

# Minutes

## Mining and Petroleum Competence Board

### Details

**Location:** MEU Northern  
67a Aberdare Road  
CESSNOCK

**Date/time:** 8 August 2023  
9.00 am

**Chairperson:** Joanne Muller, AM (Independent)

### People present

1. **Chairperson:** Joanne Muller, AM (Independent)
2. **Member:** Angela Hudson (Mining, Exploration and Geoscience, Department of Regional NSW)
3. **Member:** Stephen Tranter (Mining and Energy Union NSW)
4. **Member:** Ron Cowdrey (Australian Workers Union) – remote attendance
5. **Member:** Craig Reed (NSW Minerals Council)
6. **Member:** Kurt Bridges (Cement Concrete & Aggregates Australia)

7. **Member:** Tony Israel (NSW Minerals Council)
8. **Member:** Anthony Margetts (Resources Regulator, Department of Regional NSW)
9. **Delegate:** Stephen Luck representing Stephen Barrett (Mining and Energy Union NSW)

### Secretariat

1. Amanda Quin, Policy Officer (Mining, Exploration and Geoscience, Department of Regional NSW)

### Observers

1. Andrew Palmer (Resources Regulator, Department of Regional NSW)

### Apologies

1. **Member:** Stephen Barrett (Mining and Energy Union NSW) - represented by delegate Stephen Luck
2. **Member:** Kylie Fahey (Independent)

### This Meeting:

No.	Issue
1	<p><b>Welcome, Acknowledgement of Country &amp; Board Member changes</b></p> <p>The Chair opened the meeting at 9.06 am, welcomed members and observers and noted:</p> <ul style="list-style-type: none"> <li>• the apologies and the change in membership since the last meeting</li> <li>• that welcome letters and letters of appreciation had been recently sent regarding the member changes.</li> </ul> <p><u>Outcomes</u></p> <p>The Board:</p> <ol style="list-style-type: none"> <li>1. Noted the membership changes to the Board.</li> <li>2. Noted the apologies, delegates, and observers for this meeting.</li> </ol> <p><b>Actions</b></p> <p>Nil</p>

## 2 Declaration of interests

The Chair:

- noted that new members Tony Israel and Anthony Margetts had recently submitted their declarations of interest
- reminded members to declare any additional conflicts or interests.

### Outcomes

No additional declarations were made.

### Actions

- A. The Secretariat to record Tony Israel's and Anthony Margetts' declarations of interest in the MPCB declarations register.

## 3 Acceptance of previous minutes and actions

- No changes were requested to the minutes from 23 May 2023.
- The Board noted that the discussion paper for the Evaluation of the Practising Certificate Maintenance of Competence Scheme was endorsed as an out of session paper on 17 July 2023.

### Outcomes

The Board endorsed the minutes from the last meeting on 23 May 2023.

### Actions

- B. The Secretariat to publish 23 May 2023 minutes on the Resources Regulator's website.

## 4 Correspondence

The Chair noted the letters which had been sent confirming the appointment of new Board members and letters of appreciation to former members.

### Outcomes

The Board noted the incoming and outgoing correspondence since the last meeting.

### Actions

Nil

## 5 Coal Mining Competency Oral Examination Panel: Review request from Mine Managers' Association of Australia

The Mine Manager's Association of Australia (MMAA) wrote to the Board requesting that the criteria for appointment to the Coal Mining Competency Oral Examination Panel be reviewed, in particular the requirement to work at a mine, which may be preventing Coal Services' personnel from being appointed.

The Board considered the following issues:

- Whether currency of competency could be established by persons who were not regularly attending mine-sites and/or actively utilising safety skills
- The number of persons on examination panels
- The possibility of mapping to identify whether there may be scope to diversify panel membership and requirements

- Whether further information should be sought from Coal Services.

#### Outcomes

The Board approved further consultation between the NSW Resources Regulator and Coal Services with a report back to the MPCB 14 November 2023 meeting.

#### Actions

- C. The NSW Resources Regulator to consult with Coal Services to look further into issues raised.
- D. The NSW Resources Regulator to report to the next MPCB meeting on:
  - i. whether there are roles within Coal Services which would meet existing criteria for appointment to the Coal Mining Competency Oral Examination Panel
  - ii. consideration of examiner appointment criteria including work requirement criteria.
- E. The Secretariat to prepare a letter to the Mine Managers' Association of Australia to thank the Association for its correspondence and to advise that the matter is being considered further at the next MPCB board meeting.

### **6 Update on review of competency framework -blueprinting and communication**

The NSW Resources Regulator presented a revised and simplified Competency Framework, blueprinting spreadsheet aid and a proposed communication plan, considering feedback from the convenors of panels and from the Board after the 23 May 2023 meeting.

#### Outcomes

The Board endorsed:

1. The revised Competency Framework
2. The blueprinting spreadsheet aid
3. The communication action plan.

#### Actions

Nil

### **7 Expanding tertiary pre-requisite qualifications for electrical engineering certificates of competence**

At the 23 May 2023 meeting of the Board a paper (Paper 8) was presented regarding pre-requisite qualifications for electrical engineering certificates of competence and the Board had requested the NSW Resources Regulator to undertake further analysis.

After the May meeting, the NSW Resources Regulator undertook initial consultation with industry representatives. Taking that initial consultation into account, the NSW Resources Regulator proposed that due to the variety of potential pre-requisite qualifications, a working group be formed to consider the issue further and report back to the Board at the November 2023 meeting.

#### Outcomes

The Board endorsed the following NSW Resources Regulator recommendations for electrical certificates of competence:

1. An electrical qualifications working group be formed by the Regulator to consider this matter, made of the exam panels and representatives of coal mining mine operators
2. The terms of reference for the group be recommendations 3 and 4 below
3. The working group draft a criterion, with guidance, to determine whether qualifications related to electrical at Australian Qualifications Framework (AQF) levels 6-8 are acceptable
4. The Regulator report back from the group on the proposed criteria for endorsement at the November 2023 Board meeting.

#### Actions

- F. The NSW Resources Regulator to form an electrical qualifications working group to be made of the exam panels and representatives of coal mining mine operators with the following terms of reference:
- i. the working group draft a criterion, with guidance, to determine whether qualifications related to electrical at Australian Qualifications Framework (AQF) levels 6-8 are acceptable
  - ii. the NSW Resources Regulator to report back from the group on the proposed criteria for endorsement at the next MPCB Board meeting.

## 8 Update on Automatic Mutual Recognition

The NSW Resources Regulator advised that the exemption from Automatic Mutual Recognition (AMR) has been extended for a period of 12 months. AMR for statutory functions is now due to commence on 1 July 2024.

The Board discussed issues surrounding assessment and maintenance of competence requirements in other jurisdictions and equivalency in NSW and whether there are any safety trends associated with persons qualified in different jurisdictions.

#### Outcomes

The Board noted that the exemption from Automatic Mutual Recognition (AMR) has been extended for a period of 12 months. AMR for statutory functions is now due to commence on 1 July 2024.

#### Actions

Nil

## 9 Development of MPCB Annual Report for 2022/2023

The Department noted that the Board is required to make an annual report of its activities during the preceding year to the Minister within six months after the end of June each year.

A draft annual report for 2022/2023 was tabled for the Board's consideration, with an updated cover photo being the only change from the report attached to the original board paper.

#### Outcomes

The Board conditionally endorsed the draft MPCB Annual report for 2022/2023 subject to any amendments that the Board may identify within a week after the meeting.

#### Actions

G. The Secretariat is to circulate the draft annual report for 2022/2023 with the updated cover photo and seek further comments from the Board members within seven days.

## 10 Development of Strategic Plan to 2026, work plan and communication plan

The Chair referred to the strategic planning meeting which the Board had held after the 23 May 2023 board meeting.

The Department tabled:

- a draft Strategic Plan to 2026 based on the outcomes of the Board’s strategic planning meeting on 23 May 2023
- a draft communication plan and
- a template for a work plan.

The Department recommended that a process be agreed for the development of the work plan.

### Outcomes

The Board agreed to develop the work plan on 14 November 2023, directly after the quarterly board meeting and to prepare for the same by providing work plan suggestions to the Secretariat within four weeks.

### Actions

H. The Secretariat is to circulate the last work plan for the Board for ease of review.

I. The Board members are to provide to the Secretariat within four weeks of the 8 August 2023 meeting:

- i. any comments on the draft Strategic Plan to 2026 and the draft communication plan
- ii. proposed items for the work plan for each of the areas identified in the proposed Strategic Plan to 2026.

To facilitate the above, the following persons are to provide at least three work plan items for the topics identified below:

Item 1 – Monitor and review competence standards and assessment - Anthony Margetts and Andrew Palmer

Item 2 - Monitor and oversight of maintenance of competence - Craig Reed and Tony Israel

Item 3 – Emerging issues - Stephen Tranter and Stephen Barret

Item 4 – Effective communication – Craig Reed and Kurt Bridges.

Additionally, any Board member may submit ideas for any of the items, notwithstanding the apportionment of topics above.

## 11 Update on Development of Risk Register

At the 23 May 2023 meeting the Board requested the Department to provide a Risk Register template, for the purposes of the Board developing a risk register. The Chair noted an example of the type of issues that may present risks in the MPCB space.

The Department tabled a template and recommended that the Board identify risks to be included in the Risk Register.

### Outcomes

The Board agreed to develop the risk register on 14 November 2023, directly after the quarterly board meeting and to prepare for the same by providing risk plan suggestions to the Secretariat within four weeks.

### Actions

- J. The Secretariat is to circulate the risk register template for the Board for ease of review.
- K. The Board members are to provide to the Secretariat proposed items to be included in the risk register, within four weeks of the 8 August 2023 meeting.

## **12 MPCB work plan and communication plan**

A paper was circulated advising the status of actions identified in the current MPCB work plan and communication plan.

### Outcomes

The Board noted the:

1. Status of projects identified in the MPCB work plan
2. Status of actions identified in the MPCB communication plan.

### Actions

Nil

## **13 Quarterly report on certification outcomes**

A report on certification outcomes was tabled.

### Outcomes

The Board noted the certification outcomes and requested the NSW Resources Regulator to identify the types and number of practising certificates which are currently being issued under the existing mutual recognition criteria, as part of the next quarterly report.

### Actions

- L. The Secretariat to circulate the 5 year report on certification outcomes from April 2023.
- M. The NSW Resources Regulator to include data on the types and number of practising certificates issued under the existing mutual recognition provisions, in the quarterly report presented at the next MPCB meeting.
- N. The Board to consider at the next MPCB meeting whether data on the types and number of practising certificates issued under mutual recognition provisions should be included in certification outcomes reports as a permanent item.

## **14 Resources Regulator Quarterly Safety Report and Update on Opal sector fatality**

The NSW Resources Regulator tabled the Quarterly Safety Report and an interim update on a fatality in the Opal Sector which occurred on 28 April 2023.

Regarding the quarterly safety report, the NSW Resources Regulator drew the Board's attention to:

- An incident involving a close near miss between a truck and light vehicle
- An incident involving a dozer travelling 230 metres out of gear.

Regarding the opal sector, the NSW Resources Regulator and the Department noted that:

- There has been a restructure of the opal sector, with resourcing changes
- The Minister has announced a regulatory review of the framework regarding opals.

The Chair proposed that the Board review what role it may have to play in the opal sector, in the second quarter next year, with the view that the regulatory review would be available.

#### Outcomes

The Board agreed to review its role in the opal sector, in the second quarter in 2024, once the regulatory review of the opal sector framework was available.

#### **Actions**

- O. The Secretariat to include a review of the Board's role in the opal sector for the Board meeting agenda for May 2024.

### **15 Quarterly report on shot firing assessment activity**

The NSW Resources Regulator noted there had been one misfire in the quarter and that:

- The misfire has been investigated
- The Regulator is satisfied with the outcome of the investigation and appropriate procedures are now in place.

#### Outcomes

The Board noted that the NSW Resources Regulator was satisfied with the outcome of the investigation into the misfire.

#### **Actions**

Nil.

### **16 Meeting dates and venues**

The Secretariat noted that the meeting venue for 14 November 2023 was currently booked from 8.30 am to 12.30 pm at the MEU offices in Clarence Street Sydney.

The Board discussed the following:

- Whether the meeting for 14 November 2023 would need to be scheduled for a longer duration than usual, to allow time for the development of the new work plan and risk register, in addition to the quarterly Board meeting.
- The need to determine dates and venues for meetings in 2024.

#### Outcomes

The Department is to develop the meeting agenda for 14 November 2023 and determine whether the meeting duration is to be lengthier and if so, whether the current venue can accommodate this or whether a new venue may be required.

#### **Actions**

- P. The Department is to develop the meeting agenda for 14 November 2023 and determine whether the meeting duration is to be lengthier and if so, whether the current venue can accommodate this or whether a new venue may be required.
- Q. The Secretariat is to circulate proposed dates for the quarterly meetings in 2024, and members are to consider potential venues.

## 17 Additional business

### a. Stakeholder engagement

The Chair canvassed upcoming speaking opportunities to promote engagement between the Board and stakeholders. The NSW Resources Regulator identified the following events as being potentially suitable, subject to both the availability of the Chair and speaking slots being available:

- MISHEF – 23 & 24 August 2023 in Dubbo.
- Mining Engineering Managers Safety Seminar (MEMSS) – 18 & 19 October 2023 in Sydney
- Electrical Engineering Safety Seminar (EESS) - 8 & 9 November 2023 in Sydney.

### b. Expression of interest for independent member

The Department noted that an expression of interest assessment process was in progress to fill the vacant independent board member position.

### c. Discussion paper for evaluation of maintenance of competence scheme

The Department noted that the discussion paper for evaluation of the maintenance of competence scheme had been endorsed as an out of session item by the Board and advised that:

- The discussion paper has now been submitted for ministerial review
- It is anticipated that the discussion paper may be published in September.

### Outcomes

The Chair proposes to speak at MISHEF, MEMSS and EESS – subject to pre-commitments that she may already have.

The Department will advise the Board once the discussion paper for evaluation of the maintenance of competence scheme has been published.

### Actions

- R. The Secretariat to liaise with the Chair and the Department regarding the Chair potentially speaking at upcoming events.
- S. The Secretariat to prepare short speaking points for the Chair for potential speaking events.
- T. The Secretariat to advise the Board once the discussion paper for the evaluation of the maintenance of competence scheme is published.

**Meeting closed at 11.11 am**



## Summary of Actions

- A. The Secretariat to record Tony Israel's and Anthony Margetts' declarations of interest in the MPCB declarations register.
  - B. The Secretariat to publish 23 May 2023 minutes on the Resources Regulator's website.
  - C. The NSW Resources Regulator to consult with Coal Services to look further into issues raised.
  - D. The NSW Resources Regulator to report to the next MPCB meeting on:
    - i. whether there are roles within Coal Services which would meet existing criteria for appointment to the Coal Mining Competency Oral Examination Panel
    - ii. consideration of examiner appointment criteria including work requirement criteria.
  - E. The Secretariat to prepare a letter to the Mine Managers' Association of Australia to thank the Association for its correspondence and to advise that the matter is being considered further at the next MPCB board meeting.
  - F. The NSW Resources Regulator to form an electrical qualifications working group to be made of the exam panels and representatives of coal mining mine operators with the following terms of reference:
    - i. the working group draft a criterion, with guidance, to determine whether qualifications related to electrical at Australian Qualifications Framework (AQF) levels 6-8 are acceptable
    - ii. the NSW Resources Regulator to report back from the group on the proposed criteria for endorsement at the next MPCB meeting.
  - G. The Secretariat is to circulate the draft annual report for 2022/2023 with the updated cover photo and seek further comments from the Board members within seven days.
  - H. The Secretariat is to circulate the last work plan for the Board for ease of review.
  - I. The Board members are to provide to the Secretariat within four weeks of the 8 August 2023 meeting:
    - i. any comments on the draft Strategic Plan to 2026 and the draft communication plan
    - ii. proposed items for the work plan for each of the areas identified in the proposed Strategic Plan to 2026.
- To facilitate the above, the following persons are to provide at least 3 work plan items for the topics identified below:
- Item 1 – Monitor and review competence standards and assessment - Anthony Margetts and Andrew Palmer
  - Item 2 - Monitor and oversight of maintenance of competence - Craig Reed and Tony Israel
  - Item 3 – Emerging issues - Stephen Tranter and Stephen Barret
  - Item 4 – Effective communication – Craig Reed and Kurt Bridges.
- Additionally, any Board member may submit ideas for any of the items, notwithstanding the apportionment of topics above.
- J. The Secretariat is to circulate the risk register template for the Board for ease of review.
  - K. The Board members are to provide to the Secretariat proposed items to be included in the risk register, within four weeks of the 8 August 2023 meeting.
  - L. The Secretariat to circulate the 5 year report on certification outcomes from April 2023.

- M. The NSW Resources Regulator to include data on the types and number of practising certificates issued under the existing mutual recognition provisions, in the quarterly report presented at the 14 November 2023 meeting.
- N. The Board to consider at the 14 November 2023 meeting whether data on the types and number of practising certificates issued under mutual recognition provisions should be included in certification outcomes reports as a permanent item.
- O. The Secretariat to include a review of the Board's role in the opal sector for the Board meeting agenda for May 2024.
- P. The Department is to develop the meeting agenda for 14 November 2023 and determine whether the meeting duration is to be lengthier and if so, whether the current venue can accommodate this or whether a new venue may be required.
- Q. The Secretariat is to circulate proposed dates for the quarterly meetings in 2024, and members are to consider potential venues.
- R. The Secretariat to liaise with the Chair and the Department regarding the Chair potentially speaking at upcoming events.
- S. The Secretariat to prepare short speaking points for the Chair for potential speaking events.
- T. The Secretariat to advise the Board once the discussion paper for the evaluation of the maintenance of competence scheme is published.

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**Approval**

Name/position	Signature/approval	Date
Joanne Muller, AM Independent Chair	Approved	7/11/2023

**Comment:**

[insert any comments from approver]