

## MINUTES

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

MEETING NO.	1 for 2018	DATE	Tuesday 20 February 2018
LOCATION	Hanson Offices, Level 18 Jessie Street Centre 2-12 Macquarie St Parramatta 2150	TIME	9.55am – 1.45pm
CHAIR	Ruth Mackay		
MEMBERS ATTENDING	Jason Floyd - JF (arrived at 10.35) and Greg Shields - GS (NSW Minerals Council), Leanne Parker - LP (CCAA), Andy Honeysett – AH and Tony Watson TW – alternate for Keith Shaw (CFMEU), Tony Linnane - TL (NSW Resources Regulator)		
OBSERVERS	Ruth Scott - RS, Melanie Brown – MB and Garvin Burns - GB (NSW Resources Regulator – Mining Competence Team)		
SECRETARIAT	Andrew Palmer -AP, John Flint - JF		
APOLOGIES	Keith Shaw (CFMEU), Ron Cowdrey (AWU), Bob Gibbons (Independent)		

No.	Item	Status / Actions
1	<b>Introduction</b> The Chair acknowledged country for the Darug people.	
1.1	<b>Welcome and apologies</b> The Chair welcomed all. Apologies noted	
1.2	<b>Declaration of conflict of interest</b> No declarations were recorded	
1.3	<b>Acceptance of previous minutes and actions arising – Paper 1</b>	Previous minutes without amendment be <b>endorsed</b> by Board. All action items arising had been completed or progressed through papers for the meeting.

No.	Item	Status / Actions
1.4	<b>Correspondence – Paper 2</b>	<p>The Board noted:</p> <ol style="list-style-type: none"> <li>1. Peter Jordan from the CFMEU Northern District nominating in writing Tony Watson as the alternative member for Keith Shaw at the 20 February 2018 meeting</li> <li>2. Letter of response from the Regulator to John McKendry, CPD Administrator of the Mine Managers, Association of Australia (MMAA) advising the Maintenance of Competence Scheme cannot be changed for their proposed online system.</li> </ol>
3	<b>Business for Noting</b>	
3.1	<p>Commenced business for noting while awaiting the arrival of Jason Floyd.</p> <p><b>Outcomes of cross jurisdictional meeting with Qld Board of Examiners – Paper 9</b></p> <p>TL introduced the paper highlighting the following points:</p> <ul style="list-style-type: none"> <li>• Qld BOE concerned there may be an influx of individuals from Queensland applying for NSW Certificates of Competence because of the shorter periods of experience required</li> <li>• The proposed draft Maintenance of Competence Scheme for certificate of competence holders in Qld is more prescriptive and oversighted. Individuals from Qld being mutually recognised will probably meet NSW requirements for maintenance but NSW holders may find it difficult to meet the Qld requirements. The two schemes should achieve the same outcomes but in different ways.</li> <li>• NSW will continue to accept mining WHS certificate holders from other states in accordance with mutual recognition legislation, while Qld will continue to require individuals to pass an WHS mines legislation exam</li> </ul>	<p>The Board noted:</p> <ol style="list-style-type: none"> <li>1. Draft minutes of meeting on the 3 November 2017 between the Resources Regulator and Queensland Board of Examiners (BOE) (attachment A)</li> <li>2. BOE is implementing increased experience requirements for coal mining certificates of competence from 2018</li> <li>3. BOE are developing certificates of competence for Ventilation Officer and Undermanager</li> <li>4. Next meeting tentatively proposed between the Resources Regulator and BOE on 19 April 2018 as part of a six monthly cycle</li> </ol>
3.2	<p><b>Outcomes examination panel member 1 day assessment workshop</b></p> <p>RS provided an outline of the conduct and outcomes of the two training days held with about 25 examiners attending, with a report to be provided to the next meeting. The Board discussed:</p> <ul style="list-style-type: none"> <li>• Application of scenario based questioning with marking guides, as covered in the training</li> <li>• Retaining flexibility in oral examination questioning while ensuring the competencies are all examined fairly and consistently between examiners and examination panels</li> </ul>	<p>The Board requested a paper at the next meeting regarding the outcomes of the examiner training sessions and further papers on addressing any issues raised.</p>

No.	Item	Status / Actions
	<ul style="list-style-type: none"> <li>Whether 60% is a suitable pass mark and should be applied to individual parts of an exam, as well as overall.</li> <li>The potential application of critical questions which are required to answered correctly</li> </ul>	
<b>2</b>	<b>For Discussion and/or Decision (JF arrived 10.35)</b>	
2.1	<p><b>Update on practising certificates and maintenance of competence scheme – Paper 3</b></p> <p>MB introduced the paper. She noted the issues arising from the report (attachment A) are addressed in agenda items.</p> <p>MB also asked that Board members make their network aware of the Department request for tender to develop a Learning from Mining Disasters Training Package (attachment B). GS asked which stakeholders are to be consulted in the development of the package. MB advised the Board will be with a timeframe to be advised at the next meeting with the finalised package to be tabled for endorsement.</p>	<p>The Board:</p> <ol style="list-style-type: none"> <li>supports progress with implementation of Practising Certificates and Maintenance of Competence Scheme summarised in the report for 11 November 2017 to 1 January 2018 (attachment A)</li> <li>noted and supports the Regulator procuring a supplier to develop a Mining Disasters Training Package for industry and the maintenance of competence scheme (attachment B), with members to advise their networks of potential suppliers</li> </ol>
2.2	<p><b>Proposed certificate of competence experience pre-requisites – Paper 4</b></p> <p>TL delivered a powerpoint presentation to give an overview of the paper and to facilitate Board feedback on proposed changes by the Regulator. Key points raised in discussions to inform any changes to the proposed pre-requisites:</p> <ul style="list-style-type: none"> <li>the intent is to clearly communicate what robust, ‘hands on’ practical experience is required by individuals so they are ready to be potentially assessed as competent</li> <li>individuals should have experience to understand the hazards and the controls in the class of mine they will be practising at. Coal mining differs significantly from those in metalliferous and extractive mines.</li> <li>acknowledged that it may be difficult for worker operators to obtain supervision experience at some mines given working arrangements and industrial relations, but generally supportive of intent. The Regulator thinks these difficulties should be overcome to give individuals opportunities to obtain it, as supervision is integral to being competent</li> <li>no general agreement on not crediting experience for a certificate from a different class of mine, where the current requirements allow it.</li> <li>the ongoing issue of individuals with higher manager level certificates practising in lower levels is to be considered in terms of whether the</li> </ul>	<p>The Board:</p> <ol style="list-style-type: none"> <li>Agreed to set up a working group to further refine the potential changes to certificate of competence experience pre-requisites and report back to the next Board meeting with a revised proposal. People nominated for the group: Stephen Barrett (CFMEU) Greg Shields (NSW Minerals Council) Leanne Parker (CCAA) Bob Gibbons (Independents) Garvin Burns (NSW Resources Regulator)</li> <li>noted that consultation with examination panels and industry will be considered after the proposed experience requirements are finalised.</li> </ol> <p><b>ACTION ITEM 1</b> – Secretariat (AP) to organise working group meeting in March 2018</p>

No.	Item	Status / Actions
	<p>experience pre-requisites should require them to have it for all the functions they may practise in or only for the function certificate holders.</p>	
2.3	<p><b>Certificate open book written examinations – Paper 5</b>            TL introduced the paper with provision of definitions:  <b>Open book exam:</b> A written exam where the candidate can bring in annotated hard copy reference material  <b>Closed book exam:</b> A written exam where the candidate cannot bring in any reference material. Extracts of relevant reference material are provided with the examination paper.            The Regulator would consider the transition from open to closed book exams for those certificates that currently use them if the Board endorses the changes.</p>	<p>The Board endorsed the Regulator recommendations to:</p> <ol style="list-style-type: none"> <li>1. move to closed book examinations for all certificates of competence written examinations with all reference material supplied by the Regulator</li> <li>2. continue the examiner practice of including extracts from Legislation, Codes of Practice, Australian Standards, safety alerts and other relevant information within written examination papers.</li> </ol> <p><b>ACTION ITEM 2</b> – Manager of Mining Competence Team (RS) to implement closed book exams to replace any that are open in a timeframe to be advised.</p>
2.4	<p><b>Remaining functions descriptions for approval – paper 6</b>            AP advised 15 descriptions have now been published on the Department website. AP advised the outstanding two descriptions for Ventilation Auditor and Dust Control Measures Auditor are still being drafted.</p>	<p><b>ACTION ITEM 3</b> – AP to provided drafts of auditor descriptions out of sessions to the Board for review and possible endorsement.</p>
2.5	<p><b>Competence and maintenance for Ventilation and Dust Explosion Control Measures Auditors – Paper 7</b>            MB introduced the paper explaining that the previous requirements for a license to practise as an auditor have been modernised to apply to the practising certificate pre-requisites for the 2 statutory functions. Previous and existing license holders have been written to advising them of the new requirements.            The Regulator intends to include the auditor practising certificates in group three of the staged implementation where individuals can apply from 1 March 2018.</p>	<p>The Board endorsed:</p> <ol style="list-style-type: none"> <li>1. the requirements for an individual to apply for a practising certificate to exercise an auditor function for an underground coal mine (attachment A), as amended with equivalent certificate to be certified by Exemplar Global</li> <li>2. The inclusion of the practising certificates for auditors in the maintenance of competence scheme, with individuals required to complete 90 hours of learning over the five year certificate period</li> </ol> <p><b>ACTION ITEM 4</b> – MB to effect gazetting of requirements for the auditor practising certificates</p>
2.6	<p><b>Appointment of examiners – Paper 8</b>            RS introduced the brief indicating that previously a panel formed by the Regulator had assessed individuals for a cable repair signatory certificate. Under the WHS (Mines and Petroleum Sites) Regulation an individual is issued with a certificate of competence. The previous assessors were asked for an expression of interest to be on the examination panel. Mark Davis is proposed to be the convenor given his experience in examination panels and he holds an Underground Coal Mine</p>	<p>The Board endorsed:</p> <ol style="list-style-type: none"> <li>1. The brief appointing examiners to the cable repair signatory examination panel:               <ul style="list-style-type: none"> <li>• Mark Davis (convenor)</li> <li>• Stephen Dixon</li> <li>• Bruce Smith</li> </ul> </li> </ol>

No.	Item	Status / Actions
	Electrical Engineering Certificate of Competence which covers the repair of cables.	<ul style="list-style-type: none"> <li>• Jeffrey Bray</li> </ul> <p>The Chair signed the brief on behalf of the Board.</p> <p>2. delegate the Chief Inspector of Mines or Director Mine Safety Performance to sign the letters of appointment on behalf of the Board.</p> <p><b>ACTION ITEM 5</b> – Manager of Mining Competence Team (RS) to organise letters of appointment to cable repair signatory examination panel.</p>
3	<b>Business for Noting (resumed)</b>	
3.3	<b>Update on managing non-compliant individuals from auditing MOC</b>	Not discussed – held over to next meeting
3.4	<b>Procurement of consultants for competencies</b> JF advised the tender has been released for developing a framework for competencies and identifying them from statutory function descriptions. The closing date is the 8 March 2018.	Noted by the Board and for the Regulator to proceed with tender selection and report back to the next Board meeting.
3.5	<b>Update on managing on RII package and Industry Reference Committees – Paper 10</b> AP introduced the paper advising of reviews of units of competence by PWC Skills for Australia and outcomes. Reviews completed are: <ul style="list-style-type: none"> <li>• First Emergency Response</li> <li>• Tyre Fitting</li> <li>• Shotfiring</li> <li>• Mobile Plant Operation and Materials Handling</li> </ul> Projects are to commence for: <ul style="list-style-type: none"> <li>• Contemporary and emerging blasting methods</li> <li>• Geotechnical risk in quarries</li> <li>• New and emerging technology and systems</li> <li>• Drilling equipment and methods</li> <li>• Coal mining</li> <li>• Exploration</li> <li>• Emergency response &amp; rescue</li> </ul> Cross sector projects between training projects being progressed: <ul style="list-style-type: none"> <li>• Big data</li> <li>• Cyber security</li> <li>• Teamwork and communication</li> </ul>	The Board noted: <ol style="list-style-type: none"> <li>1. developments for the Resources and Infrastructure Industry (RII) package</li> <li>2. the outcomes of the Coal Mining Industry Reference Committee meetings</li> </ol>

No.	Item	Status / Actions
	Individuals can be kept informed on the activities of PWC Skills for Australia by emailing info@skillsforaustralia.com to be registered for updates.	
3.6	<p><b>Independent member recruitment</b></p> <p>JF advised Peter Standish has been selected by the Minister for Resources to be the independent member of the Board with expertise in competency and assessment. The Regulator is organising the appointment of Peter to the Board, together with Garvin Burns as the Department member.</p>	
3.7	<p><b>National Engineers Register as an alternate to certificate of competence – Paper 11</b></p> <p>TL introduced the paper which was an action item from a previous Board meeting. Members indicated they were satisfied with the explanation provided.</p>	The Board noted the reasons why the Regulator considers the National Engineers Register to be comparable to certificates of competence for exercising the electrical and mechanical engineer statutory functions
3.8	<p><b>Progress in implementing the Board's plans to 2020 – paper 12</b></p> <p>JF advised activities being completed as planned, with the exception of the descriptions for auditor statutory functions.</p>	Board noted the progress in implementing the Board's plans to 2020 with an updated overview chart of progress.
4	<p><b>Other Business</b></p> <p>JF tabled a brief and instrument for the Board to establish examination panels for certificates of competence formally under this Board. The Board was requested to formalise the creation of panels under the previous competence boards for good governance and to facilitate Department processes to administer the panels.</p>	<p>The Board endorsed the brief and instrument with the Chair signing both documents on its behalf to form the following examination panels:</p> <ul style="list-style-type: none"> <li>Mining engineering manager of underground coal mines</li> <li>Electrical engineering manager of underground coal mines</li> <li>Mechanical engineering manager of underground coal mines</li> <li>Undermanager of underground coal mines</li> <li>Deputy of underground coal mines</li> <li>Electrical engineer of coal mines other than underground mines</li> <li>Mechanical engineer of coal mines other than underground mines</li> <li>Open cut examiner of coal mines other than underground mines</li> <li>Mining engineering manager of coal mines other than underground mines</li> <li>Mining engineering manager of underground mines other than coal mines</li> <li>Underground mine supervisor of underground mines other than coal mines</li> <li>Quarry manager of mines other than underground mines or coal mines</li> </ul>
4.2	Next meeting, 22 May 10 – 2pm, Department of Planning and Environment, Lomandra Room, Level 3, 20 Pitt Street, Sydney	

## **Actions arising from 20 February 2018 Board meeting**

<b>Item</b>	<b>Action</b>	<b>Current Status</b>
<b>2.2</b>	<b>Amendments to certificate of competence pre-requisites</b>	
	<i>ACTION ITEM 1</i> – Secretariat (AP) to organise working group meeting in March 2018	
<b>2.3</b>	<b>Certificate open book examinations</b>	
	<i>ACTION ITEM 2</i> – Manager of Mining Competence Team (RS) to implement closed book exams to replace any that are open in a timeframe to be advised.	
<b>2.4</b>	<b>Remaining function descriptions for approval</b>	
	<i>ACTION ITEM 3</i> – AP to provide drafts of auditor descriptions out of sessions to the Board for review and possible endorsement.	
<b>2.5</b>	<b>Standards and maintenance of competence for auditor certificates</b>	
	<i>ACTION ITEM 4</i> – MB to effect gazetting of requirements for the auditor practising certificates	
<b>2.6</b>	<b>Appointment of examiners</b>	
	<i>ACTION ITEM 5</i> – Manager of Mining Competence Team (RS) to organise letters of appointment to cable repair signatory examination panel.	