



**NSW
Resources
Regulator**

ANNUAL REPORT

MINING AND PETROLEUM COMPETENCE BOARD

2018-2019



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About the board

The Mining and Petroleum Competence Board (the board) is a statutory board that advises the Minister for Resources and the NSW 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, Industry and Environment 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.

The role of the Regulator

The Secretary of the Department, and the NSW Resources Regulator, Department of Planning, Industry and Environment, 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 find out more information?

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

www.resourcesregulator.nsw.gov.au/safety-and-health/about-us/competence-board

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Introduction

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 Regional NSW, Industry and Trade. Section 68 of the Act requires the board to provide an annual report within six months of June 30 of its activities during the preceding year.

This is the board's fifth annual report and covers activities between 1 July 2018 and 30 June 2019. The board met on four occasions during the year:

- 21 August 2018
- 20 November 2018
- 19 February 2019
- 21 May 2019.

Functions of the board

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

- 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
- to undertake initial and ongoing assessments of the competence of people exercising any such function
- to advise the Minister on matters related to the competence required of people to exercise any such function.

The board also has the following functions under section 166(1) of the Regulation:

- a) to advise the Regulator on the training, qualifications, experience, knowledge or skills required for the exercise of statutory functions
- b) to advise the Regulator on the conduct of assessments, including the nature, type and manner of assessments
- c) to make recommendations to the Regulator in relation to conditions that may be imposed on a practising certificate

- d) to ensure, as far as possible, that the competency required under this Regulation in respect of the exercise of a statutory function is consistent with the competency required in other Australian jurisdictions for the exercise of the statutory function
- e) to recommend to the Regulator requirements in relation to the maintenance of competency for holders of practising certificates.

In exercising its functions, the board is to ensure that it exercises them as consistently as is reasonably practicable with bodies exercising similar functions in other Australian jurisdictions and to that end it is (section 166(2)):

- a) to consult with those bodies, and
- b) to take into consideration the effective movement of workers between jurisdictions when making recommendations.

Terms of reference

The board's terms of reference are:

- 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 a 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.

Membership of the board

The members of the board at 30 June 2019 were:

NAME	NOMINEE OF	ACT SECTION
Ruth Mackay	Independent	65(1)(a) - chairperson
Leanne Parker	Cement Concrete & Aggregates Australia	65(1)(b) – representing interests of employers
Gregory Shields	NSW Minerals Council	65(1)(b) – representing interests of employers
Rachael Whiting	NSW Minerals Council	65(1)(b) – representing interests of employers
Stephen Tranter	Construction Forestry Maritime Mining and Energy Union	65(1)(c) – representing interests of employees
Andy Honeysett ¹	Construction Forestry Maritime Mining and Energy Union	65(1)(c) – representing interests of employees
Ron Cowdrey ²	Australian Workers' Union	65(1)(c) – representing interests of employees
Peter Standish	Independent	65(1)(d) - independent
Janine Lea-Barrett	Independent	65(1)(d) - independent

¹ Mr Andy Honeysett resigned from the board effective 24 May 2019 due to retirement

² Mr Ron Cowdrey resigned from the board effective 1 May 2019

Garvin Burns	NSW Resources Regulator, Department of Planning, Industry and Environment	65(1)(e) – officer of the department
Tony Linnane	NSW Resources Regulator, Department of Planning, Industry and Environment	65(1)(e) – officer of the department

Activities of the board in the preceding year

In line with the board's endorsed Strategic Plan to 2020, the following activities were undertaken.

1. Develop world-leading competence standards

1.1 Develop a scheme for managing the standards for certificates of competence

The NSW Resources Regulator engaged a contractor to finalise the framework of competencies. The board agreed that the NSW Resources Regulator undertake a further project to apply the competencies to writing examination documents for each certificate including questions after it considers the outcomes of the review of examination processes by a consultancy.

The board endorsed the final versions of the framework and competencies for 17 statutory functions requiring practising certificates as follows:

Underground coal mines statutory function competencies

- mining engineering manager
- undermanager
- deputy
- electrical engineering manager
- mechanical engineering manager
- ventilation officer
- ventilation auditor

- dust explosion control measures auditor

Underground mines other than coal mines statutory function competencies

- mining engineering manager
- underground mine supervisor
- electrical engineer

Coal mines other than underground mines statutory function competencies

- electrical engineer
- mechanical engineer
- mining engineering manager
- open cut examiner

Mines other than underground mines or coal mines statutory function competencies

- quarry manager
- electrical engineer

The board considered proposals to introduce:

- a quarry manager statutory function three-tiered approach
- a geotechnical engineer statutory function.

1.2 Develop effective and efficient assessments

The board agreed that evidence in the application form for experience be signed off by the relevant key statutory function holder at the mine. The board agreed that the revised statutory function experience requirement will apply from exams to be held from 2020 onwards.

The board endorsed the changes identified by the NSW Resources Regulator with the convenors to improve examination processes and outcomes.

The board endorsed the strategy currently led by the NSW Resources Regulator to support candidates to prepare for and be assessed as competent for a certificate.

The board approved the amendment of examiner appointments for three years to an indefinite period. The board agreed that on an annual basis, panel members need to confirm they wish to remain as a

panel member and make a statement that they are maintaining their competence to maintain their function.

The board agreed that the NSW Resource Regulator publish sample questions and answers on its website.

1.3 Integrate specific requirements for emerging skills set into standards and assessments

The board endorsed that only the superseded emergency units of competence listed on the Australian Qualifications Framework website (training.gov.au) are acceptable equivalents to those prescribed for certificates of competence.

The board endorsed that the units of competence or qualifications with a deleted status on training.gov.au are not acceptable by themselves as satisfying the pre-qualification requirements for emergency, or any other certificate of competence qualification pre-requisites.

2. Develop a scheme for practising certificates

2.1 Advise on a scheme for the issuing of practising certificates

The board endorsed the NSW Resource Regulator's development of a flyer on the practising certificate system and maintenance of competence scheme for field inspectors to hand out while on site.

The board:

- noted that the NSW Resources Regulator proposes to implement revised fees for applying for a certificate of competence and being examined from 2020
- noted that the revised fees will be communicated in a strategy.

2.2 Establishing requirements for maintaining competence to hold a practising certificate

The board noted that the NSW Resources Regulator will implement sign-off for experience in certificate of competence applications as:

- a 'hybrid' sign-off by supervisors or statutory function holders in 2019

- sign-off by statutory function holders only from 2020.

The board agreed for the wording for sign-off on experience from 2020 to be only the relevant supervising statutory function holder (engineering manager or quarry manager).

The board agreed to broaden the examination process for certain certificates and implement new experience requirements.

- In underground coal:
 - undermanagers assessment be expanded to cover experience and pre-requisites required to be a deputy and undermanager
 - mining engineering manager assessment expanded even further to include experience and pre-requisites for a deputy, undermanager, manager of mining engineering and open cut examiner open cut coal plus ventilation officer.
- In open cut coal managers of mining engineering are expanded to cover experience and prerequisites of open cut examiners
- In underground mines other than coal the manager mining engineering expanded to cover the experience and prerequisites of underground supervisors and quarry managers.

3. Identify and address emerging issues

3.1 Develop guidance for continuing professional development for statutory functions requiring certificates

The NSW Resources Regulator has the following guidance endorsed by the Board and published to assist practising certificate holders to satisfy the condition to maintain their competence:

- flyers to inform and promote implementation of maintenance of competence scheme
- expanded guide and frequently asked questions to inform holders
- sample logbooks

The board remained informed on the finalisation of training package for Learning from mining disasters by the NSW Resources Regulator. The one-day program will be approved for providers to deliver to practising certificate holders to meet the maintenance of competence scheme requirement.

3.2 Monitor the mining industry for changes that may impact on the operation of the competency schemes for certificates

The board received input from members that a statutory function for geotechnical engineer in underground coal mines should be created to address competence and WHS needs. The board endorsed for the NSW Resources Regulator to release a consultation paper for industry stakeholders on the proposal. The release and outcomes of the consultation paper will be reported in the 2020 report.

4. Develop and implement a collaborative communication strategy

4.1 Develop a communication strategy for informing stakeholders

The board implements a communication strategy that includes communication through the department's website, face-to-face workshops on specific issues and participation in industry and stakeholder events. The Board provides regular information to the NSW Mine Safety Advisory Council 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 continues to establish 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.

4.2 Develop key messages to be communicated

The board endorsed a revised industry engagement strategy for practising certificates and maintenance of competence by the NSW Resources Regulator. The strategy continues to promote the key messages of:

- The practising certificate system supports individuals to remain competent in exercising statutory functions
- The maintenance of competence scheme formalises what individuals do to maintain their competence to practise in statutory functions.

The board noted that a series of workshops in regional NSW were to commence from June 2019 to carry out the strategy.

4.3 Adopt a collaborative approach

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. Mr Garvin Burns (department) attended the sixth AMCAC meeting on 19 October 2018 in New Zealand. Mr Tony Linnane (department) and Mr Garvin Burns (department) attended the seventh AMCAC meeting on 9 May 2019 in Sydney, which was hosted by the department. The board submits papers to AMCAC meetings for information and/or consideration as required.

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.