 33%:66% for lower level supervision certificates to 66%:33% for the highest management levels. 2. All types of learning can be recognised for at least four hours 3. Recognition of actual hours of attendance at seminars to a maximum of 50% of the total number of formal hours required for the certificate 4. In house organisation and OEM training now recognised as formal learning 5. Simplified criteria for acceptable formal training courses 6. Adding informal learning types for: <ol style="list-style-type: none"> a) information sharing between mines b) interactions between Department staff and individuals for information and education programmes <p>The Board also asked the working group to:</p> <ol style="list-style-type: none"> I. consider renaming informal learning to non-formal II. tabling a finalised version of types of learning

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	<p>to apply to all (not just greater than 4 hours duration)</p> <p>6. Adding informal type of learning for information sharing sessions between mines</p> <p>The issue of recognising interactions between Department staff and individuals was resolved upon by the Board agreeing to recognise interactions involving the delivery of specific education and information initiatives/programmes by the Department as informal learning eg. fatigue management. It was not thought appropriate to recognise compliance and enforcement actions by mine safety inspectors as learning.</p> <p>The Board requested the working group look into replacing the term 'informal' learning to 'non formal', as this potentially better reflects the type of learning recognised. It also requested a finalised version of types of learning with all the changes approved be tabled at the next meeting.</p>	to the next meeting
2.5	<p>Paper 7 - Reviewing total learning hours</p> <p>Board reviewed working group recommendations in response to public comment and comparisons with other CPD schemes and agreed to the following, as set out in the table in attachment A to the minutes (except where noted):</p> <ol style="list-style-type: none"> 1. total hours of learning required increase with the level in management (eg. from Deputy to Undermanager to Mining Engineering Manager) and the risks at the type of mine eg. Underground coal versus surface metalliferous mine/quarry 2. generic requirements apply to all certificates for simplicity and consistency ie. total hours for all topics in areas of learning to be completed so as to be relevant to their area of specialisation, such as mining for a Deputy or electricity for the Underground Electrical Engineering Manager, with guidance to elaborate. This replaces the varying requirements for a total number or percentage of hours to be completed for an area of specialisation, set out in the discussion paper. 3. two thirds of the total hours of learning required is split between the areas of competence as a minimum. This gives flexibility for the individual to still choose where the remaining third of hours required is carried out between the areas of competence eg. Underground mine supervisor – 40 out of the 60 hours is allocated. 4. Specifying the minimum of learning hours for each area of competence based on a percentage weighting reflecting the: <ul style="list-style-type: none"> • The relative importance of the area given its nature and topics 	<p>Board endorsed the following recommendations of the working group (refer to table in attachment A):</p> <ol style="list-style-type: none"> 1. total hours of maintenance of competence required vary according to management level and potential risks at the type of mine 2. two thirds of the total hours of learning required is allocated between the areas of competence by a percentage weighting between them, but this be amended in the table to be 50% for Mining and WHS systems and 50% to be spread across the remaining 3 areas of competence 3. learning hours for topics under each area of competence be relevant to their area of specialisation 4. A minimum of 8 learning hours for the 4

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	<ul style="list-style-type: none"> • Number and types of topics eg. Mining and WHS systems area has the most, including principal hazards and control plans • Need for maintaining competence, including the amount of potential change eg. less for emergency and legislation <p>The Board varied this recommendation to simplify it by only prescribing 50% to Mining and WHS systems and the remaining 50% to cover each of the other three areas but no minimum amount.</p> <p>5. A minimum of 8 hours for learning to be completed by an individual for the 4 areas of competence each year for four out of the five years. It was noted that this will be considered further under implementation issues for people with extenuating circumstances who have lapsed meeting requirements.</p>	<p>areas of competence be completed each calendar year for four out of five years, with extenuating circumstances to be further considered by the working group.</p>
2.6	<p>Paper 8 - Finalised requirements for Underground mine supervisor certificate of competence</p> <p>The Board endorsed to the Department the revised requirements for the certificate of competence in attachment A of paper 8 that reflect generic WHS competencies (not specialised eg. blasting) so the holder can supervise any activity in the underground mine. The mine operator then determines whether the holder has the technical competence to supervise an activity (eg. blasting) under their general WHS duties.</p> <p>The Board also endorsed downgrading the required unit of competence for emergency management required for all applicants be downgraded from Diploma level <i>RIIERR503D Implement emergency preparedness and response systems</i> to <i>RIIERR404D Apply and monitor underground metalliferous mine emergency preparedness and response systems</i>. This is due to the Certificate IV in RII40315 Certificate IV in Metalliferous Mining Operations (Underground) is the required minimum qualification level now.</p> <p>Attachment C in meeting paper 7 <i>Considerations for determining the number of underground supervisors carrying out the statutory function at a mine</i> was discussed with the issue of when it applies for the Underground Mine Supervisor to being required when production is taking place during a shift. Tony Linnane explained with reference to section 7 of WHS (Mines and Petroleum Sites) Act that production is extraction and associated activities eg. maintenance over a weekend when extraction is shutdown. It does not include parts of a mine that have been completely mined out or under care and maintenance (ie. the activities are not for production but to keep the areas in safe working order. Supervision in these areas may be non statutory. The Department agreed</p>	<p>The Board endorses to the Department:</p> <ol style="list-style-type: none"> 1. the requirements for the Underground Supervisor Certificate of Competence set out in attachment A be adopted 2. the required emergency preparedness unit of competence for the Underground Supervisor Certificate be <i>RIIERR404D Apply and monitor underground metalliferous mine emergency preparedness and response systems</i> 3. amendments be made by the Department to attachment C <i>Considerations for determining the number of underground supervisors carrying out the statutory function at a mine</i> to clarify what constitutes production, before it is disseminated as guidance to industry

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	<p>to revise attachment C so this issue is better clarified before disseminating to industry.</p> <p>The Board noted that from 1 February 2018 mine operators must nominate individuals with the practising certificate for underground mine supervisor for the statutory function. Nick indicated Newcrest Cadia Valley Operations may have upwards of 60 people to obtain the Certificate IV qualification and then undertake the examinations. The Secretariat will ask as part of its presentation to the Mining Industry Safety Committee meeting on the 11 May 2016 for how many people the mines estimate to undergo training and examination. This information will be communicated to the Department Mining Competency Unit to consider when developing their examinations schedule for 2017. The Board will monitor progress of mine operators to meet requirements with a sufficient number of individuals obtaining the certificate of competence before 1 February 2018.</p>	<p>The Board noted the Secretariat is to present summary details of any endorsed requirements for the Underground Mine Supervisor Certificate of Competence to MISAC on 11 May 2016 and seek estimates on the number of people that mines will require to have the certificate of competence.</p>
2.7	<p>Paper 9 – Finalised Guide for assessing Associated Non Technical Skills (ANTS) for certificate of competence examinations</p> <p>Andrew introduced the paper by advising:</p> <p>a) that amendments requested at previous meeting have been effected</p> <p>b) the electrical and mechanical engineer examination panels have recommended for their statutory functions to be added at level 3 because they involve a whole of mine approach and deal extensively with external bodies.</p> <p>Tony Ingram requested an amendment that recognises ANTS may be used in consultation processes. The Board agreed to add a sentence to this effect in the introduction.</p> <p>The Board endorsed draft version 4 of the Guide set out in attachment A of the paper, with the amendment, to the Department for adoption and for it to be distributed to the examination panels and made available to candidates.</p>	<p>The Board endorsed draft version 4 of the Guide set out in attachment A of paper 9, with the amendment to include reference to consultation, to the Department for adoption and for it to be distributed to the examination panels and made available to candidates.</p>
2.8	<p>Paper 10 – Steering Group report on development of statutory functions descriptions</p> <p>The Board noted that the meeting paper reports that the project is meeting its milestones and a very effective working relationship had been developed between Steering Group and Forsythes.</p> <p>Copies of Forsythes' Progress Report for Milestone 2 (Finalisation of framework and development of descriptions) were tabled and the Board provided the following feedback for actioning:</p> <p>1. okay with key (DALE) for competencies at this point</p>	<p>Board requested the Steering Group effect the following changes to the framework and descriptions for statutory functions:</p> <p>1. core competencies to be mapped back to the WHS legislation, where possible, and wording used to be more objective. Refer to '10 hurdles' document.</p>

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	<p>2. Not agreeable to core competencies and their descriptions because:</p> <p>a) the competencies in the main are not required by legislation ie. where do they map back to the WHS and WHS (Mines) legislation that could justify them being a competency to be examined upon. The concern is the descriptions may become 'pseudo legislation'. John Flint and other members thought this could be done but not for all as the legislation is not prescriptive. The Board agreed to request the mapping of competencies be undertaken to make a link to legislation where possible. The Secretariat is to source a copy of the '10 hurdles' document which maps WHS legislation to the management of WHS at a mine, so as to share it with Forsythes.</p> <p>b) the descriptions uses language that cannot be demonstrated and assessed eg. For Safety Leadership - 'Passionately promotes...'. Board agreed for the subjectivity of the language be replaced by using more appropriate alternative wording eg. 'win win' = effective.</p> <p>3. The descriptions to be amended to contain section on what the person has to do in the statutory function, as required under legislation.</p> <p>This amendment means that a person could be given the description to read and then know what tasks are required to be carried out for the statutory function. The tasks listed would address each of the parts of the WHS Mines legislation including the safety management system, principal mining hazard management plans, principal control plans and specific controls</p> <p>4. want to include in descriptions the level of authority exercised by the person reflecting the competency levels of DALE (and AQF qualifications)</p> <p>This can be summarised in part as:</p> <p>a) Certificate IV level (supervisor) the individual is competent to apply and monitor</p> <p>b) Diploma (middle manager) – implements</p> <p>c) Advanced diploma (high level manager) – develops</p> <p>5. Technical skills</p> <p>The Board confirmed the proposed action by the Steering Group that core competencies for technical be expanded by the Department through drafting them for individual topics, starting with the principal hazards in the legislation.</p>	<p>2. The descriptions to be amended to contain section on what tasks person has to do to exercise the statutory function, as required under the legislation. This section to address authority levels to differentiate between the levels of statutory functions, referring to the qualifications required.</p> <p>3. Technical core competencies be expanded to address all the principal hazards as a starting point.</p>
2.9	Paper 11 – Concepts for Conditional Practising Certificate replacing the Production Manager Permit (PMP)	

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	<p>Gary introduced the paper as concepts that an internal working group of the Department has developed for a system of issuing Conditional Practising Certificates for Quarry Manager and Underground Mining Engineering Manager (other than coal mines) to replace the Production Manager Permit System. The concepts under considerations are:</p> <ol style="list-style-type: none"> 1. mines/quarries to be determined by risk assessment by the Department for whether they are eligible to nominate an individual with a Conditional Practising Certificate restricted to the mine 2. individuals be examined by completing an online module, followed by an interview at the mine 3. Existing permit holders will have a conditional Practising Certificate issued to them 4. If the risk profile of the mine is assessed by the Department as requiring a person with a certificate of competence, then a transition plan will be negotiated with the mine to comply. <p>Members did not raise objections to the concepts but would like to see more details on how it is proposed to be carried out, such as the risk assessment tool for mines to determine eligibility.</p> <p>Gary Parker said the department would look at providing optional briefing sessions for candidates, like for other certificate examinations.</p> <p>The Chairman asked for the Department to agree upon the proposed new system before presenting a finalised version of the proposed new system to the Board at the 25 August meeting.</p>	<p>The Board noted the concepts proposed in the new system for issuing conditional practising certificates and requested more details be provided in the finalised system to be tabled at the 25 August 2016 meeting.</p>
2.10	<p>Paper 12 – Progressing a Memorandum of Understanding between the Department and the Australian Skills Quality Authority (ASQA)</p> <p>Andrew introduced the paper indicating that the Department is considering entering into an MOU with ASQA to support information and resourcing sharing for better regulation of RTOs and delivery of vocational education training to the mining industry. The Board supports the Department to enter into the MOU.</p>	<p>The Board supports the Department enter into the MOU with ASQA.</p>
2.11	<p>Paper 13 – Approach from Engineers Australia regarding use of their National Engineering Register for statutory functions</p> <p>Andrew introduced the paper indicating that Engineers Australia had initiated discussions with the Department to continue and expand upon the requirements for individuals to join their National Engineering Register and undertake maintenance of competence (CPD) activities for the electrical and mechanical engineer statutory functions. The issue of how maintenance of competence is to be addressed for certificate of competence holders for these statutory functions</p>	<p>The Board supports the strategic direction of the Department entering into further discussions with Engineers Australia about use of their NER for statutory functions nominations.</p>

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	<p>was identified in the discussion paper for the proposed scheme to be addressed.</p> <p>The Board supports the strategic direction of the Department entering into further discussions with Engineers Australia about use of their NER for statutory functions nominations.</p>	
<p>3</p> <p>3.1</p> <p>3.2</p> <p>3.3</p>	<p>Business for noting</p> <p>Paper 14 – Proposed Mine Managers Ministerial Declaration for Mutual Recognition</p> <p>Andrew introduced the paper indicating the Council of Australian Governments (COAG) is looking to rationalise existing ministerial declarations for mutual recognition of certificates of competence. The Australasian Mining Competency Advisory Council (AMCAC) has been considering a ministerial declaration for manager and supervisor certificates of competence between NSW, WA, Qld and SA.</p> <p>Paper 15 - Update on Australasian Mining Competency Advisory Council</p> <p>Andrew advised that paper 15 confirms Gary Parker, Nick Strong and Glenn Seton will attend the meeting for AMCAC on 24 May 2016 in Sydney. The Secretariat has raised several agenda items relating to current Board activities.</p> <p>The MOU between jurisdictions for AMCAC is still in the process of being signed.</p> <p>Paper 16 - Progress in implementing the Board strategic plan to 2020</p> <p>Andrew referred to paper 16 to advise the Operational Plan in attachment A had been updated with the status of activities to achieve the sub objectives with those commenced on schedule or a few with the risk of delays that are outside the control of the Board and Secretariat.</p> <p>The Secretariat has commenced the development of a Communications Strategy as indicated in the Strategic Plan.</p>	<p>Noted by the Board</p> <p>Noted by the Board</p> <p>Noted by the Board</p>
<p>4.</p>	<p>Other Business</p> <p>A Memorandum from the Department Manager of the Business Processes and Authorisations Unit advising of appointments as members to examination panels from the call for Expressions of Interest, as follows:</p> <p>Mining Engineering Manager of underground coal mines – Glen Lewis and Allan Phillips Quarry manager of mines other than underground mines or coal mines – Tony Ingram</p> <p>Tony Linnane noted that all the appointed members possess the certificate of competence that they are examining for.</p>	<p>Noted by the Board</p>

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	Next meeting is 25 August 2016 at the Hanson offices in Parramatta.	
	Closed meeting 1.05 pm	

MCPB Actions Schedule

Actions from 10 May 2016 Meeting

Action #	Action	Current Status
2.3	Paper 5 – Revising areas of competence	
	<p>The working group is to further consider:</p> <ol style="list-style-type: none"> 1) the practicality and appropriateness of topics so individuals understand what learning is required to refresh their competence 2) insert any missing topics including the Ventilation Control Plan and Hoisting & conveyors 	
2.4	Paper 6 – Revisions to types of learning required	
	<p>The working group to:</p> <ol style="list-style-type: none"> I. consider renaming informal learning to non-formal II. tabling a finalised version of types of learning to the next meeting 	
2.6	Paper 8 – Finalised requirements for Underground mine supervisor certificate of competence	
	<p>Amendments be made by the Department to attachment C 'Considerations for determining the number of underground supervisors carrying out the statutory function at a mine'</p>	
2.8	Paper 10 – Statutory functions descriptions	
	<p>Board requested the Steering Group effect the following changes to the framework and descriptions for statutory functions:</p> <ol style="list-style-type: none"> 1. core competencies to be mapped back to the WHS legislation, where possible, and wording used to be more objective. Refer to '10 hurdles' document. 2. The descriptions to be amended to contain section on what tasks person has to do to exercise the statutory function, as required under the legislation. This section to address authority levels to differentiate between the levels of statutory functions, referring to the qualifications required. 3. Technical core competencies be expanded to address all the principal hazards as a starting point. 	
2.9	Paper 11 – Conditional Practising Certificate replacing the Production Manager Permit	
	<p>Department to provide more details of the finalised scheme in its proposal to the next Board meeting on 25 August 2016</p>	