

# Minutes

## Mining and Petroleum Competence Board

### Details

**Location:** Department of Regional NSW  
516 High Street,  
Maitland NSW 2320

**Date/time:** 14 February 2023  
9.00am-11.30am

**Chairperson:** Joanne Muller, Independent

### People present

1. **Chairperson:** Joanne Muller, Independent
2. Ashley McLeod, NSW Minerals Council
3. Garvin Burns, Resources Regulator, Department of Regional NSW
4. Kylie Fahey, Independent
5. Angela Hudson (representing Marwan El-Chamy, Mining, Exploration and Geoscience, Department of Regional NSW)
6. Peter Standish, Independent
7. Stephen Barrett, Mining and Energy Union
8. Stephen Tranter, Mining and Energy Union

### Secretariat

1. Anna Ormerod, Mining, Exploration and Geoscience, Department of Regional NSW
2. Amanda Quin, Mining Exploration and Geoscience, Department of Regional NSW

### Observers

1. Andrew Palmer, Resources Regulator, Department of Regional NSW
2. Angeline Harper, Resources Regulator, Department of Regional NSW
3. Lewis Stoll, Mining, Exploration and Geoscience, Department of Regional NSW

### Apologies

1. Marwan El-Chamy, Mining, Exploration and Geoscience, Department of Regional NSW
2. Thomas Lethbridge, NSW Minerals Council (Metalliferous) (Did not attend due to not accepting his appointment as a member of the MPCB board)

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### This Meeting:

No.	Issue
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1	<b><u>Welcome and apologies</u></b>
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| 1 | <ul style="list-style-type: none"><li>• The Chair delivered an Acknowledgement of Country and opened the meeting at 9:00am.</li><li>• The Chair welcomed members and observers to the meeting and introduced the new board secretariat, Amanda Quin and Lewis Stoll.</li></ul> |
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1	<b>Outcomes</b>
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| 1 | <ul style="list-style-type: none"><li>• Members noted the membership changes to the Board.</li><li>• Members noted the apologies, delegates and observers for this meeting.</li><li>• Members noted the appointments expiring in 2023.</li></ul> |
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## **2 Declaration of interests**

- The Chair requested members declare any conflicts.
- The following changes were requested to the pecuniary interests register:
  - Mr Barrett requested that “Mining and Energy Union South Western District” be added as his income declaration
  - Mr Tranter requested that “Mining and Energy Union Northern District” be added as his income declaration
- The chair noted that a pecuniary interests declaration has not been received from Mr Lethbridge. The Department received notification that he was not taking up his role as a member of the MPCB Board.

### **Outcomes**

- No conflicts were declared.
- No updates were requested to the pecuniary interest register.

### **Actions**

- A. **Secretariat to update the pecuniary interest declaration table for Mr Barrett and Mr Tranter.**

## **3 Acceptance of previous minutes and actions**

- No changes were requested to the minutes.

### **Outcomes**

- The Board endorsed the minutes of the last meeting. Moved Ms Fahey. Seconded Mr Standish.
- Members noted the status of the remaining actions arising from the last meeting.

## **4 Correspondence**

### **Outcomes**

- Members noted the correspondence received and sent since the last meeting.

## **5 Survey of MPCB members on the operation of the November 2022 meeting**

- The Chair requested that if members intend on raising items under “additional business” that they email the secretariat prior to the meeting whenever possible. Members agreed that the secretariat would send an email on the Friday prior to the meeting asking if members had any items to raise.
- Mr Barrett requested that papers be distributed two weeks prior to the meeting if possible. Accessing the papers within the week prior to the meeting is sometimes difficult.
- Mr Burns expressed concerns due to conflicting work priorities and currency of information if papers are drafted too far in advance of the meeting.
- The Chair proposed that papers are distributed ten days prior to the meeting whenever possible. Members agreed.

- Ms Hudson joined the meeting at 9:18am.
- The Chair asked members if they were happy for a post meeting survey similar to the one circulated after the last meeting to be conducted annually. Members agreed.
- Ms Fahey suggested that an induction pack for Board members include context behind each of the papers be provided to all new members.
- Mr Burns agreed and proposed that the induction given to the chair upon commencement be given to all new members.
- Members agreed to run an induction for all new members.
- The Chair and Ms Fahey commented they would like to attend the induction when it is held.
- The Chair commented that the induction of the new members expected to be appointed shortly needs to be held before the strategic planning day if possible.

#### **Outcomes**

- The Board agreed that meeting papers should be distributed ten days prior to the meeting.
- The Board agreed to email the secretariat prior to the meeting if they intend on raising items under “Additional business”.
- The Board agreed that a survey should be conducted annually on the operation of board meetings.
- The Board agreed that an induction be held for all new members to the board similar to the one given to the chair.

#### **Actions**

- B. Secretariat to email members on the Friday prior to the meeting asking if members have any items to raise under “Additional business”.
- C. Secretariat to distribute papers ten days prior to the meetings.
- D. Secretariat to coordinate an induction for all new board members (with Chair invited) prior to the next meeting on 23 May 2023.

### **6 Implementation of recommendations of statutory review of the WHS (MPS) laws**

- Ms Hudson advised that the implementation is now complete and that an update should now be removed from the agenda.
- Mr Tranter commented that individuals are now completing probity checks twice.
- Mr Burns replied that it is now a legislated requirement.
- The Chair added that probity checks are increasing across all industries.

#### **Outcomes**

- The Board noted the implementation of the statutory review recommendations is now complete with the commencement of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 on 1 September 2022, the commencement of additional amendments and the publication of various notices and communications in the NSW Government Gazette and the Resources Regulator website.
- Members agreed that an update on the implementation of recommendations of statutory review of the WHS (MPS) laws be removed from the agenda.

### **Actions**

- E. Secretariat to remove an update on the implementation of recommendations of statutory review of the WHS (MPS) laws from future agendas.

## **7 Examiner’s tenure and complaints process**

- Mr Palmer provided a verbal report on the paper. He summarised that:
  - it would be administratively burdensome if a duration was placed on examiner appointments
  - there are other mechanisms to manage the suitability of examiners
  - the audit conducted in January identified the unsuitability of some examiners whose appointment was subsequently revoked.
- Mr Barrett commented that he supports the Regulator’s position.

### **Outcomes**

- The Board endorsed the Resources Regulator’s position that examiners continue to be appointed for an indefinite period and the current processes for managing exams and examiners are sufficient to ensure examiner performance meets the requisite standard.

## **8 Evaluation of the Practising Certificate Maintenance of Competence Scheme**

- Mr Burns provided a verbal report on the paper. He advised that the review would examine the operation of the scheme not the need for a scheme. The Department is also providing feedback to productivity commission on continued professional development.
- Ms Fahey asked if engagement in continued professional development has influenced individuals.
- Mr Burns replied that might be difficult to determine but there will be a question in the survey to try and address whether individuals think the continued professional development is helping them.

### **Outcomes**

- The Board noted that MEG intends to evaluate its practising certificate maintenance of competence scheme requirements during 2023.
- The Board noted that MEG will prepare a draft project plan and draft public discussion paper for MPCB consideration at its May 2023 meeting.

### **Actions**

- F. Department to present a draft project plan and draft public discussion paper for MPCB consideration at the May 2023 meeting.

## **9 Resources Regulator’s Mine Safety Performance Report 2021-22**

- Mr Burns commented that there were no fatalities during the reporting period; it has been the longest period without a fatality in the last 33 years. The number of notifiable incidents and serious injuries are down. There has been a marked drop in the number of notices issued due to COVID and adverse weather impacting the ability for the regulator to operate.
- Mr Standish asked about the number of serious incidents in the ‘other’ category.

- Mr Burns replied that those incidents did not relate to a principal hazard and are primarily slips, trips and falls.
- Ms Fahey asked if the data shows whether the culture of reporting is improving.
- Mr Burns replied that the NSW Mine Safety Advisory Council commissioned a project in relation to the WA enquiry on reporting culture. Based on the feedback of the survey, the Regulator undertook an assessment program specifically looking at reporting culture. The report will be published in the next week. The findings were that:
  - mines did have appropriate systems in place including for bullying and harassment
  - workers and supervisors appeared to have an appropriate understanding
  - hazards are not reported to the extent they should be
  - some workers reported they didn't always receive adequate feedback on reports when they submitted them
  - the role of the supervisor is important in making these systems work effectively.
- The Chair asked about extraction mines as it was not following the same trend as the other mine types.
- Mr Burns replied that is a key problem with frequency rates. A single fatality in a quarry can make a dramatic difference on the statistics. Quarries have a low number of labour hours relative to coal.
- The Chair asked if employee reminders to report in the workplace is the responsibility of the Regulator or the company and whether there was any requirement for notification procedures to be on a noticeboard or otherwise brought to the attention of employees.
- Mr Burns replied that the duty is on the PCBU. The Regulator prescribes what must be reported but the onus is on the mine operator to report. Most mine operators have guidance to help employees understand what incidents are notifiable what then needs to be done.
- Mr Barrett added it is part of the safety management system.
- Mr Tranter commented there is no specific requirement for a company to display information on a noticeboard. It is up to the PCBU to determine the most appropriate method for it to communicate with its employees.
- Mr Burns added that the safety performance was included in the last mine safety newsletter.

### **Outcomes**

- The Board noted the Resources Regulator Mine Safety Performance Report 2021-22.

## **10 Review of the MPCB Strategic Plan to 2023**

- Ms Hudson advised that the Department is proposing a workshop be held at the next board meeting to develop a new strategic plan.
- Ms Fahey asked who was facilitating the workshop.
- Ms Hudson replied that the Department would facilitate.
- The Chair advised that the next meeting in May would be held from 9am to 3pm to allow for the board meeting and then the strategic planning workshop.
- The Chair commented that a facilitator would be of great assistance.
- Mr Tranter asked if three hours was enough time.

- Mr Burns commented that if members came prepared and emailed suggested strategic priorities for the new plan to the secretariat prior to the workshop, three hours should be enough.
- The Chair proposed that the meeting start at 8:30 with the board meeting to finish at 10:30, followed by morning tea and then the workshop. All members agreed.
- The Chair advised that the meeting will be held in Sydney.
- Mr Barrett requested that when comments are sent out of session, all members are copied in.
- Ms Hudson advised that the secretariat would collate all the comments and distribute to members as part of the papers. The Department will develop a timeline for feedback and distribute to members out of session.
- No feedback was received on the actions taken to address the objectives in the current strategic plan.

#### **Outcomes**

- The Board agreed to the Department’s proposal to review the MPCB Strategic Plan at the May 2023 meeting.
- The Board agreed to send strategic priorities for the new plan to the secretariat out of session.

#### **Actions**

- G. Secretariat to arrange the next board meeting (including a workshop to review the strategic plan) for 23 May 2023 from 8:30am to 3pm in Sydney.
- H. Department to develop a timeline for members to advise strategic priorities for the new plan to the secretariat out of session and distribute to members.

### **11 Guidance on suspension and cancellation of NSW practising certificates**

- Mr Burns advised the Regulator has developed guidance on the suspension and cancellation of NSW practising certificates because of changes in the regulation. The guidance will be published on the Resources Regulator’s website.
- The Chair asked how long a practising certificate can be suspended for.
- Mr Burns replied for an initial 28 day period, then an additional 28 day period, if required.

#### **Outcomes**

- The Board noted the proposed publication by the Resources Regulator of the draft Factsheet: Suspension or cancellation of a practising certificate.

### **12 MPCB work plan and communication plan**

#### **Outcomes**

- The Board noted the status of projects identified in the Board’s work plan to support the Strategic Plan to 2023.
- The Board noted the status of actions identified in the MPCB Communication Plan.

### 13 Appointment of examiners

#### Outcomes

- The Board approved the appointment of the following examiners:
  - Reserve examiners for the undermanager of underground coal mines: Jason Thomas, Matthew Stone, Dane O’Hearn, Jason Boersma
  - Panel member for the Cable Repair Signatory: Christopher Murphy

### 14 Resources Regulator Quarterly Safety Report

#### Outcomes

- The Board noted the Resources Regulator Quarterly Safety Report.

### 15 Quarterly report on certification outcomes

- Mr Burns provided a verbal report on the paper.
- The Chair asked why there is a high failure rate.
- Mr Barrett commented that some of the applicants failed due to poor preparation.
- Mr Burns commented that the Regulator reviews the questions asked and assessment results but doesn’t look at external factors. Results generally indicate that failures are due to people not doing the work they need to pass exams.

#### Outcomes

- The Board noted the reports on certification outcomes and activities completed for October to December 2022.
- The Board noted the report on planned activities for February to April 2023.

### 16 2023 meeting dates and venues

- Mr Tranter advised he is an apology for the next meeting in May.
- Mr Tranter offered to host the August 2023 meeting at the MEU office in Cessnock.
- The Chair advised that the November meeting would be hosted by the Department in Sydney.

#### Outcomes

- The Board agreed to hold the August meeting in Cessnock.
- The Board agreed that the November meeting would be hosted by the Department in Sydney.

#### Actions

- I. Secretariat to advise the venue for the November meeting.

### 17 Additional business

#### *Review of the blue printing process*

- Mr Burns advised that a review of the blue printing process is in progress and a draft report has been received by the Regulator. The draft report recommends significant

changes. It was advised that the report will be tabled at the May meeting with commentary on the Regulator's position.

#### *Proposal of additional qualifications*

- Mr Burns advised that two panels have flagged issues with the appropriateness and availability of current qualifications. Non-coal underground managers panel believes there are technical gaps with the current framework and electrical engineering have expressed concerns about the unavailability of the current diploma. A paper will be presented by the Regulator at the next meeting.

#### *Thank you letters*

- Mr Burns proposed that a thank you letter be sent to Chris Dolden for his work on the board. All members agreed.
- The Chair suggested that a thank you letter also be sent to Justin Smith for his work on the board. All members agreed.
- Mr Palmer advised that Tony Israel is stepping down as an examiner and convenor and requested a letter of thanks be sent on behalf of the board. All members agreed.

#### *Renewal of practicing certificates*

- Mr Burns advised that around 1,400 practising certificates will need to be renewed in the next 12 months.
- The Chair asked if messaging would go out for people to apply early.
- Mr Palmer replied yes.

#### *Auditing*

- Mr Palmer advised that Coal Services and Core mine have been contracted to undertake additional auditing. A fact sheet will be published.
- Mr Barrett asked if they were auditors.
- Mr Palmer replied that they were not formal auditors, but they have done auditing previously.
- Mr Palmer advised that the restrictions relating to hours for maintenance of competence will be reviewed.
- Mr McLeod asked if the limit on certain areas will be removed and if the status of non-compliant for doing more than the recommended hours will be removed.
- Mr Palmer replied no.
- Mr Burns added that individuals were non-compliant for the sake of the audit only. Outcomes of audit will not result in action against the individual.

#### *Online exams*

- Mr Palmer advised that:
  - another online exam has been completed; results are pending
  - the examiners annual meeting has been held.

#### *Order of Australia*

- The Chair advised that she was made a member of Order of Australia (AM) on 26 January 2023 for significant services to youth, community health and law. All members congratulated the Chair on her achievement.



*Change in secretariat*

- The Chair thanked Ms Ormerod for her time as secretariat of the board.

**Outcomes**

- The Board agreed to send thank you letters to Chris Dolden, Justin Smith and Tony Israel.

**Actions**

- J. Department to present the report on the review of the blue printing process at the May 2023 meeting.
- K. Department to present a paper at the May 2023 meeting on the needs for additional qualifications for non-coal underground and electrical engineering.
- L. Secretariat to draft thank you letters to Chris Dolden, Justin Smith and Tony Israel on behalf of the Board.

The Chair closed the meeting at 11:35am

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**Approval**

Name/position	Signature/approval	Date
Joanne Muller AM, MPCB Chair		23 May 2023

**Comment:**

Passed without amendment.

The scheduled meeting dates for the remainder of 2023 are:

- 23 May 2023
- 8 August 2023
- 14 November 2023.