



## MINUTES

### Mining and Petroleum Competence Board (the Board)

MEETING NO.	3 for 2017	DATE	Tuesday 22 August 2017
LOCATION	Hanson Quarry, Lot 71 George Downes Drive, Kulnura NSW 2250	TIME	10.15am – 2pm
CHAIR	Ruth Mackay		
MEMBERS ATTENDING	Greg Shields (NSWMC) – joined at 11.10am around item 2.2, Leanne Parker (CCAA), Tony Linnane (NSW Department of Planning and Environment), Bob Gibbons (Independent), David Simms (alternate for CFMEU)		
OBSERVERS	Mel Brown and Ruth Scott (Department), Tony Watson (CFMEU)		
SECRETARIAT	Andrew Palmer, Rebecca Allan		
APOLOGIES	Andy Honeysett, Keith Shaw, Ron Cowdrey (AWU), Dave McLean		

No.	Item	Status / Actions
<b>1</b>	<b>Introduction</b> Site emergency procedures and facilities <ul style="list-style-type: none"> <li>• Overview completed by Quarry site manager</li> <li>• The Chair completed acknowledgement of country for the Kuring-gai nation</li> </ul>	
1.1	Welcome and apologies <ul style="list-style-type: none"> <li>• The Chair welcomed all in attendance and noted apologies</li> <li>• It was confirmed that a quorum existed, allowing the meeting to proceed</li> </ul>	
1.2	Declaration of conflict of interest <ul style="list-style-type: none"> <li>• No declarations were recorded</li> </ul>	
1.3	Acceptance of previous minutes and actions arising – Paper 1	1. Previous minutes <b>endorsed</b> by Board

	<ul style="list-style-type: none"> <li>AP provided overview of paper</li> <li>BG suggested that board members respond to email from Secretariat with draft minutes to indicate they endorse the minutes prior to meeting.</li> </ul>	<p>2. Status of action items <b>noted</b> by Board as completed, or being progressed, most through papers to be tabled</p>
1.4	<p>Correspondence – Paper 2</p> <ul style="list-style-type: none"> <li>AP spoke to recommendations 1 and 2 (noting letters of resignation from Nick Strong and Tony Ingram and endorsement of letter of thanks from MSAC for their contributions)</li> <li>TL spoke to recommendation 3 (noting the response of Regulator to the request of review of application to sit mechanical engineer competence examination) and the Regulator’s position that the applicant did not meet the requirements</li> <li>Discussion took place regarding prequalification and TL noted that Regulator currently looking at additional pathways to qualify</li> <li>Members of Board expressed support for the broadening of requirements for pre-requisites for the Mechanical Engineer Certificate of Competence</li> </ul>	<ol style="list-style-type: none"> <li>Letters of resignation from Nick Strong and Tony Ingram <b>noted</b></li> <li>Sending of letter of thanks to resigning members <b>endorsed</b> by board</li> <li>Board <b>noted</b> response of Resources Regulator rejecting an appeal for an applicant’s qualification be accepted as satisfying the mechanical engineer certificate of competence requirements</li> </ol> <p><b>ACTION ITEM 1</b> – Regulator to present to Board at the November meeting its position on broadening (or otherwise) the pre-requisite requirements for the Mechanical Engineer Certificate of Competence</p> <p><b>ACTION ITEM 2</b> – Regulator to provide the Board with explanation on why the National Engineers Register with Engineers Australia qualification is equivalent to the Regulator’s certificate of competence.</p>
<b>2</b>	<b>For Discussion and/or Decision</b>	
2.1	<p>Practising certificate system and maintenance of competence scheme</p> <p>- Progress with implementation – <b>Paper 3</b></p> <ul style="list-style-type: none"> <li>TL gave an overview of this paper and informed the Board that progress on implementation is on track with industry engagement sessions already completed</li> <li>RM requested a status report providing a comparison against original plan. TL stated that detailed project plan can be provided</li> </ul> <p>- Proposed further amendments to scheme – <b>Paper 4</b></p>	<ol style="list-style-type: none"> <li>The Board <b>supports</b> the progress with implementation</li> </ol> <p><b>ACTION ITEM 3</b> – Secretariat (AP) to provide detailed project plan from recent Regulator internal steering committee meeting, which outlines status of implementation.</p>

<ul style="list-style-type: none"> <li>• TL spoke to the first recommendation (additional crediting of eligible learning under the MOC scheme in the 12 months prior to being issued with a certificate) noting that this is a sensible transitional approach in first 12 months to ensure scheme does not artificially discourage people undertaking development opportunities prior to implementation of scheme</li> <li>• TL spoke to second recommendation (individuals with a practising certificate for multiple statutory functions to complete the highest requirements in each discipline for each class of mine), including clarification on aspects of the draft guide</li> <li>• Discussion occurred regarding 8 hour time period specified for mandated topic for learning from mining disasters (page 5 of guide)</li> <li>• RM provided reviewed Guide to AP for revisions</li> <li>• Recommendations 3 and 4 were discussed (accommodation of online and distance learning and communicating the amendments to the MOC scheme to stakeholders)</li> <li>• Concern raised by DS that communication of scheme may not be reaching lower level stakeholders, especially contractors.</li> <li>• TL stated that Regulator will continue to communicate to stakeholders and that there is an obligation of the mine operator to ensure individuals have a valid practising certificate. The individual has the obligation not to act in positions if they do not have valid certificates.</li> <li>• TL also discussed the compliance program that will be undertaken to ensure those performing statutory functions have valid certificates.</li> </ul>	<ol style="list-style-type: none"> <li>1. The Board <b>endorsed</b> crediting eligible learning under the MOC scheme completed in the one year prior to an individual being issued with a practicing certificate</li> <li>2. The Board <b>endorsed</b> amendments of requirements for individuals with a practising certificate for multiple statutory functions in different disciplines</li> </ol> <p><b>ACTION ITEM 4</b> – Secretariat (AP) to complete editing of wording required for section on page 13 of guide (“a) claiming in common learning for one or more of the functions”).</p> <p><b>ACTION ITEM 5</b> – Secretariat (AP) to review previous Board minutes to determine why 8 hours was mandated for mining disasters training</p> <p><b>ACTION ITEM 6</b> – Secretariat to effect editorial changes in Guide as per RM reviewed copy</p> <ol style="list-style-type: none"> <li>3. The Board <b>endorsed</b> the criteria for eligible formal training courses to accommodate online and distance learning</li> <li>4. The Board <b>endorsed</b> communicating the amendments to the MOC scheme to stakeholders</li> </ol>
---	---

2.2	<p>Finalisation of statutory function description – <b>Paper 5</b></p> <ul style="list-style-type: none"> <li>AP spoke to this paper for endorsing a further 11 descriptions, including an overview of who were consulted in the process of development of the descriptions</li> <li>DS raised concern about the information not reaching those on ‘coal face’. TL advised that the descriptions are part of a large suite of information available on the website and the topic will be discussed at the Check Inspector Conference in September. TL acknowledged that the Regulator needs mine operators and employee organisations to assist in sharing information to relevant stakeholders.</li> </ul>	<ol style="list-style-type: none"> <li>The Board <b>noted</b> the progress made by Secretariat to revise the descriptions against the plan</li> <li>The Board <b>endorsed</b> draft descriptions, noting the ability to amend when feedback is received</li> </ol> <p><b>ACTION ITEM 7</b> – Secretariat (AP) to complete minor amendments to documents as per Board discussions</p>
2.3	<p>Proposal for identifying competencies from descriptions – <b>Paper 6</b></p> <ul style="list-style-type: none"> <li>AP talked to this paper for proposal to engage a consultancy to identify competencies from descriptions</li> <li>Discussion took place regarding previous project shortfalls and changes to scope/requirements of planned project</li> </ul>	<ol style="list-style-type: none"> <li>The Board <b>noted</b> the Strategic Plan to 2020 undertakes to complete a gap analysis of existing competency standard requirements against agreed role descriptions</li> <li>The Board:             <ol style="list-style-type: none"> <li><b>Endorsed</b> the proposal to engage a consultancy to develop a competence framework with knowledge and skills to complete a gap analysis against certificate of competence pre-requisites.</li> <li><b>Determined</b> that a steering committee was not needed for this project</li> </ol> </li> <li>The Board <b>noted</b> the differences between competence and competencies models/frameworks and their potential application in the future development of examination processes.</li> </ol> <p><b>ACTION ITEM 8</b> – Regulator to present procurement plan and report on progress to Board at November meeting.</p>
2.4	<p>Board process for examiner appointments – <b>Paper 7</b></p> <ul style="list-style-type: none"> <li>TL spoke to this paper and explained that procedure formulated to ensure</li> </ul>	<p>The Board <b>discussed</b> and <b>agreed</b> to</p> <ol style="list-style-type: none"> <li>A criteria to evaluate applicants to be an examiner</li> </ol>

	<p>good administrative processes, including due diligence and procedural fairness, are followed.</p> <ul style="list-style-type: none"> <li>Discussion took place regarding the criteria for appointment in particular having recent experience (i.e. within last 10 years) and potential for requiring current examiners to complete process again for reappointment. It was decided to not amend experience requirements.</li> </ul>	<ol style="list-style-type: none"> <li>Procedure for deciding on appointments</li> <li>What applicant and assessment information is required by the Board from the Resources Regulator</li> <li>Forming examination panels and terms of appointments</li> </ol>
	<p>Brief tabled by AP for appointment of a applicant to Mining Engineering Manager Underground Coal Mine panel. Discussions held in camera (confidentially) as per agreed procedure for examiner appointments, due to personal details of applicant being discussed as part of the selection process.</p>	<p>The Board endorses the appointment of an examiner to the Mining Engineering Manager Underground Coal Mine panel pool pending acceptance by the applicant as part of the selection process and:</p> <p><b>ACTION ITEM 9</b> – Secretariat (AP) to advise absent CFMEU member (Andy Honeysett) of Board decision and he has the opportunity to provide details of any objections on the grounds of the criteria for appointment.</p>
2.5	<p>Outcomes from meeting with examination panels – <b>Paper 8</b></p> <ul style="list-style-type: none"> <li>AP spoke to paper giving an outline of meeting and outcomes from the 27 June meeting</li> <li>LP raised issue of written and oral examinations being conducted at the same time for the Quarry Manager certificate examinations and the negative impact this can have on candidates</li> <li>Strong support by the board for 1 day training workshop for examiners</li> <li>Discussion took place regarding consistency of experience, pre-requisite of prior learning and minimum experience, and expansion of experience requirements. To be considered by the Regulator in action item 10.</li> </ul>	<p>The Board:</p> <ol style="list-style-type: none"> <li><b>Noted</b> the outcomes of the meeting with the examination panel</li> <li><b>Approved</b> recommendations for implementation into 2018 exam cycle: <ol style="list-style-type: none"> <li>Examiners providing feedback to candidates on their performance at end of oral exam (but not results)</li> <li>Removing prequalification examination for Manager Mining Engineer for underground coal mine and Undermanager underground coal mine, in lieu of pre-requisite qualifications</li> <li>removal of mandating number of questions and marks for each certificate of competence</li> </ol> </li> </ol>

		<p>3. <b>Agreed</b> for the Regulator to arrange a 1 day workshop with the examination panels on setting exams and marking criteria</p> <p>4. <b>Agreed</b> for recommendations 2 c) and d) to be considered at November board meeting after examiner workshop:</p> <ul style="list-style-type: none"> <li>a) consider removing open book exams (except perhaps copy of WHS legislation)</li> <li>b) questions should be scenario based application of requirements and not requiring quoting legislation...</li> </ul> <p><b>ACTION ITEM 10</b> – the Regulator reviews the examination process against best/jurisdictional practices and reports progress to November Board meeting on:</p> <ul style="list-style-type: none"> <li>a) scheduling of oral and written examinations</li> <li>b) experience pre-requisites for amount and nature for each statutory function, possibly in a tiered entry structure</li> </ul>
3	<b>Business for Noting</b>	
3.1	<p>Emergency management units of competence for Electrical Engineers – <b>Paper 9</b></p> <p>The Secretariat research and consultation with Mines Rescue there are:</p> <ul style="list-style-type: none"> <li>a) sufficient RTOs delivering the RIIERR601D and RIIERR602D units of competence for the small number of potential candidates annually.</li> <li>b) The existing units of competence are the most appropriate to deliver the competence required for individuals to practise in the electrical and mechanical engineers functions at underground and surface mines.</li> </ul>	<p>1. The Board <b>noted</b> the Regulator recommendation to continue with the current requirements for emergency preparedness units of competence for the electrical and mechanical engineering types of certificates of competence.</p>
3.2	<p>Report on Coal Industry Reference Committee (IRC) - <b>Paper 10</b></p> <p>The Board were advised that members were representatives on two of the five IRCs for Resources and Infrastructure Industries (RII). As part of the RII package proposed schedule of work, there are 5 projects to review units of competence for:</p>	<p>1. The Board <b>noted</b> the outcomes of the Coal Mining Industry Reference Committee for the Resources and Infrastructure Industry (RII) Training Package</p>

	<ul style="list-style-type: none"> <li>• First emergency response</li> <li>• Mobile Plant Operation and Materials Handling</li> <li>• Tyre fitting</li> <li>• Shotfiring</li> <li>• Traffic management</li> </ul> <p>The Regulator through the Secretariat and inspectors are inputting into the projects as they are progressed by pwc Skills for Australia.</p>	
3.3	<p>Update on Australasian Mining Competence Advisory Council – <b>Paper 11</b></p> <p>A summary of updates from jurisdictions was provided. NZ WorkSafe advised they are commencing/commenced:</p> <ul style="list-style-type: none"> <li>• an online system for certificate holders to record their CPD</li> <li>• verification (auditing) of individual CPD records</li> <li>• moderation of their examination panels to ensure consistency</li> </ul> <p>WA and NSW to progress the mapping of model standards that are consistent between the jurisdictions for statutory functions for the 18 October meeting.</p>	<p>The Board:</p> <ol style="list-style-type: none"> <li>1. <b>noted</b> the outcomes of the AMCAC meeting on 29 June 2017, Sydney</li> <li>2. <b>agreed</b> that Ruth Mackay, Dave McLean and possibly Tony Linanne will attend next AMCAC meeting (October 18 2017, Hobart)</li> </ol> <p><b>ACTION ITEM 11</b> – Board members to provide to Secretariat (AP) any information on whether the RII materials handling units that are similar to high risk work licence units of competence should be retained</p>
3.4	<p>Progress in implementing the Board’s plans to 2020 – <b>Paper 12</b></p>	<p>The Board <b>noted</b> the progress in implementing the Board’s plans to 2020</p>
4	<p><b>Other Business</b></p> <ul style="list-style-type: none"> <li>• LP requested Department organisational chart</li> <li>• TL gave overview of recent Director movements within the Department</li> </ul>	<p><b>ACTION ITEM 12</b> – Regulator (AP) to distribute Resources Regulator Organisation Chart (executive level) out of session to Board</p>
4.2	<p>Next MPCB meeting – Tuesday 21 November 2017</p>	<p>Meeting to be held at Regulator Mine Safety Technology Centre, Thornton</p> <p><b>ACTION ITEM 13</b> – Secretariat (AP) to send updated calendar meeting details for location</p>

## Actions arising from 22 August 2017 Board meeting

Item	Action	Current Status
<b>1.4</b>	<b>Correspondence</b>	
1	Regulator to present to Board at the November meeting its position on broadening (or otherwise) the pre-requisite requirements for the Mechanical Engineer Certificate of Competence	Completed
2	Regulator to provide the Board with explanation on why the National Engineers Register with Engineers Australia qualification is equivalent to the Regulator's certificate of competence.	Not yet completed
<b>2.1</b>	<b>Practising certificate system and maintenance of competence scheme (paper 3)</b>	
3	Secretariat (AP) to provide detailed project plan from recent Regulator internal steering committee meeting, which outlines status of implementation.	Completed
4	Secretariat (AP) to complete editing of wording required for section on page 13 of guide ("a) claiming in common learning for one or more of the functions").	Completed
5	Secretariat (AP) to review previous Board minutes to determine why 8 hours was mandated for mining disasters training	Board agreed to at 24 November 2016 meeting from Lee Shearer request.
6	Secretariat to effect editorial changes in Guide as per RM reviewed copy	Completed
<b>2.2</b>	<b>Finalisation of statutory function description (Paper 5)</b>	
7	Secretariat (AP) to complete minor amendments to documents as per Board discussions	Completed and to be published
<b>2.3</b>	<b>Proposal for identifying competencies from descriptions (Paper 6)</b>	
8	Regulator to present procurement plan and report on progress to Board at November meeting.	Completed Paper 5
<b>2.4</b>	<b>Board process for examiner appointments (Paper 7)</b>	
9	Secretariat (AP) to advise absent CFMEU member (Andy Honeysett) of Board decision and he has the opportunity to provide details of any objections on the grounds of the criteria for appointment.	Completed. Andy responded that he still objects and will provide correspondence to this effect at meeting
<b>2.5</b>	<b>Outcomes from meeting with examination panels (Paper 8)</b>	
10	The Regulator reviews the examination process against best/jurisdictional practices and reports progress to November Board meeting on: a) scheduling of oral and written examinations b) experience pre-requisites for amount and nature for each statutory function, possibly in a tiered entry structure	Papers 7 and 8

Item	Action	Current Status
	Recommendations 2 c) and d) from examiners Meeting to be considered at November board meeting after examiner workshop: a) consider removing open book exams (except perhaps copy of WHS legislation) b) questions should be scenario based application of requirements and not requiring quoting legislation...	Secretariat/Mining Competence Team will progress after examiners meeting in Dec and February.
<b>3</b>	<b>Business for Noting</b>	
3.3	Board members to provide to Secretariat (AP) any information on whether the RII materials handling units that are similar to high risk work licence units of competence should be retained	Nil received to date by AP as at 6 November 2017
<b>4</b>	<b>Other Business</b>	
4.1	Regulator (AP) to distribute Resources Regulator Organisation Chart (executive level) out of session to Board	Completed -sent out with Board minutes (22/8) in September
4.2	Secretariat (AP) to send updated calendar meeting details for location of next meeting 21 November 2017	Completed