



# MINING AND PETROLEUM COMPETENCE BOARD

Meeting 3–16 August 2022

## Meeting details

<b>Meeting</b>	<b>Mining and Petroleum Competence Board</b>	<b>Date</b>	16 August 2022
<b>Location</b>	NSW Minerals Council Level 3, 12 O'Connell Street, Sydney	<b>Time</b>	9–11:30 am
<b>Chair</b>	<ul style="list-style-type: none"><li>■ Ruth Mackay, Independent (via Teams)</li></ul>		
<b>Attendees</b>	<ul style="list-style-type: none"><li>■ Ashley McLeod, NSW Minerals Council</li><li>■ Chris Dolden, Cement Concrete and Aggregates Australia</li><li>■ Garvin Burns, Resources Regulator, Department of Regional NSW</li><li>■ Kylie Fahey, Independent (via Teams)</li><li>■ Marwan El-Chamy, Mining, Exploration and Geoscience, Department of Regional NSW</li><li>■ Stephen Barrett, Mining and Energy Union</li></ul>		
<b>Secretariat</b>	<ul style="list-style-type: none"><li>■ Anna Ormerod (Mining, Exploration and Geoscience, Department of Regional NSW)</li></ul>		
<b>Observers</b>	<ul style="list-style-type: none"><li>■ Andrew Palmer, Resources Regulator, Department of Regional NSW</li><li>■ Thomas Lethbridge, NSW Minerals Council (Metalliferous) (via Teams)</li><li>■ Kristy Hogg, NSW Minerals Council (Metalliferous)</li><li>■ Kylie Tanner, Mining, Exploration and Geoscience, Department of Regional NSW (via Teams)</li></ul>		
<b>Apologies</b>	<ul style="list-style-type: none"><li>■ Andrew Grivas, NSW Minerals Council (Metalliferous)</li><li>■ Stephen Tranter, Mining and Energy Union</li><li>■ Peter Standish, Independent</li><li>■ Justin Smith, Australian Workers' Union</li></ul>		

## Minutes

Paper	Description
1	<p><b><u>Welcome and apologies</u></b></p> <ul style="list-style-type: none"><li>■ The Chair opened the meeting at 9 am.</li><li>■ The Chair welcomed the new Department member Mr Marwan El-Chamy, and noted that Mr Stephen Barrett and Mr Justin Smith have been re-appointed by the Minister for a further 3 years.</li><li>■ Mr El-Chamy advised that recruitment for a new chair has commenced. A new chair will be appointed prior to the next meeting.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>■ The Board noted delegates, observers and apologies.</li><li>■ The Board noted the member appointments expiring in 2022.</li></ul>
2	<p><b><u>Declaration of interests</u></b></p> <ul style="list-style-type: none"><li>■ The Chair requested members declare any conflicts.</li><li>■ Mr El-Chamy requested the pecuniary interests register be updated to reflect that he earns an income from the Department.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>■ No conflicts were declared.</li><li>■ No updates were requested to the pecuniary interest register.</li></ul> <p><b>Actions</b></p> <p>A. <a href="#">Secretariat to update the pecuniary interests register for Marwan El-Chamy.</a></p>
3	<p><b><u>Acceptance of previous minutes and actions</u></b></p> <ul style="list-style-type: none"><li>■ The Chair advised that action B from the last meeting ‘Resources Regulator to consider a program to monitor competence in blasting for existing quarry manager practising certificate holders and present it to the Board’ would be presented at the November meeting.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>■ The Board endorsed the minutes of the last meeting on 10 May 2022. Moved Mr Barrett. Seconded Ms Fahey.</li></ul>

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	<ul style="list-style-type: none"><li>■ The Board noted the status of the remaining actions arising from the last meeting.</li></ul> <p><b>Actions</b></p> <ul style="list-style-type: none"><li>B. Secretariat to add ‘Resources Regulator to consider a program to monitor competence in blasting for existing quarry manager practising certificate holders and present it to the Board’ to the agenda for the next meeting.</li></ul>
4	<p><b><u>Correspondence</u></b></p> <ul style="list-style-type: none"><li>■ The Chair noted the correspondence from Coal Services and invited comment from members.</li><li>■ Mr Burns advised that the Resources Regulator’s position has not changed. There is also a fundamental conflict with an RTO who delivers training to then sit on the examination panel and assess the individuals it delivered the training to.</li><li>■ Mr Barrett commented that he supports the Resources Regulator’s position as the criteria stands. However, if an individual holds a practicing certificate, they should be able to be examiners. It may be something the Board could consider in the future.</li><li>■ Mr Barrett raised that the exemption is sought for a group of people not an individual.</li><li>■ Mr McLeod commented that examiners should be directly working on a mine site.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>■ The Board agreed:<ul style="list-style-type: none"><li>○ not to modify the prerequisite criteria for appointment as an examiner</li><li>○ that any applications for exemption need to be submitted by an individual not by a company</li><li>○ to review the letter out of session prior to it being sent to Coal Services.</li></ul></li><li>■ The Board noted the correspondence received and sent since the last meeting.</li></ul> <p><b>Actions</b></p> <ul style="list-style-type: none"><li>C. Secretariat to draft a reply letter to Wayne Green, Coal Services and circulate to members out of session for comment.</li></ul>
5	<p><b><u>Implementation of recommendations of statutory review of the WHS (MPS) laws</u></b></p> <ul style="list-style-type: none"><li>■ Mr El-Chamy advised that some updates had occurred since the paper was drafted:</li></ul>

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	<ul style="list-style-type: none"><li>❑ NSW Parliament passed the WHS Bill in May</li><li>❑ 11 submissions received from the public consultation process</li><li>❑ the new regulation commences on 1 September 2022.</li></ul> <ul style="list-style-type: none"><li>■ Mr Burns commented that there are two key changes relevant to Board:<ul style="list-style-type: none"><li>❑ an additional provision has been added for the suspension/cancellation of certificates based on a contravention of WHS laws which has resulted in a serious risk to a person; the Resources Regulator will publish a fact sheet about this change</li><li>❑ trade certifications for mechanical tradespeople.</li></ul></li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>■ The Board noted the next steps for finalising implementation of the statutory review recommendations includes:<ul style="list-style-type: none"><li>❑ commencing the Work Health and Safety (Mines and Petroleum Sites) Amendment Bill 2022 via proclamation, and</li><li>❑ seeking amendments to the Work Health and Safety (Mines and Petroleum Sites) Regulation.</li></ul></li></ul>
6	<p><b><u>Automatic mutual recognition</u></b></p> <ul style="list-style-type: none"><li>■ Mr Palmer provided a verbal report on the paper. Members were advised that:<ul style="list-style-type: none"><li>❑ the website should be live on 1 December</li><li>❑ the Resources Regulator is considering how those with automatic mutual recognition will maintain competence</li><li>❑ the Resources Regulator will publish a factsheet for mine operators.</li></ul></li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>■ The Board noted the alternative way of obtaining automatic mutual recognition (AMR) in NSW is due to commence on or about 1 January 2023.</li></ul>
7	<p><b><u>Appointment of examiners</u></b></p> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>■ The Board approved the appointment of the examiners presented in the paper. Moved Mr Burns. Seconded Mr Barrett.</li><li>■ The Board noted the ongoing examination panel members for the certificate of competence functions in 2022/23.</li></ul>

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8	<p><b><u>Online exams for certificates of competence</u></b></p> <ul style="list-style-type: none"><li>■ Mr Palmer provided a verbal report on the paper.</li><li>■ Mr Palmer confirmed that:<ul style="list-style-type: none"><li>□ the report being presented to the Board in November will include feedback from candidates</li><li>□ the software assesses and records noise</li></ul></li><li>■ Mr Burns commented that it is a pilot program and trial, so it will need to be accommodating for candidates.</li><li>■ Members commented that the following should be taken into consideration:<ul style="list-style-type: none"><li>□ it is easier to do face to face exams</li><li>□ a familiarisation a couple of days or a week before (without seeing questions) would be beneficial</li><li>□ some mock questions could be drafted for candidates to run through the process</li><li>□ slower typing speeds might be an issue due to time frames to complete the exam</li><li>□ as part of the pilot, a comparison between typing and handwriting speeds could be completed.</li></ul></li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>■ The Board noted the Resources Regulator has contracted ExamOnline as the supplier for delivering the pilot online written exams for the Quarry Manager certificate of competence on 8 September 2022.</li></ul>
9	<p><b><u>MPCB work plan and communications plan</u></b></p> <ul style="list-style-type: none"><li>■ The Chair noted that she was due to speak at several events however that did not occur due to COVID and shortened agendas.</li><li>■ Mr Burns commented that the next opportunity will be the mining engineering managers seminar in October.</li><li>■ The Chair advised that her appointment expires in September but offered to present at future events as a previous chair.</li><li>■ Mr Burns suggested that the new chair also be invited to attend the seminar as a guest but not a presenter.</li><li>■ All members agreed.</li></ul>

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	<p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>■ The Board noted the status of projects identified in the Board’s work plan to support the Strategic Plan to 2023.</li><li>■ The Board noted the status of actions identified in the MPCB Communication Plan.</li></ul> <p><b>Actions</b></p> <p>D. Secretariat to invite the new chair to the Mining Engineering Managers Safety seminar in October.</p>
10	<p><b><u>Quarterly report on certification outcomes</u></b></p> <ul style="list-style-type: none"><li>■ Mr Palmer advised that the Coal mining Industry Reference Committee was winding down and moving to a new model.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>■ The Board noted the reports on certification outcomes and activities completed for May to July 2022.</li><li>■ The Board noted the report on planned activities for August to September 2022.</li></ul>
11	<p><b><u>Resources Regulator Quarterly Safety Report</u></b></p> <ul style="list-style-type: none"><li>■ Mr Burns provided a verbal report on the paper.</li><li>■ Mr Burns advised that collisions involving heavy mining equipment continues to occur and is the biggest concern across the industry currently. The Resources Regulator has created a TARP for vehicle collisions.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>■ The Board noted the Resources Regulator Quarterly Safety Report.</li></ul>
12	<p><b><u>Update on implementation of blueprinting</u></b></p> <ul style="list-style-type: none"><li>■ Mr Palmer provided a verbal report on the paper. He advised that the previous system of marking with 60% mark rate has now finished. All exams are now blue printed to competency framework with benchmarks (all either essential or desirable). The Resources Regulator is working with examination panels to ensure it is occurring.</li><li>■ Mr McLeod asked if the Board could get copy of the process on how the questions (both written and oral) were derived.</li><li>■ Mr Palmer agreed to provide it at the next meeting.</li></ul>

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	<p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>■ The Board noted the status of the blueprinting implementation project.</li></ul> <p><b>Actions</b></p> <ul style="list-style-type: none"><li>E. Mr Palmer to provide the process on how the questions for both written and oral exams were derived at the next meeting.</li></ul>
13	<p><b><u>Additional business</u></b></p> <ul style="list-style-type: none"><li>■ Mr Burns raised an item for noting. He advised that the Resources Regulator was approached by a manager in METEX who expressed concerns that individuals with overseas qualifications cannot get a certificate of competence in NSW. Mr Burns commented that a pathway for people with qualifications obtained outside of Australia needs to be considered.</li></ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"><li>■ The Board noted that the Resources Regulator would prepare a paper for a future meeting on considerations and pathways for accepting overseas qualifications in NSW.</li></ul>
16	<p><b><u>Next meeting and meeting close</u></b></p> <ul style="list-style-type: none"><li>■ The Chair advised that this was her last meeting as chair of the Board and thanked all members for their contribution over the years.</li><li>■ Mr Burns thanked the chair, on behalf of all members of the board, for her leadership, invaluable insight and exemplary conduct of meetings.</li><li>■ The Chair thanked the NSW Minerals Council for hosting the meeting and closed the meeting at 11:15 am.</li></ul>

## Action items

Action	Agenda item
A. Secretariat to update the pecuniary interests register for Marwan El-Chamy.	Declaration of interests

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Action	Agenda item
B. Secretariat to add 'Resources Regulator to consider a program to monitor competence in blasting for existing quarry manager practising certificate holders and present it to the Board' to the agenda for the next meeting.	Acceptance of previous minutes and actions
C. Secretariat to draft a reply letter to Wayne Green, Coal Services and circulate to members out of session for comment.	Correspondence
D. Secretariat to invite the new chair to the Mining Engineering Managers Safety seminar in October.	MPCB work plan and communication plan
E. Mr Palmer to provide the process on how the questions for both written and oral exams were derived at the next meeting	Update on implementation of blueprinting

## Approval

Name/Position	Signature/approval	Date
Joanne Muller, MPCB Chair		

**Comment:**