

**NSW
Resources
Regulator**

Annual report 2016/2017

Mining and Petroleum Competence Board



Document control

Published by NSW Department of Planning and Environment, NSW Resources Regulator

Title: Annual report 2017/2017 Mining and Petroleum Competence Board

First published: January 2018

Authorised by: Director Mine Safety Performance

CM9 reference: OUT17/48070

Amendment schedule		
Date	Version	Amendment
21 Sept 2017	INT17/163780	1st Draft
21 November 2017	OUT17/44960	Endorsed by NSW Mining and Petroleum Competence Board
30 November 2017	OUT48070	Editorial changes for submission to Minister

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What is the NSW Mining and Petroleum Competence Board?

The NSW Mining and Petroleum Competence Board (the board) is a statutory board that advises the Minister for Resources and the Resources Regulator on the:

- setting of competence standards
- standards for assessing competence
- requirements for the maintenance of competence

for exercising functions at a mine or petroleum site that impact on the health and safety of any person.

It is established under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* (the Act) and *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* (the Regulation).

The board comprises people representing the interests of employers and employees, officers of NSW Department of Planning and Environment (the department) and independents with expertise in the development and assessment of competence standards for people performing functions at mines. The board is chaired by an independent chairperson.

Vision

To improve mine safety and health by contributing to the development of world-leading competence standards in the NSW mining and extractive industries.

Objectives

The board aims to ensure the competence of people performing safety critical roles in NSW mining and petroleum operations, as part of an overall strategy to improve mine health and safety performance by:

- maintaining a strategic focus on significant competence issues
- undertaking consultation with all relevant stakeholders when progressing competence matters
- ensuring processes are put in place to quickly identify emerging issues and respond accordingly
- liaising with other jurisdictions, with an aim to promote consistency in competence standards
- ensuring that all key stakeholders have access to consistent and accurate information regarding competence standards.

How can I find out more information?

For comprehensive information on the board and its activities, see the webpage:

www.resourcesandenergy.nsw.gov.au/miners-and-explorers/safety-and-health/about-us/competence-board

The role of the mine safety regulator

The Secretary of the department, and the Resources Regulator, take advice from the board on how to carry out their functions under the Act and the Regulation to:

- determine the requirements for certificates of competence and conduct examinations
- administer the issuing of certificates of competence and practising certificates, including requirements to maintain competence.

How can I contact the board?

Mining and Petroleum Competence Board

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Introduction

The Mining and Petroleum Competence Board (the board) was established in 2014 following the introduction of the Act. The board is subject to the control and direction of the Minister for Resources. Section 68 of the Act requires the board to provide an annual report within 6 months of 30 June of its activities during the preceding year.

This is the board's third annual report and covers activities between 1 July 2016 and 30 June 2017. The board met on four occasions during the year:

- 25 August 2016
- 24 November 2016
- 23 February 2017
- 10 May 2017

Functions of the board

The board has the following functions (section 67(1) of the Act):

- a) to oversee the development of competence standards for people exercising functions at a mine that may impact on the health and safety of any person
- b) to undertake initial and ongoing assessments of the competence of people exercising any such function
- c) to advise the Minister on matters related to the competence required of people to exercise any such function.

Membership of the board

In addition to the Chairman, there are three employer representatives, nominees of the NSW Minerals Council (1 coal and 1 metalliferous) and Cement Concrete and Aggregates Australia, three employee representatives, nominees of the CFMEU Mining and Energy Division and Australian Workers Union and two representatives of the Resources Regulator.

The members of the board are:

Ms Ruth Mackay, Independent Chairperson

Mr Gregory Shields, NSW Minerals Council (coal)

Mr Nicholas Strong, NSW Minerals Council (metalliferous)

Ms Leanne Parker, Cement Concrete and Aggregates Australia

Mr Andy Honeysett, CFMEU Mining and Energy Division

Mr Keith Shaw, CFMEU Mining and Energy Division

Mr Ron Cowdrey, Australian Workers Union

Mr Dave McLean, Resources Regulator

Mr Tony Linnane, Resources Regulator

Mr Robert Gibbons, Independent member

Mr Tony Ingram, Independent member

Membership note:

Mr Bryan Davis's term as Independent Chair expired on 7 September 2016.

Following a competitive process, the Minister appointed Ms Ruth Mackay as the new Independent Chair of the board on 8 September 2016 for three years.

Mr Mick Carney, NSW Minerals Council coal representative, resigned on 9 June 2017.

Mr Glen Seton, Australian Workers Union representative, resigned on 8 December 2016.

Ms Jenny Nash's term as a departmental representative expired on 8 December 2016.

It is noted that Mr Tony Ingram, Independent member, resigned on 6 August 2017 due to a medical condition. A letter of thanks from the board was provided to Mr Ingram in recognition of his contributions to the board and quarrying. Mr Ingram passed away on 4 October 2017.

Terms of reference

The board developed a Charter of Operations and Conduct and agreed on the Terms of Reference below:

- overseeing the development of competence standards
- overseeing the assessment and examination process for the issuing of certificates of competence
- overseeing requirements for the maintenance of competence
- providing advice to the Minister on matters related to competence requirements.

Identified priorities and vision

At the strategic planning session, the board agreed on a vision to develop an efficient and effective scheme to ensure people carrying out statutory functions under work health and safety (WHS) laws are competent to carry out those roles to best practice WHS and engineering standards.

To achieve the vision, the board has identified the following priorities to 2020:

1. Develop world-leading competence standards for statutory functions requiring certificates of competence.
2. Develop a scheme for practising certificates.
3. Identify and address emerging issues for statutory functions involving certificates of competence.
4. Develop and implement a collaborative communication strategy.

Implementing actions in these priority areas will contribute to achieving the aim of the regulator for a safe and responsible mining, extractive and petroleum industry in NSW. On 30 November 2015, the board's Strategic Plan to 2020 was ministerially endorsed.

Activities of the board in the preceding year

The board endorsed and recommended to the regulator a maintenance of competence scheme as a condition for practising certificate holders for safety critical statutory functions under the Regulation.

The board considered all the feedback from the 30 submissions from the public consultation period requiring between 60 and 120 hours of learning over a five-year period to commence with the staged roll out of practicing certificates for those undertaking the function in 2017/18.

The scheme includes five areas of learning being WHS systems/mining practice, legislation, emergency management; leadership, general WHS through a mix of formal, non-formal and informal learning processes.

The board has communicated to industry through the Resources Regulator's website and endorsed the regulator to implement a strategy of communicating the requirements at industry seminars, events and workshops.

The board endorsed the regulator's proposal of a risk based approach for conditioned quarry manager practising certificates for small quarries restricting individual's certificates to specific low risk operations.

The statutory function role description project was progressed by the board. The project is developing role descriptions for 17 safety critical statutory functions requiring a practising certificate. Public consultation workshops were held in Penrith, Orange and Singleton during October and November 2016.

Following consideration of feedback from the public consultation the role descriptions were realigned and five non-coal descriptions finalised and endorsed for a further web-based consultation process with industry. This has set the template for completion of the coal sector descriptions.

Board members participated in the Australasian Mining Competence Advisory Council (AMCAC) meetings that included department and stakeholder representatives. AMCAC is the forum for mining WHS jurisdictions to discuss consistent competencies for statutory functions and mutual recognition. Board members Tony Linnane, Nicholas Strong and Glenn Seton participated on 7 November 2016, and on 29 June 2017 Dave McLean, Tony Linnane, Keith Shaw and Gregory Shields participated.

Andy Honeysett represented the board at the opening day of the AMCAC Statutory Function Round Table on 7 December 2016 regarding mapping and aligning competencies for statutory functions between New South Wales, New Zealand, Queensland and Western Australia.

The board monitors and influences Industry Reference Committees relating to the Resources and Infrastructure Training Package, under the Australian Industry Skills Committee. These committees are reviewing and updating units of competency for mining related qualifications.

The board has considered governance of examination panel operation, panel member appointments and processes has been undertaken with members reviewing and recommending improvements.

This process has included an examination panel member workshop on 27 June 2017 regarding panel priorities and practices. The workshop resulted in recommendations for the Boards consideration in 2017/18 regarding the style of examinations and assessment criteria.

The board implements a communication strategy that includes communication through the department's web site, face to face workshops on specific issues and participation in industry and stakeholder events. The board provides regular information to the Mine Safety Advisory Council (MSAC) on its strategic direction.

To support transparency, the board publishes the minutes of its meetings on the department's website.

The board is working to ensure that all parties involved in the delivery of competence standards for statutory functions in NSW are consulted. The board is establishing cooperative arrangements with all stakeholders that will provide a strong foundation for it to achieve its objectives. The result will be improved competence of people to work safely in the NSW mining and extractives industry.

Minister I am pleased to present to you the 2016/17 annual report of the NSW Mining and Petroleum Competence Board.

Ruth Mackay

Independent Chair

Mining and Petroleum Competence Board