



MINING AND PETROLEUM COMPETENCE BOARD

Meeting 2–10 May 2022

Meeting details

Meeting	Mining and Petroleum Competence Board	Date	10 May 2022
Location	CFMEU Northern Mining & NSW Energy District 67A Aberdare Rd, Aberdare	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)■ Chris Dolden (Cement Concrete and Aggregates Australia)■ Leigh Nicholls (delegate for Garvin Burns), Resources Regulator, Department of Regional NSW■ Justin Smith (Australian Workers' Union)■ Kylie Fahey (Independent) – via videoconference■ Peter Standish (Independent)■ Stephen Barrett (Construction, Forestry, Maritime, Mining and Energy Union)■ Stephen Tranter (Construction, Forestry, Maritime, Mining and Energy Union)■ Tony Linnane (Mining, Exploration and Geoscience, Department of Regional NSW)		
Observers	<ul style="list-style-type: none">■ Kristy Hogg (NSW Minerals Council (Metalliferous)) – via videoconference		
Secretariat	<ul style="list-style-type: none">■ Bronwen Sandland (Mining, Exploration and Geoscience, Department of Regional NSW) – via videoconference■ Anna Ormerod (Mining, Exploration and Geoscience, Department of Regional NSW)		
Apologies	<ul style="list-style-type: none">■ Garvin Burns, Resources Regulator, Department of Regional NSW■ James Barben (observer), NSW Minerals Council		

Minutes

Paper	Description
1	<p><u>Welcome and apologies</u></p> <ul style="list-style-type: none">■ The Chair opened the meeting at 9am. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted delegates, observers and apologies.■ The Board noted the member appointments expiring in 2022.
2	<p><u>Declaration of interests</u></p> <ul style="list-style-type: none">■ The Chair requested members declare any conflicts. <p>Outcomes</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">■ Mr Linnane advised that action B is being undertaken as part of the Bill and Regulation update. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board endorsed the minutes of the last meeting on 15 February 2022. Moved Mr Tranter. Seconded Mr McLeod.■ The Board noted the status of actions arising from the last meeting.
4	<p><u>Correspondence</u></p> <ul style="list-style-type: none">■ Mr Standish asked if the secretariat had received correspondence from Wayne Green, Coal Services.■ Mr Nicholls advised that the Resources Regulator had received correspondence and would follow this up. <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 provided members with a verbal overview of the paper.

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	<ul style="list-style-type: none">■ Mr Linnane advised that:<ul style="list-style-type: none">□ the amendments in the Act give effect to the recommendations from the statutory review: changing penalty amount from dollars to units; formalising probity assessments for industry health and safety reps; specifying that the chair of the Board is independent of the bodies represented on the Board.□ the regulation is being remade; 28 amendments are being proposed. A discussion paper was released last year on the proposed changes. The remake will go through consultation process. A regulatory impact statement will also be drafted.□ changes to automatic mutual recognition come into effect from 1 July 2022. Individuals will still need to notify the Resources Regulator of mutual recognition of statutory functions to work in NSW through the nsw.gov.au website. The proposed amendment to the WHS (MPS) Regulation will place a duty on the person from another jurisdiction performing the statutory function in NSW to comply with the Resources Regulator’s maintenance of competency requirements.■ Members noted it would be the responsibility of the mine operator to ensure that an individual is competent. The mine operator will need to gather the evidence and check with the relevant state.■ Mr Linnane advised that the Department will be providing education around the changes as part of the implementation of the regulation changes. <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 Work Health and Safety (Mines and Petroleum Sites) Regulation.
6	<p><u>Certificate of competence updated guidance</u></p> <ul style="list-style-type: none">■ Mr Nicholls provided members with a verbal overview of the paper.■ Mr Standish advised that the first link on page 4, ‘Exam and briefing sessions webpage’, does not go to the correct page.

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	<ul style="list-style-type: none">■ Ms Fahey commented that the first heading on page 5, ‘Tertiary qualifications’, should read ‘Tertiary and vocational qualifications’ as vocational qualifications can also apply. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board endorsed the revised Guide to applying for a certificate of competence (2022–23 financial year) subject to the above modifications. Moved Mr Standish. Seconded Mr Barrett. <p>Actions</p> <ul style="list-style-type: none">A. Resources Regulator to update the Certificate of Competence Guide with comments from members.
7	<p><u>Maintaining blasting competence for quarry manager practising certificate holders</u></p> <ul style="list-style-type: none">■ Mr Nicholls provided members with a verbal overview of the paper.■ Members noted that at the last meeting, the Board endorsed a blasting pre-requisite for all new applicants for the quarry manager certificate of competence from 2023.■ Members discussed the four options presented.<ul style="list-style-type: none">□ Mr McLeod commented that option 2 is a good option as individuals get the relevant knowledge without having to complete a full course.□ Mr Linnane expressed concerns about prescribing maintenance of competence requirements for a single statutory function even though deficiencies have been identified. Option 3 goes against the approach taken in the scheme. Option 4 is preferable; it puts the onus on individuals to undertake learning to ensure they are competent in blasting.□ Mr Smith commented that a quarry manager must have the skills and knowledge to manage the site and the experts undertaking the work. They need to understand what should and shouldn’t happen and be able to question work practices.□ Ms Fahey commented that the three units talk to the different areas. It needs to be determined whether the manager is directly managing or supervising as learning outcomes will be different. The quarry manager needs to be competent about what is happening on site is safe.□ Mr Nicholls commented that the easiest way would be to wait until the next round of renewals, then add the new qualification as a condition of

Paper	Description
	<p>the certificate renewal. The Resources Regulator would need advertise now so that individuals are aware.</p> <ul style="list-style-type: none">□ Mr Barrett indicated his support of additional knowledge requirements for all certificate holders especially as managers can move from one quarry to another.□ Mr Dolden expressed concerns that it may be burdensome on the managers who work at T2 quarries where blasting is never undertaken at the site.□ Mr Barrett commented that it is the same for other certificate such as underground coal where managers are required to complete a module in gas management even if it is not a risk at their site.□ Mr Nicholls responded that managers with a certificate may work at another quarry that does do blasting. Explosives is a principal hazard. It has been identified as a high-risk area.□ Mr Linnane commented that certificates apply to the whole sector not specific mine sites.□ Mr McCleod commented that option 4 achieve would achieve the outcomes without placing a formal specific requirement on individuals.□ Mr Linnane indicated support for option 4 but recommended that the Resource Regulator consider mechanisms available to support option 4 (including a compliance priority to focus on how quarry managers are maintaining competence on blasting). <p>Outcomes</p> <ul style="list-style-type: none">■ The Board agreed to option 4 with the Resources Regulator to consider a program to monitor compliance and present it to the Board. Moved Mr Standish. Seconded Mr Barrett. <p>Actions</p> <ul style="list-style-type: none">B. Resources Regulator to consider a program to monitor competence in blasting for existing quarry manager practising certificate holders and present it to the Board.
8	<p><u>Additional requirements for quarry manager tier 2 practising certificate</u></p> <ul style="list-style-type: none">■ Mr Nicholls provided a verbal overview of the paper. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board endorsed the gazettal for tier 2 quarry manager practising certificate requirements to be amended to:

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	<ul style="list-style-type: none">○ Add an eligible qualification for all tier 2 quarries (not specific locations):<ul style="list-style-type: none">▪ RII60220 – Advanced Diploma of Extractive Industries Management, and any superseded equivalent version with the equivalent of RII60220 mandatory units completed, and▪ Elective unit RIIBLA602E – Establish and maintain explosives safety and security management systems to be completed as part of RII60220.■ The Board endorsed adding that, upgrading from ‘specific locations’ to ‘all tier 2 quarries’ practising certificates, that other qualifications to those listed as eligible for a new certificate will be accepted if they are comparative.■ Moved Mr Standish. Seconded Ms Fahey.■ The Board did not endorse recommendation 3.
9	<p><u>Appointment of examiners</u></p> <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the approval out of session of Aaron McGuigan as a casual examiner for the Mining Engineering Manager underground coal mines panel.
10	<p><u>Online exams for certificates of competence</u></p> <ul style="list-style-type: none">■ Mr Nicholls provided a verbal overview of the paper. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted submissions received from member organisations in response to discussion paper for online written exams.■ The Board did not raise any issues and agreed to the pilot proceeding.
11	<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.
12	<p><u>Quarterly report on certification outcomes</u></p> <ul style="list-style-type: none">■ Mr Nicholls provided a verbal overview of the paper.

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	<p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the report on certification outcomes for February to April 2022.■ The Board noted the report on activities completed for February to April 2022.■ The Board noted the report on planned activities for May to July 2022.
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.
14	<p><u>Update on implementation of blueprinting</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 status of the blueprinting implementation project.
15	<p><u>Additional business</u></p> <ul style="list-style-type: none">■ Mr Standish raised whether the Board should start to think about what competence might look like in 5 years (e.g. changes in technology augmenting performance).■ Mr Nicholls commented that individuals should be assessed for competence based on the technology not being available.■ The Chair commented that it would be useful to consider as part of the Board’s planning day next year. ■ Ms Ormerod raised a matter on behalf of Mr Andrew Palmer, Resources Regulator. Mr Mark Smith who is a member of the Electrical Engineers Panel has resigned from the panel due to potential conflicts of interest associated with his new role. Mr Palmer requested the Board write to Mr Smith thanking him for his participation on the panel. Agreed. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board agreed to send a thank you letter to departing Electrical Engineers Panel member, Mark Smith.

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	<p>Actions</p> <ul style="list-style-type: none">C. Chair to send a thank you letter to departing Electrical Engineers Panel member, Mark Smith.■ Mr Standish raised that it is the Chair’s last face-to-face meeting as she will be attending the next meeting via videoconference. Mr Standish acknowledged the work of Ms Mackay during her time as Chair. All members agreed with and reiterated Mr Standish’s comments.
16	<p><u>Next meeting and meeting close</u></p> <ul style="list-style-type: none">■ The next meeting will be held on Tuesday 16 August 2022 in Sydney.■ The Chair thanked the CFMEU for hosting the meeting and closed the meeting at 11:30 am.

Action items

Action	Agenda item
A. Resources Regulator to update the Certificate of Competence Guide with comments from members.	6. Certificate of competence updated guidance
B. Resources Regulator to consider a program to monitor competence in blasting for existing quarry manager practising certificate holders and present it to the Board.	7. Maintaining blasting competence for quarry manager practising certificate holders
C. Chair to send a thank you letter to departing Electrical Engineers Panel member, Mark Smith.	15. Additional business

Approval

Name/Position	Signature/approval	Date

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Comment: