

# Minutes

## Mining and Petroleum Competence Board

### Details

**Location:** Room 29.17, Level 29  
Department of Regional NSW  
4 Parramatta Square  
12 Darcy Street, Parramatta

**Date/time:** 27 February 2024  
9.30 am

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

### People present

1. **Chairperson:** Joanne Muller, AM (Independent)
2. **Member:** Kylie Fahey (Independent) – remote attendance
3. **Member:** Jessica Urquhart (Independent)
4. **Member:** Stephen Tranter (Mining and Energy Union NSW)
5. **Member:** Tony Israel (NSW Minerals Council)
6. **Member:** Craig Reed (NSW Minerals Council)

7. **Member:** Anthony Margetts (Resources Regulator, Department of Regional NSW)
8. **Member:** Angela Hudson (Mining, Exploration and Geoscience, Department of Regional NSW)

### Secretariat

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)
2. **Member:** Ron Cowdrey (Australian Workers Union)
3. **Member:** Kurt Bridges (Cement Concrete & Aggregates Australia)

### This Meeting:

No.	Issue
1	<p><b>Welcome, Acknowledgement of Country &amp; Board member changes</b></p> <p>The meeting opened at 9.40 am. Kylie Fahey gave the Acknowledgement of Country. The Chair:</p> <ul style="list-style-type: none"><li>• welcomed the board members and observer and introduced new independent member Jessica Urquhart</li><li>• acknowledged apologies from Stephen Barrett, Ron Cowdrey and Kurt Bridges.</li></ul> <p><u>Outcomes</u></p> <p>The board:</p> <ol style="list-style-type: none"><li>1. Endorsed the Chair to represent the board at:</li></ol>

- a. Mining Engineering safety seminar (MEMSS) on 23 October 2024 at Sydney
- b. Electrical engineering safety seminar (EESS) on 6 & 7 November 2024 at Sydney.

2. Noted:

- a. the apologies and observers and the appointment of new member Jessica Urquhart
- b. the results of the post-meeting survey from November 2023 and agreed to increase the allocated meeting time for future meetings to 4 hours
- c. Stephen Tranter's term expires on 12 June 2024. His reappointment is in progress
- d. Kylie Fahey's term as an independent member expires on 14 November 2024.

**Actions**

- A. Secretariat to circulate a post-meeting member survey after each meeting.
- B. Secretariat, Chair and NSW Resources Regulator to liaise regarding Chair's presentation for MEMSS and EESS (see also Action R).
- C. Secretariat to commence expression of interest process regarding upcoming vacancy for an independent member.

**2 Declaration of interests**

- Jessica Urquhart's declaration of interest was noted. Members were reminded to declare any additional conflicts or interests.

Outcomes

No additional declarations were made.

**3 Acceptance of previous minutes and actions**

No changes were requested to the Board minutes from 7 November 2023.

Outcomes

1. The board endorsed the minutes from the 7 November 2023 meeting and noted the status of actions arising from that meeting.

**Actions**

- D. Secretariat to publish 7 November 2023 minutes on the Resources Regulator's website.

**4 Correspondence**

The board reviewed the list of correspondence and was advised that correspondence from Dr Mark Colwell had been received by the secretariat after the paper had been finalised.

Outcomes

1. The board is to consider Dr Mark Colwell's correspondence at its 14 May 2024 meeting.

### **Actions**

- E. Secretariat to circulate correspondence from Dr Mark Colwell to the MPCB members.**
- F. A paper on Dr Mark Colwell’s correspondence to be included in the MPCB meeting agenda for 14 May 2024.**

## **5 Additional eligibility for practising certificates to exercise the quarry manager function**

The Resources Regulator proposed that holders of the following practising certificates be eligible to apply to have the quarry manager function added:

- a) Mining Engineering Manager of coal mines other than underground
- b) Mining Engineering Manager of underground coal mines
- c) Victorian Quarry Manager certificate of competence.

### Outcomes

The board:

1. Noted the current eligibility to hold a practising certificate to exercise the function of quarry manager.
2. Endorsed the Resources Regulator to gazette that an individual with the following certificates of competence (or the equivalent certificates issued under former legislation) is eligible to be granted a practising certificate to exercise the quarry manager function for:
  - a) Mining Engineering Manager of coal mines other than underground
  - b) Mining Engineering Manager of underground coal mines
  - c) Victorian Quarry Manager certificate of competence.
3. Noted that the Resources Regulator will communicate with holders of the practising certificates to advise that they may apply to have the quarry manager function added.

### **Actions**

- G. Resources Regulator to gazette that an individual with the following certificates of competence (or the equivalent certificates issued under former legislation) is eligible to be granted a practising certificate to exercise the quarry manager function for:**
  - a) Mining Engineering Manager of coal mines other than underground**
  - b) Mining Engineering Manager of underground coal mines**
  - c) Victorian Quarry Manager certificate of competence.**
- H. Resources Regulator to communicate with holders of the practising certificates referred to in action G to advise that they may apply to have the quarry manager function added.**

## 6 Updated learning from disasters training package

The Resources Regulator and the Australian Centre for Investigation, Incident & Management Solutions (ACIIMS) are updating the case studies used in the learning from disasters training package.

### Outcomes

The board:

1. Noted the selection of case studies for programs 1–3.
2. Noted the 3 packages are now being finalised by ACIIMS for proposed release after completion of the evaluation of the maintenance of competence scheme.

## 7 Evaluation of the Maintenance of Competence scheme

The discussion paper *Evaluation of the practising certificate maintenance of competence scheme requirements* was available for public comment on the Resources Regulator's website between 13 November 2023 and 16 February 2024.

### Outcomes

The board:

1. Considered the preliminary themes that emerged from the on-line survey and written submissions regarding the discussion paper and requested that a follow-up paper be included in the May meeting.
2. Noted that the outcomes from the online survey and written submissions (redacted where necessary to de-identify respondents who do not wish to be identified) will be published on the Resources Regulator's web page.

### **Actions**

- I. A paper on potential areas for improvement of the maintenance of competence scheme be included in the MPCB meeting agenda for 14 May 2024.
- J. That the online survey and written submissions from feedback regarding the discussion paper *Evaluation of the practising certificate maintenance of competence scheme requirements* be published on the Resources Regulator's web page (redacted where necessary to de-identify any respondents who did not consent to be identified).

## 8 Practising certificates issued and certificate of competence exam results report 2018-2023

The trends in the report have not significantly changed. Overall numbers of candidates are trending downwards or remaining low.

### Outcomes

The board:

1. Noted the practising certificates issued and certificate of competence exam results report for 2018-2023 and recommended that the Resources Regulator publish information to bring the ongoing low number of candidates to industry attention.

#### Actions

- K. The Resources Regulator to prepare information for publication regarding the ongoing low number of exam candidates and recommendations for industry action to ensure the current and future practising certificate needs of industry are met (to be included in a follow-up paper at the 14 May 2024 meeting).

## 9 Report on maintenance of competence auditing for 2022-2023

206 audit requests were sent to practicing certificate holders in 2023, from which 100 audits were completed.

#### Outcomes

The board:

1. Noted the *Report on maintenance of competence auditing 2023* will be published.
2. Noted that the Resources Regulator is proposing to conduct 100 audits annually from 2024 to 2026 from a panel of auditing organisations to be procured.
3. Requested the Resources Regulator to develop a procedure for addressing audit non-respondents.

#### Actions

- L. Resources Regulator to publish the *Report on maintenance of competence auditing 2023*.
- M. Resources Regulator to prepare a paper on the procedure for addressing maintenance of competence audit non-respondents for the 6 August 2024 meeting.

## 10 Outcomes of annual examiner panels meeting 2024

The Resources Regulator held the annual examiner panels meeting on 1 February 2024. Blueprinting will be resumed in full for all rounds of exams for functions in 2024. Dr Bruce Mowbray will commence moderation of all the blueprinted exams (written and oral).

#### Outcomes

The board:

1. Noted the outcomes of the annual examiners panel meeting including that:
  - a. most functions have combined the legislation and practice paper or are considering it from 2024 or later
  - b. panels are considering extending their topics to examine technologies (e.g., autonomous equipment and artificial intelligence) and new legislative requirements around managing psychosocial hazards.

2. Noted the Resources Regulator will consider the potential changes to the certificate of competence examination processes and consult back to the board as appropriate.

## 11 Proposal to record oral examinations

The Resources Regulator proposed that oral examinations be recorded to assist with future candidate appeals and moderation of exams.

### Outcomes

The board:

1. Did not support the implementation of recording oral examinations at this stage.
2. Requested the Resources Regulator to monitor appeal requests and present a follow-up paper to the board should evidence arise supporting the need to record oral examinations.

## 12 Strategic plan to 2026 – implementation of MPCB 2024 work plan and communication plan

During 2023 the board participated in workshops to develop new strategic planning documents.

### Outcomes

The board:

1. Endorsed the following documents (as amended):
  - Strategic plan to 2026, communications plan to support the strategic plan, work plan to support the strategic plan, risk register and charter.

### Actions

- N. MPCB's strategic plan to 2026 and new charter be submitted to the Minister for endorsement and published on the Resources Regulator's website after endorsement.

## 13 Appointment of examiners

A brief for appointment of examiners was tabled.

### Outcomes

The board:

1. Appointed:
  - Michael Bartlett as a reserve examiner of the Deputy panel of underground coal mines
  - Tim Oliphant as a member of the Open Cut Examiner panel of coal mines other than underground
  - Jamie Peters as a reserve examiner for Underground mine supervisor of underground mines other than coal mines

- Daniel Bray as convenor of the Electrical Engineering Manager underground coal mines and Electrical Engineer coal mines.
2. Approved the membership of the electrical functions panels as follows:
- a) Electrical Engineering Manager:
- Convenor – Daniel Bray
  - Panel Member – Greg Campbell
  - Panel Member – Peter Every-Burns
  - Panel Member – Brett Murray.
- b) Electrical engineer:
- Convenor – Daniel Bray
  - Panel Member – John Martin
  - Panel Member – Tim Clark
  - Panel Member – Kent Flaherty.
3. Authorised the Chairperson to complete and sign the brief of appointment on behalf of the board.

#### Actions

- O. The Chair to send a letter of thanks to retiring examiner Steve Bentham (Electrical panels convenor).
- P. The Chair to sign the Appointment of Examiners brief.

## 14 Quarterly report on certification outcomes

895 certificates were renewed in 2023 and 685 certificates lapsed without being renewed.

### Outcomes

The board:

1. Noted the reports on certification outcomes for October to December 2023, certification activities completed for 10 October 2023 to 1 February 2024 and planned activities for March to May 2024.
2. Resolved that data regarding certification under mutual recognition provisions be included in annual reports on certification outcomes instead of the quarterly reports.
3. Requested that data on the number of examination attempts and pass/failure rate be included in the quarterly report on certification outcomes for the 14 May 2024 meeting.

#### Actions

- Q. Data on number of examination attempts and pass/failure rate to be included in quarterly report for 14 May 2024 meeting.

- R. Chair’s presentation for MEMSS and EESS to include messaging regarding significant number of lapsing certificates (see also Action B and Action K).
- S. Data on mutual recognition to be included in annual report on certification outcomes in Quarter 1 2025.

**15 Resources Regulator Quarterly Safety Report**

The Resources Regulator’s quarterly safety report for July 2023 to September 2023 was tabled.

Outcomes

- 1. The board noted the quarterly safety report for July 2023 to September 2023.

**16 Quarterly report on shot firing assessment activity**

Planned inspections and targeted inspections continue regarding explosives. No proposals to change competency requirements have been identified.

Outcomes

- 1. The board noted the report and resolved to discontinue it.

**17 Meeting dates and venues**

Meeting dates and venues for the remainder of 2024 are:

Meeting Date	Host	Venue
Tuesday 14 May 2024	Glencore	Level 14, 727 Hunter Street, Newcastle West.
Tuesday 6 August 2024	Mining and Energy Union	Nymboida House, 215 Clarence Street Sydney
Tuesday 12 November 2024	Department of Regional NSW	516 High Street, Maitland

Outcomes

**Actions**

- T. Secretariat to liaise with venue host for 14 May 2024 meeting regarding additional hour of meeting time and venue access details.

**18 Additional business**

Nil



Meeting closed 12.54 pm

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**Next Meeting: 9.30 am 14 May 2024 at Level 14, 727 Hunter Street Newcastle West**

### Summary of Actions

- A. Secretariat to circulate a post-meeting member survey after each meeting.
- B. Secretariat, Chair and NSW Resources Regulator to liaise regarding Chair's presentation for MEMSS and EESS (see also Action R).
- C. Secretariat to commence expression of interest process regarding upcoming vacancy for an independent member.
- D. Secretariat to publish 7 November 2023 minutes on the Resources Regulator's website.
- E. Secretariat to circulate correspondence from Dr Mark Colwell to the MPCB members.
- F. A paper on Dr Mark Colwell's correspondence to be included in the MPCB meeting agenda for 14 May 2024.
- G. Resources Regulator to gazette that an individual with the following certificates of competence (or the equivalent certificates issued under former legislation) is eligible to be granted a practising certificate to exercise the quarry manager function for:
  - a) Mining Engineering Manager of coal mines other than underground
  - b) Mining Engineering Manager of underground coal mines
  - c) Victorian Quarry Manager certificate of competence.
- H. Resources Regulator to communicate with holders of the practising certificates referred to in action G to advise that they may apply to have the quarry manager function added.
- I. A paper on potential areas for improvement of the maintenance of competence scheme be included in the MPCB meeting agenda for 14 May 2024.
- J. That the online survey and written submissions from feedback regarding the discussion paper *Evaluation of the practising certificate maintenance of competence scheme requirements* be published on the Resources Regulator's web page (redacted where necessary to de-identify any respondents who did not consent to be identified).
- K. The Resources Regulator to prepare information for publication regarding the ongoing low number of exam candidates and recommendations for industry action to ensure the current and future practising certificate needs of industry are met (to be included in a follow-up paper at the 14 May 2024 meeting).
- L. Resources Regulator to publish the *Report on maintenance of competence auditing 2023*.

- M. Resources Regulator to prepare a paper on the procedure for addressing maintenance of competence audit non-respondents for the 6 August 2024 meeting.
- N. MPCB’s strategic plan to 2026 and new charter be submitted to the Minister for endorsement and published on the Resources Regulator’s website after endorsement.
- O. The Chair to send a letter of thanks to retiring examiner Steve Bentham (Electrical panels convenor).
- P. The Chair to sign the Appointment of Examiners brief.
- Q. Data on number of examination attempts and pass/failure rate to be included in quarterly report for 14 May 2024 meeting.
- R. Chair’s presentation for MEMSS and EESS to include messaging regarding significant number of lapsing certificates (see also Action B and Action K).
- S. Data on mutual recognition to be included in annual report on certification outcomes in Quarter 1 2025.
- T. Secretariat to liaise with venue host for 14 May 2024 meeting regarding additional hour of meeting time and venue access details.

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**Approval**

Name/position	Signature/approval	Date
Joanne Muller, AM	Approved	3/6/2024
Independent Chair		

**Comment:**

[insert any comments from approver]