

NSW Mining and Petroleum Competence Board 2015/16 Annual Report

Annual Report 2015/16

Published by NSW Department of Industry, Skills and Regional Development

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First published **October 2016** OUT16/27828

More information

Resources and Energy Governance Branch

www.industry.nsw.gov.au

Acknowledgments

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing July 2016. However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Industry, Skills and Regional Development or the user's independent advisor.

What is the NSW Mining and Petroleum Competence Board?

The NSW Mining and Petroleum Competence Board (the Board) is a statutory board that advises the Minister for Resources and Energy and the mine safety regulator on the:

- setting of competence standards
- standards for assessing competence
- requirements for the maintenance of competence

for exercising functions at a mine 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 Industry (the department) 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 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 operations, as part of an overall strategy to improve mine 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.

How can I find out more information?

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

www.resourcesandenergy.nsw.gov.au/miners-and-explorers/safety-and-health/about-us/mining-competence-board

The role of the mine safety regulator

The Secretary of the department, as the mine safety regulator, may receive advice from the Board on how to carry out its functions under the WHS (Mines and Petroleum Sites) legislation 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 contact the Board?

Mining and Petroleum Competence Board c/- NSW Department of Industry
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Introduction

The Mining and Petroleum Competence Board (the Board) was established in 2014 following the introduction of the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* (the Act). The Board is subject to the control and direction of the Minister for Industry, Resources and Energy. Section 68 of the Act requires the Board to provide an annual report within 6 months of 30 June of its activities during the preceding year. The Board's name was changed from the Mining Competence Board to the Mining and Petroleum Competence Board following amendment of the Regulation to include statutory functions in the petroleum sector.

This is the Board's second Annual Report and covers activities between 1 July 2015 and 30 June 2016. The Board met on four occasions on:

- 2 September 2015
- 23 February 2016
- 25 November 2015
- 10 May 2016

Functions of the Board

The Board has the following functions (s 67(1) of the Act):

- (a) to oversee the development of competence standards for persons exercising functions at a mine that may impact on the health and safety of any person,
- (b) to undertake initial and ongoing assessments of the competence of persons exercising any such function,
- (c) to advise the Minister on matters related to the competence required of persons to exercise any such function.

Membership of the Board

In addition to the Chairman there are three employer representative, nominees of the NSW Minerals Council (1 coal and 1 metalliferous) and Cement Concrete and Aggregates Australia, three employee representatives, nominees of the CFMEU Mining and Energy Division and Australian Workers Union and representatives of the NSW Department of Industry.

The members of the Board are listed below:

- Mr Bryan Davis, Independent Chairperson
- Mr Mick Carney, NSW Minerals Council (coal)
- Mr Nicholas Strong, NSW Minerals Council (metals)
- Ms Leanne Parker, Cement Concrete and Aggregates Australia
- Mr Andy Honeysett, CFMEU Mining and Energy Division
- Mr Keith Shaw, CFMEU Mining and Energy Division
- Mr Glenn Seton, Australian Workers Union
- Ms Jenny Nash, NSW Department of Industry
- Mr Robert Gibbons, Independent
- Mr Tony Ingram, Independent.

Terms of reference

The Board developed a Charter of Operations and Conduct and agreed on the Terms of Reference below:

- 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, and
- providing advice to the Minister on matters related to competence requirements.

Identified priorities and vision

At the 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 department's goal of safe and sustainable management of resources for the economic benefit of NSW, with operations at best practice health, safety and engineering standards.

On 30 November 2015 the Minister endorsed the Board's Strategic Plan to 2020 to address the four priority areas.

Activities of the Board in the preceding year

- Following Ministerial endorsement the Board published its Strategic Plan to 2020 on the Department website.
- The Board has recommended that all certificates of competence have first aid and emergency coordination competencies as mandatory requirements.
- Following consultation with the metalliferous sector the Board has endorsed certificate of competence requirements for the new statutory function of underground supervisor in underground mines other than coal.
- After considering Associated Non-technical Skills (ANTS) capabilities for statutory functions, the Board endorsed an ANTS capabilities matrix for examination panels and candidates to consider for the oral examinations for certificates of competence.
- The Board issued a discussion paper based on the New Zealand model for the Maintenance of Competence (MOC) for Practising Certificate holders in December 2015 and received 30 submissions. To consider the feedback the Board agreed to form a tripartite Maintenance of Competence Sub-Committee. The Sub-Committee is considering the appropriate areas of learning, the hours required over a 5-year period for different practicing certificate holders and mix of formal and informal learning that will best meet the needs of industry and met on three occasions during the year. The Board is

likely to make recommendations for a maintenance of competence scheme in early 2017.

- Commenced the Statutory Function Role Description Project and underwent a competitive procurement process to commission a consultant to provide advice on the development of role descriptions for statutory functions that require a practicing certificate.

Following the procurement process the Department engaged Forsythes to advise the Board on this project. The Board established a tripartite steering committee to oversee the project that is not envisaged to be completed until November 2016. The Steering Committee has met on three occasions during the year.

- After considering ways of supporting a suitable quality of registered training organisations (RTO) that deliver training for certificate of competence candidates, the Board endorsed the Department entering into a memorandum of understanding (MoU) with the Australian Skills Quality Authority that regulates RTO standards in Australia. The MoU will provide for information sharing between the two organisations relating to the quality of RTOs.
- Board members participated in the inaugural Australasian Mining Competence Advisory Council (AMCAC) with stakeholder representatives present. Board members Glenn Seton (AWU / worker representative) and Nick Strong (NSWMC / employer representative) participated on 24 May 2016 with the Chief Inspector Gary Parker. AMCAC is the forum for mining WHS jurisdictions to discuss consistent competencies for statutory functions.
- The Chairman participated in the NSW Minerals Council 2015 OHS and Environment Conference on 31 August – 1 September and the Department's Metalliferous Industry Safety Advisory Committee meeting in May 2016.
- The Board provides regular information to the Mine Safety Advisory Council (MSAC) on its strategic direction. The MSAC Chairman Carl Scully addressed the Board at its 23 February 2016 meeting and discussed areas of common interest between the two mine safety statutory boards.
- To support transparency, the Board endorsed a charter for its operation and publishes the minutes of its meetings on its 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 is establishing 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.

Minister I am pleased to present to you the 2015/16 annual report of the NSW Mining and Petroleum Competence Board.

Chair
Mining and Petroleum Competence Board