



<b>MINUTES</b>			
MEETING	<b>Mining and Petroleum Competence Board (the Board)</b>		
MEETING NO.	4 for 2016	DATE	Thursday 24 November 2016
LOCATION	Technology Centre, NSW Department of Industry, 8 Hartley Drive, Thornton	TIME	11 am – 3.15 pm
CHAIR	Ruth Mackay		
MEMBERS ATTENDING	Greg Shields (NSWMC), Nick Strong (NSWMC) by teleconference with online access to documents presented on screen, Leanne Parker (CCAA), Steve Barrett (CFMEU), Keith Shaw (CFMEU), Ron Cowdrey (AWU), Tony Linnane (NSW Department of Industry), Tony Ingram (Independent)		
OBSERVERS	Dave McLean (Chief Inspector of Mines, Resources Regulator), Marty Jones, Linda McNae, Ruth Scott (Governance Branch)		
SECRETARIAT	John Flint, Andrew Palmer		
GUESTS	Lee Shearer, Chief Compliance Officer, Resources Regulator, NSW Department of Industry		
APOLOGIES	Mick Cairney (NSW MC), Andy Honeysett (CFMEU), Bob Gibbons (Independent)		

### Welcome and preliminary business

No.	Item	Status
1	<b>INTRODUCTION</b>	
1.1	<b>Welcome and apologies</b> <ul style="list-style-type: none"><li>The Chair welcomed all in attendance, in particular Ron Cowdrey as the newly appointed Australian Workers Union member, Steve Barrett and Greg Shields as nominated delegates of members who were unable to attend (Andy Honeysett - CFMEU and Mick Cairney - NSW Minerals Council).</li><li>The Chair introduced herself for the first meeting she has chaired. Her background is with the Federal Government, having worked for the Australian Competition and Consumer Commission and been involved in significant bodies of work involving harmonisation of</li></ul>	

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	regulatory requirements, including product safety. She is currently working with the Civil Aviation Safety Authority, having responsibility for governance and risk.	
1.1	<b>Declaration of conflict of interest</b> No declarations made.	
1.2	<b>Acceptance of previous minutes and actions arising (paper 1)</b> Moved by Leanne, seconded by Tony Linnane that the minutes of the previous meeting 25 August 2016 in paper 1 attachment A as amended from feedback by members previously be accepted. It was noted that the actions arising from the previous meeting in attachment B were completed. Ruth Scott advised that the Department is currently reviewing tenders for a review of examination processes and administration so as to procure a contractor to commence work shortly.	Minutes accepted. Action items completed. Ruth Scott to keep Lee Shearer informed of the progress with the review of examination processes.
1.3	<b>Correspondence (paper 2)</b> Correspondence received from Cement Concrete and Aggregates Australia (CCAA) was noted and a possible response will be addressed in agenda item 2.6 meeting paper.	Correspondence noted.
<b>2</b>	<b>FOR DISCUSSION AND/OR DECISION</b>	
2.1	<b>Regulatory strategy – Resources Regulator, NSW Department of Industry</b> <ul style="list-style-type: none"> <li>• Lee Shearer welcomed the Chair for her first meeting.</li> <li>• Lee provided an overview of the changes made in how the Department is regulating the NSW mining industry for work health and safety: <ul style="list-style-type: none"> <li>○ Incident prevention strategy is being implemented with three key foundations: <ol style="list-style-type: none"> <li>1. developing a risk-based intervention framework; this involves targeted assessment programmes for principal hazards and critical controls, and targeted intervention programmes in response to trends, and campaigns for the small mines sector</li> </ol> </li> </ul> </li> </ul>	Noted as background information

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	<p>2. integrating human and organisational factors on risk management and reporting</p> <p>3. collecting and using robust and quality data to support the risk-based intervention framework.</p> <p>Lee spoke about recent incidents involving an underground coal mine exceeding the legislated methane levels and controls prescribed, despite having had a catastrophic event at the mine in similar circumstances.</p>	
2.2	<p><b>Paper 3 – Mandating a topic for learning from past mining disasters</b></p> <p>Lee spoke to the paper in support of a topic for learning from the lessons of past mining disasters being included in the maintenance of competence scheme in areas of learning. Lee advised that the regulator has identified a trend of loss of corporate memory in mine operator organisations for mining disasters and the lessons continuing to be applied from them.</p> <p>She would like to see all practising certificate holders to undertake 8 hours of learning for this topic over the five year renewal period. This ensures that the front line supervisor functions are inculcated with the learnings and empowered to act to prevent a disaster.</p> <p>The Board discussed the option recommended in paper 3 for a proportionate amount of hours from the total hours of learning prescribed for the function be allocated to the topic:</p> <ul style="list-style-type: none"> <li>• 4 hours out of 60 for front line supervisors (eg. Deputy)</li> <li>• 6 hours out of 90 for middle manager and technical specialist roles (eg. Undermanager)</li> <li>• 8 hours of 12 for high level managers (eg. Mining Engineering Manager)</li> </ul> <p>It was agreed to support 8 hours of learning from disasters in general for practising certificate holders. However the Secretariat is to examine the impact of this on the overall scheme and report back to the Board.</p> <p>Lee indicated that the Regulator is developing a course to be delivered internally face to face on learning from disasters relevant to mining. She undertook to make this course available to industry for use in a suitable format with separate packages for the coal and metalliferous/extractives sectors. She will keep the Board informed of progress in the development of the course. It is</p>	<p>1. Regulator (Tony Linnane) to report back to the Board on progress in developing a course on learning from past disasters relevant to mining</p> <p>2. The Regulator to consider the following suggestions from the Board in developing the course:</p> <ol style="list-style-type: none"> <li>a) be practicable with case studies and application to work</li> <li>b) be flexible and relevant for the different sectors</li> <li>c) potentially utilise the Mines Rescue Virtual Reality facility for scenarios learning</li> <li>d) the content of Emergency preparedness training courses</li> <li>e) links to principal hazards under the legislation and critical controls</li> <li>f) consider learning from disasters other than mining ones eg. Piper Alpha, Challenger</li> <li>g) Guidance for the maintenance of competence scheme to include a note on the availability of the training package</li> <li>h) controls around the delivery of the training for quality</li> </ol>

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	<p>expected the course will be developed within 6 months.</p> <p>A number of considerations were identified by the Board in developing and making the course available (see status column for actions arising).</p>	
2.3	<p><b>Paper 4 – Proposed maintenance of competence scheme</b></p> <p>The Board reviewed the amended maintenance of competence scheme proposed in response to public comment. Attachment A to the paper combines all the previous meetings' papers that have been endorsed by the Board into one document, so the scheme can be considered as a whole.</p> <p>The Board made the following amendments to the proposed scheme document displayed on screen at the meeting:</p> <ol style="list-style-type: none"> <li>1) Maintenance of competence for the mine specific quarry manager practising certificate is a full day session provided by the Department (instead of half day) every 5 years for individuals. The session will include learning from past mining disasters.</li> <li>2) Figure 1 for areas of competence was amended on screen to include the mandatory topic for learning from disasters. The topic will also be added to 2.2 Areas of Competence</li> <li>3) Agreed to changing the terminology to refer to categories of learning and within them there are types of learning</li> <li>4) Agreed to recognising the learning type from developing or reviewing principal control plans</li> </ol> <p>The Secretariat is to finalise the document by addressing the matters raised (as summarised in the status column action item). The revised document is then to be circulated out of sessions to the Board for consideration to endorse to the regulator.</p>	<ol style="list-style-type: none"> <li>1) The Secretariat is to finalise the proposed maintenance of competence scheme by addressing the following:             <ol style="list-style-type: none"> <li>a) <b>4.4 Types of learning</b> - clarifying how study or training towards tertiary qualifications is recognised and maximum number of hours that can be claimed eg. what are acceptable tertiary qualifications? How to count the hours?</li> <li>b) <b>5.2 Recordkeeping over 5 year renewal period</b> - how long evidence of learning activities must be retained for after the renewal period of 5 years (eg. a rolling 10 years), when a person no longer intends to practise in the function any more, with the discretion of the department to waiver</li> <li>c) <b>6.2.2 At renewal of the certificate or afterwards</b> – revise the section on the option for a person to choose to resit the examination instead of remedying the non-compliance. The potential problem of the regulator having to issue a second certificate of competence needs to be resolved.</li> </ol> </li> <li>2) Secretariat to circulate revised proposal for the maintenance of competence out of sessions to the Board for endorsement to the Regulator</li> </ol>

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	Lee Shearer and Greg Shields left the meeting after the lunch break at 1.30pm approximately	
2.4	<p><b>Paper 5 – Competence and maintenance for electrical and mechanical engineers</b></p> <p>Tony Linnane set out the Resources Regulator recommended position from the options set out in the paper to address maintenance of competence for individuals practising with a certificate of competence for electrical or mechanical engineer at a coal mine (surface). That is Schedule 10 of the Work Health and Safety (Mines and Petroleum Site) Regulation for the statutory functions of electrical and mechanical engineer (surface coal mines, surface and underground metalliferous mines and extractive sites as applicable) be amended to replace the certificate of competence with a practising certificate. The amendment will enable the maintenance of competence condition to be placed on the practising certificate. It will also mean there will be maintenance of competence requirements for both certificate holders and those eligible to practise by being registered on the National Engineers Register with Engineers Australia (150 hours of continuing professional development over 3 years).</p> <p>The Board discussed all the options to ensure individuals practising in mechanical and electrical engineers functions are required to maintain their competence. The secretariat is to write to the CCAA to consult on the regulator proposal for the possible impact, with Leanne Parker and Tony Ingram to be copied in.</p>	<p>The secretariat is to write to the CCAA to consult on the regulator proposal for the WHS (Mines and Petroleum Sites) Regulation Schedule 10 be amended from requiring certificates of competence for individuals to practising certificates, so maintenance of competence conditions can be placed upon the individuals.</p>
2.5	<p><b>Paper 6 – Status of working group responding to public comment</b></p> <p>The MPCB agreed:</p> <ol style="list-style-type: none"> <li>1. that all public comment themes have been appropriately responded to in the revised maintenance of competence scheme (as explained in attachment A of the paper).</li> <li>2. the Maintenance of Competence working group has completed its terms of reference and is to finish operation.</li> <li>3. to acknowledge the working group members' efforts and contribution.</li> </ol>	
	Nick Strong left the meeting at approximately 2.30pm	

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2.6	<p><b>Paper 7 – Report on consultation for statutory function descriptions</b></p> <p>Andrew tabled the Adjunct to Paper 7, which provides a report on the Dubbo consultation workshop on 15 November 2016, which focused on quarrying and metalliferous mines. An electronic version of the document had been emailed the day prior to Board attendees.</p> <p>Andrew also tabled an extract of appendix C Public Consultation Workshop feedback from the Project Outcome Report. The contractor had summarised the specific workshop feedback into appendix C and the secretariat emailed it out to members the day prior.</p> <p>A table summarising the significant points from the reports and possible responses to be considered by the Board was also tabled. Due to time constraints not all points were discussed sufficiently. However the Board agreed for the Secretariat to make the suggested changes to the function descriptions and table them at the next meeting.</p> <p>The issue of the descriptions being written to reflect how the function is carried out in industry which differs from the WHS (Mines and Petroleum Sites) Regulation Schedule 10 wording for some statutory functions was discussed. The Board requested further details to consider the potential amendments.</p>	<p>Secretariat to make suggested changes to the function descriptions in response to the reports on the feedback received in the public consultation workshops.</p> <p>The Secretariat is to circulate a paper out of session on the proposed legislative amendments to Schedule 10 of the WHS (Mines and Petroleum Sites) Regulation for the Quarry Manager, Underground mine supervisor and possibly the Electrical Engineer functions.</p>
2.7	<p><b>Paper 8 – Meetings for 2017</b></p> <p>Members agreed to the following meeting dates for the Board in 2017 (all Tuesdays, usually in the third week on the month):</p> <ul style="list-style-type: none"> <li>• 21 February 2017</li> <li>• 23 May 2017</li> <li>• 22 August 2017</li> <li>• 21 November 2017.</li> </ul>	<p>The Secretariat to send meeting calendar invites for the dates agreed to by the Board. Venues details are to be confirmed at the prior meeting.</p>
3	<p><b>Business for noting</b></p>	
3.1	<p><b>Paper 9 – CCAA response for Mine Specific Quarry Manager Practising Certificate</b></p> <p>The Board discussed the revised Risk Assessment Tool for mine eligibility to nominate a Quarry Manager with a Mine Specific Practising Certificate and recommended the regulator consider the</p>	<p>Tony Ingram is to provide his feedback on the assessment tool by 1 December 2016 to the Secretariat.</p> <p>The Secretariat is to prepare a letter of response on behalf</p>

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	<p>following changes:</p> <ol style="list-style-type: none"> <li>1) the title of the document be amended from Risk assessment tool to the Hazard profiling tool, to better reflect the nature and content of the tool</li> <li>2) Hazard area 2 'Crushing and screening on site' be reversed for the rating factors as mobile plant is likely to have a greater hazard burden than fixed plant</li> </ol> <p>Leanne and Tony Ingram supported the inclusion of the hazard factor for multi shift sites.</p> <p>An appropriate transition period for those quarries that are assessed as not being eligible for the mine specific certificate to nominate a person who holds a certificate of competence was discussed. Leanne thinks it must be at least 12 months and more likely to be 18 months, given an individual may have to obtain a qualification and sit the exam for the Quarry Manager Certificate of Competence. Tony Linnane indicated that it cannot be a fixed period and will be negotiated on a case by case basis between the regulator and the mine operator. The regulator's position will be communicated in the letter of response to the CCAA correspondence.</p>	<p>of the regulator to respond to the CCAA correspondence on the tool for determining eligibility to nominate individuals with a mine specific quarry manager practising certificate that addresses:</p> <ul style="list-style-type: none"> <li>• the revised risk assessment tool</li> <li>• transitioning quarries that may be assessed as not being eligible.</li> </ul>
3.2	<p><b>Paper 10 - Update on Australasian Mining Competency Advisory Council (AMCAC)</b></p> <p>The Board noted the information and outcomes from the AMCAC meeting on 7 November 2017 indicated in the update.</p> <p>A roundtable will be held on 7 and 8 December 2016 to be attended by representatives of each jurisdiction in Sydney. The meeting will progress mapping between jurisdiction requirements for statutory functions so as to obtain agreement on standards for competence as a minimum. The Secretariat will attend along with a member of the Department's Mining Competence team, and Andy Honeysett.</p>	Noted.
3.3	<p><b>Paper 11 - Underground mine supervisor and examinations</b></p> <p>The Board noted the two rounds of examinations to be held in 2017 for the Underground Mine Supervisor certificate of competence.</p> <p>Andrew advised that the Metalliferous Industry Safety Advisory Committee (MISAC) had requested a third round of examinations be scheduled. The Department had decided to not schedule another</p>	Noted

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	<p>round at this stage but wait to see if the need arose and then possibly schedule it.</p> <p>John encouraged mines and individuals to consider submitting expressions of interest to be examiners on the panels to ensure there are a sufficient number of panels to complete the required examinations.</p>	
	<p><b>Paper 12 - Progress in implementing the operational plan to 2020</b></p> <p>Progress in implementing the operation plan for the Board Strategic Plan was noted. A draft communication strategy is to be developed by the Secretariat and tabled at the next meeting.</p> <p>The Chair also asked that an overall plan of activities in phases with a timeline be developed to give an appreciation of what is to be undertaken to progress the Strategic Plan.</p>	<p>The Secretariat is to table at the next meeting:</p> <ul style="list-style-type: none"> <li>• draft communication strategy, which will address the implementation of the maintenance of competence scheme.</li> <li>• a time based plan of activities to be undertaken in phases to progress the strategic plan.</li> </ul>
4.	<b>Other Business</b>	
4.1	<p><b>Next meeting Tuesday 21 February 2017, 10am – 3pm</b></p> <p>South 32 is to be approached to host the next meeting at one of its coal mines in the Illawarra area. An informal invitation was extended from a company staff member to the Chair at a function description consultation workshop.</p>	Secretariat to approach South 32 to host the next meeting on the 21 February 2017 at one of its mines.
4.2	<p><b>Reappointment of members' terms expiring</b></p> <p>Members present confirmed that they had received their letters of reappointment from the Minister. Ron Cowdrey confirmed that he has received his letter of appointment.</p>	
Other	<p>Steve raised the issue of individuals practising in higher level statutory functions before they have practised in lower level ones and obtained the competencies.</p> <p>Steve suggested it be made a requirement that individuals must first obtain the certificate of competence for a statutory function involving front line supervision (eg. Deputy) before progressing to obtaining a middle manager type certificate of competence and (eg. Undermanager) and then the top level manager etc.</p> <p>Due to time constraints the issue was noted and Steve was asked to provide written details to</p>	Secretariat to list the suggestion by the CFMEU of individuals having to progress through the certification process and practise in the function starting from front line supervisor to Manager for the meeting agenda on the 21 February 2017.



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	Andrew so that it may be an agenda item at the next meeting.	
Other	Tony Ingram raised the issue of the results of the Quarry Manager examinations, where there was a high number of candidates who were assessed as not competent. He would like the MPCB to consider any issues arising from the candidates not being competent. Tony suggested that the MPCB receive regular reports from the Department on examination results, together with panel convenor reports on assessments, so as to identify any deficiencies and improvements.	Secretariat to consult within the Department on regular reporting of examination outcomes and provision of convenor reports, and report back to next meeting.
	<b>Closed meeting</b> 3.15 pm	

## MCPB Actions Schedule from 24 November 2016 Meeting

Item	Action	Current status
<b>2.2</b>	<b>Paper 3 – Mandating a topic for learning from past mining disasters</b>	
	1) Tony Linnane to report back on behalf of the Regulator for progress in developing a training package for learning from past mining disasters.	For next meeting.
<b>2.3</b>	<b>Paper 4 – Proposed maintenance of competence scheme</b>	
	1) The Secretariat is to finalise the proposed maintenance of competence scheme by addressing the issues listed in the minutes. 2) Secretariat to circulate revised proposal for the maintenance of competence out of sessions to the Board for endorsement to the Regulator.	To circulate revised proposal out of sessions.
<b>2.4</b>	<b>Paper 5 – Competence and maintenance for electrical and mechanical engineers</b>	
	The secretariat is to write to the CCAA to consult on the regulator proposal for the <i>WHS (Mines and Petroleum Sites) Regulation Schedule 10</i> be amended from requiring certificates of competence for individuals to practising certificates.	
<b>2.6</b>	<b>Paper 7 – Report on consultation for statutory function descriptions</b>	
	1) Secretariat to make suggested changes to the functions descriptions in response to the reports on the feedback received in the public consultation workshops. 2) The Secretariat is to circulate a paper out of sessions on the proposed legislative amendments to Schedule 10 of the <i>WHS (Mines and Petroleum Sites) Regulation</i> for the Quarry Manager, Underground mine supervisor and possibly the Electrical Engineer functions.	
<b>2.7</b>	<b>Paper 8 – Meetings for 2017</b>	
	Secretariat to send meeting calendar invites for the dates agreed to by the Board.	Completed

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Item	Action	Current status
<b>3.1</b>	<b>Paper 9 – CCAA response for Mine Specific Quarry Manager Practising Certificate</b>	
	<ol style="list-style-type: none"> <li>1) Tony Ingram is to provide his feedback on the assessment tool by 1 December 2016 to the Secretariat.</li> <li>2) The Secretariat is to prepare a letter of response on behalf of the regulator to respond to the CCAA correspondence on the tool for determining eligibility to nominate individuals with a mine specific quarry manager practising certificate that addresses:               <ol style="list-style-type: none"> <li>a) the revised risk assessment tool</li> <li>b) transitioning quarries that may be assessed as not being eligible.</li> </ol> </li> </ol>	
<b>3.5</b>	<b>Progress in implementing the Operational Plan</b>	
	<p>The Secretariat is to table at the next meeting:</p> <ol style="list-style-type: none"> <li>a) Draft communication strategy, which will address the implementation of the maintenance of competence scheme.</li> <li>b) A time based plan of activities to be undertaken in phases to progress the strategic plan.</li> </ol>	
	<b>Other business</b>	
	<p>Secretariat to list the suggestion by the CFMEU of individuals having to progress through the certification process and practise in a statutory function, starting from front line supervisor to Manager for the meeting agenda on the 21 February 2017.</p>	