



MINING AND PETROLEUM COMPETENCE BOARD

Meeting 1–15 February 2022

Meeting details

Meeting	Mining and Petroleum Competence Board	Date	15 February 2022
Location	Online via Microsoft Teams	Time	9–11:30 am
Chair	<ul style="list-style-type: none">■ Ruth Mackay (Chair, Independent)		
Attendees	<ul style="list-style-type: none">■ Ashley McLeod (NSW Minerals Council)■ Justin Smith, Australian Workers' Union■ Leigh Nicholls (delegate for Garvin Burns), Resources Regulator, Department of Regional NSW■ Peter Standish (Independent)■ Kylie Fahey (Independent)■ Stephen Tranter (Construction, Forestry, Maritime, Mining and Energy Union)■ Tony Linnane (Mining, Exploration and Geoscience, Department of Regional NSW)■ Chris Dolden, Cement Concrete and Aggregates Australia (from agenda item 9)		
Apologies	<ul style="list-style-type: none">■ Garvin Burns, Resources Regulator, Department of Regional NSW■ Stephen Barrett, Construction, Forestry, Maritime, Mining and Energy Union■ Stephen Luck (delegate for Stephen Barrett), Construction, Forestry, Maritime, Mining and Energy Union■ James Barben (observer), NSW Minerals Council		
Observers	<ul style="list-style-type: none">■ Andrew Palmer (Resources Regulator, Department of Regional NSW)■ Todd Skinner (NSW Minerals Council (Metalliferous))		
Prepared by	Anna Ormerod (Mining, Exploration and Geoscience, Department of Regional NSW)	CM9 folder	MEG/SF21/149332

Minutes

Paper	Description
1	<p><u>Welcome and apologies</u></p> <ul style="list-style-type: none">■ The Chair opened the meeting at 9 am.■ Members noted that Leigh Nicholls is attending the meeting as the delegate for Garvin Burns.
2	<p><u>Declaration of interests</u></p> <ul style="list-style-type: none">■ No conflicts were declared.■ No updates were requested to the pecuniary interest register.
3	<p><u>Acceptance of previous minutes and actions</u></p> <ul style="list-style-type: none">■ The Chair advised there was a typing error on page 7 in the first para page 7 – ‘note’ should be ‘noted’.■ Mr Linnane commented that action B will be finalised by the next meeting. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board endorsed the minutes of the last meeting on 16 November 2021 subject to the above amendments. Moved Ms Fahey. Seconded Mr Linnane.■ The Board noted the status of actions arising from the last meeting. Members agreed to add the outstanding action items to the action register for this meeting. <p>Actions</p> <ul style="list-style-type: none">A. Secretariat to update the minutes of the December 2021 meeting with the changes requested by members.B. Chair to write to the Deputy Premier recommending the amendment to the statutory function of electrical engineer (coal mines other than underground coal mines) as outlined in item 3.6 of the recommendation 34 analysis.C. Secretariat to send a copy of the AMCAC minutes for the May 2021 meeting to members.D. Secretariat to send the date for the next AMCAC meeting, once known, and seek MPCB members to attend.
4	<p><u>Correspondence</u></p>

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	<ul style="list-style-type: none">■ Mr Linnane advised that Ms Mackay’s term as chair expires in September 2022. The Department in the process of seeking Deputy Premier approval to advertise the position via an expression of interest process. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the correspondence received and sent since the last meeting.
5	<p><u>Implementation of recommendations of statutory review of the WHS (MPS) laws</u></p> <ul style="list-style-type: none">■ Mr Linnane advised that the Department is seeking changes to the legislation including:<ul style="list-style-type: none">□ legislate that the chair of the MPCB is independent of the members nominated by organisations and government□ references to the Department□ change penalties from dollar amounts to penalty units□ formalising probity assessments□ allowing notices to be served via email.■ Mr Linnane also advised that it is proposed to remake the regulation. It will be open to public consultation. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the next steps for finalising implementation of the statutory review recommendations includes seeking amendments to the <i>Work Health and Safety (Mines and Petroleum Sites) Act 2013</i> and Regulation.
6	<p><u>Certificate of competence assessment components progression</u></p> <ul style="list-style-type: none">■ Mr Palmer commented that:<ul style="list-style-type: none">□ the Board previously endorsed a mark of 100% for essential competencies and 60% for desirable competencies to be deemed competent in written exams□ the Department is proposing the same marks for oral exams□ where an individual is deemed not component in the essential competencies in the first attempt, they must achieve a mark of at least 60% for essentials and 60% for desirables, to do a second attempt□ example questions are attached to the papers.■ The Board noted that:

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	<ul style="list-style-type: none">□ two papers will be developed for oral exams. The second paper will ask an alternate question that addresses the same benchmark as the first question□ the new marking system will only apply to new applicants from July 2022. Individuals currently undertaking exams will operate under the existing system.□ individuals can only sit for an exam twice. If they are deemed not competent the second time, they need to restart the process again the following financial year.□ there is no cap for the number of times an individual can restart the exam process. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board endorsed that for candidates to be granted a certificate of competence they must be:<ul style="list-style-type: none">○ assessed as competent for 100% of essential competencies and minimum 60% of desirable competencies in one round of exams for a function in a year○ candidates who are assessed as competent for a minimum of 60% of essential and desirable competencies (or closest rounded down percentage) in their first attempt at the oral exam can re-sit in that round of exams.■ Moved Ms Fahey. Second Mr McLeod.■ The Board noted the Resources Regulator will publish guidance on the competency assessment progression requirements in the <i>Guide for applying for certificates of competence</i> due for release in March 2022 on its website.
7	<p><u>Quarry manager certificate of competence pre-requisites</u></p> <ul style="list-style-type: none">■ Mr Palmer provided members with a verbal overview of the paper.■ Mr Palmer advised that if the recommendation was endorsed, it would come into effect for the 2023/24 exams.■ Members noted that it had not been considered whether the changes recommended in the paper would apply to individuals, and agreed this was an issue that needed to be considered.■ It was noted that:

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	<ul style="list-style-type: none"><input type="checkbox"/> a conditional undertaking be implemented to ensure existing holders are competent in blasting instead of having to complete a unit of competency<input type="checkbox"/> a forum for managers be held to educate them on the issue. <ul style="list-style-type: none">■ Members noted that there needs to be consistency with training and what is happening on site and that learning is to be reinforced through continuing professional development, and that this issue should be raised with the IQA in its professional development program.■ Members agreed the regulator should engage with RTOs to ensure training qualification delivering addresses the recommendations of the paper. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board endorsed the unit of competence RIIBLA401E Manage blasting operations (or equivalent superseded versions) as a pre-requisite for all new applicants for the quarry manager certificate of competence from the 2023 exams.■ The Board agreed that a paper be presented at the next meeting that addresses:<ul style="list-style-type: none"><input type="checkbox"/> current holders of a quarry manager certificate of competence<input type="checkbox"/> how to incorporate requirements into continuing professional development.■ The Board agreed to recommend to the regulator they consider engaging with RTOs to raise concerns about blasting competence.■ The Board write to IQA about incorporating blasting knowledge in continuing professional development requirements.■ Moved Mr Smith. Seconded Mr Tranter. <p>Actions</p> <ul style="list-style-type: none">E. Resources Regulator to present a paper at the next meeting on how to address the knowledge of blasting operations for existing holders of a quarry manager certificate of competence and how it will be included in continuing professional development.F. Resources Regulator to consider engaging with RTOs to raise concerns about blasting competence.G. The Chair to write to the IQA about incorporating blasting knowledge in continuing professional development requirements.
8	<u>Online exams for certificates of competence</u>

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	<ul style="list-style-type: none">■ Mr Palmer provided members with a verbal overview of the paper.■ Members noted that costs associated with completing an online exam would be borne by the candidate. The Chair commented that this should be made clear in the discussion paper.■ The Chair noted some typos in the discussion paper.<ul style="list-style-type: none">□ Page 3 – Digital delivery strategy should be capitalised□ Page 9, paragraph 3.2 – the word ‘has’ should be ‘have’. <p>Actions</p> <p>H. Mr Palmer to update the discussion paper with the comments from members.</p>
9	<p><u>Maintenance of competence compliance status</u></p> <ul style="list-style-type: none">■ Mr Dolden joined the meeting.■ Mr Palmer provided members with a verbal overview of the paper.■ Members noted that the Resources Regulator has not identified any issues with compliance with the maintenance of competence scheme to date. <p>Outcome</p> <ul style="list-style-type: none">■ Members noted that deidentified information from the Coal Services Gen 4 app informing on compliance by users cannot be provided.■ Members noted that Coal Services will provide the requested information when they implement a new version of the Gen 4 app by the third quarter of 2022.
10	<p><u>Appointment of examiners</u></p> <ul style="list-style-type: none">■ Mr Palmer provided members with a verbal overview of the paper. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board approved the appointment of reserve examiners for the underground mine supervisor examination panel. Moved Mr Dolden. Seconded Mr Linnane.
11	<p><u>Additional eligible qualifications for certificates of competence</u></p> <ul style="list-style-type: none">■ Mr Palmer provided members with a verbal overview of the paper.■ Mr McLeod commented that this paper has similar considerations to agenda item 7 and asked if only need one as opposed to both elements are required.

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	<ul style="list-style-type: none">■ Mr Palmer replied that the recommendations could be broadened to include a higher level of qualification and that could also apply to discussions at agenda item 7. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board endorsed the following qualifications to be eligible pre-requisites for certificates of competence:<ul style="list-style-type: none">□ Quarry Manager: RII60220 – Advanced Diploma of Extractive Industries Management and any superseded equivalent version with the equivalent of RII60220 mandatory units completed□ Mining engineering manager for coal mines: RII60720 – Advanced Diploma of Surface Coal Mining Management and any superseded equivalent version.■ The Board noted that the pre-requisite qualifications will be added to the Guide to applying for certificates of competence for the 2022/2023 exams.■ Moved Ms Fahey. Seconded Mr Standish.
12	<p><u>MPCB work plan</u></p> <ul style="list-style-type: none">■ Mr Linnane provided members with a verbal overview of the paper. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the status of projects identified in the Board’s work plan to support the Strategic Plan to 2023.
13	<p><u>Quarterly report on certification outcomes</u></p> <ul style="list-style-type: none">■ Mr Tranter left the meeting at 10:45 am.■ Mr Palmer provided members with a verbal overview of the paper and noted that practising certificate numbers will increase towards end of year as the 5-year mark approaches.■ Members noted that the lack of people coming through the exam pathway is starting to be seen in industry and that the regulator should monitoring the situation. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the report on certification outcomes for August to October 2021.

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	<ul style="list-style-type: none">■ The Board noted the report on activities completed for November 2021 to January 2022.■ The Board noted the report on planned activities for February to April 2022.■ The Board noted the ongoing changes to the holding of certificate of competence exams because of COVID.
14	<p><u>Resources Regulator Quarterly Safety Report</u></p> <ul style="list-style-type: none">■ Mr Nicholls provided members with a verbal overview of the paper. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the Resources Regulator Quarterly Safety Report.
15	<p><u>Update on implementation of blueprinting</u></p> <ul style="list-style-type: none">■ Mr Palmer delivered a presentation on the blueprinting.■ Members requested that a copy of the presentation be included with the minutes. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the status of the blueprinting implementation project.■ The Board noted the draft portfolio requirements. <p>Actions</p> <ol style="list-style-type: none">I. Secretariat to include a copy of the presentation with the minutes.
16	<p><u>Additional business</u></p> <ul style="list-style-type: none">■ There was no additional business. <p><u>Meeting close</u></p> <ul style="list-style-type: none">■ The next meeting will be held on 10 May 2022 at the CFMEU in Aberdare.■ The Chair closed the meeting at 11:27 am.

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Action items

No	Action	Agenda item
A	Secretariat to update the minutes of the December 2021 meeting with the changes requested by members.	3 – Acceptance of previous minutes and actions
B	Chair to write to the Deputy Premier recommending the amendment to the statutory function of electrical engineer (coal mines other than underground coal mines) as outlined in item 3.6 of the recommendation 34 analysis.	3 – Acceptance of previous minutes and actions
C	Secretariat to send a copy of the AMCAC minutes for the May 2021 meeting to members.	3 – Acceptance of previous minutes and actions
D	Secretariat to send the date for the next AMCAC meeting, once known, and seek MPCB members to attend.	3 – Acceptance of previous minutes and actions
E	Resources Regulator to present a paper at the next meeting on how to address the knowledge of blasting operations for existing holders of a quarry manager certificate of competence and how it will be included in continuing professional development.	7 – Quarry manager certificate of competence pre-requisites
F	Resources Regulator to consider engaging with RTOs to raise concerns about blasting competence.	7 – Quarry manager certificate of competence pre-requisites
G	The Chair to write to the IQA about incorporating blasting knowledge in continuing professional development requirements.	7 – Quarry manager certificate of competence pre-requisites
H	Mr Palmer to update the discussion paper with the comments from members.	8 – Online exams for certificates of competence
I	Secretariat to include a copy of the presentation with the minutes.	15 – Update on implementation of blueprinting

Approval

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Name/Position	Signature/approval	Date

Comment: