

Minutes

Mining and Petroleum Competence Board

Details

Location: Mining and Energy Union
Nymboida House
Level 1, 215 Clarence Street
Sydney NSW 2000

Date/time: 7 November 2023
9.00 a.m.

Chairperson: Joanne Muller, AM, Independent

People present

1. **Chairperson:** Joanne Muller, AM Independent
2. **Member:** Angela Hudson (Mining, Exploration and Geoscience, Department of Regional NSW)
3. **Member:** Stephen Tranter (Mining and Energy Union NSW)
4. **Member:** Ron Cowdrey (Australian Workers Union)
5. **Member:** Craig Reed (NSW Minerals Council)
6. **Member:** Kurt Bridges (Cement Concrete & Aggregates Australia)
7. **Member:** Tony Israel (NSW Minerals Council)

8. **Member:** Anthony Margetts (Resources Regulator, Department of Regional NSW)
9. **Member:** Stephen Barrett (Mining and Energy Union NSW)
10. **Member:** Kylie Fahey (Independent)

Secretariat

1. Amanda Quin, Policy Officer (Mining, Exploration and Geoscience, Department of Regional NSW)
2. John Flint, Facilitator (Mining, Exploration and Geoscience, Department of Regional NSW) – attended for Papers 17 and 18 only.

Observers

1. Andrew Palmer (Resources Regulator, Department of Regional NSW)
2. Craig Harris (Resources Regulator, Department of Regional NSW)

Apologies

Nil

This Meeting:

No.	Issue
1	<p>Welcome, Acknowledgement of Country & Board Member changes</p> <p>The Chair opened the meeting at 9.00 a.m. Ron Cowdrey gave the acknowledgement of Country. The Chair welcomed the members to the meeting, Andrew Palmer as an observer and Craig Harris as an on-line observer for paper 5.</p> <p>The Chair noted that:</p> <ul style="list-style-type: none">• there had been no change in membership since the last meeting• John Flint would attend later in the day to conduct workshops for papers 17 and 18• Stephen Tranter’s term expires on 12 June 2024 and Kylie Fahey’s term expires on 14 November 2024.

Outcomes

The Board:

1. Noted the observers for this meeting and the appointments expiring in 2024.
2. Noted that the Secretariat will write to the Mining and Energy Union in December 2023 regarding Stephen Tranter's term expiry.
3. Directed the Secretariat to include Mr Tranter in the said letter to the Mining and Energy Union.

Actions

- A. Secretariat to write to the Mining and Energy Union in December 2023 about the expiry of Stephen Tranter's term (Mr Tranter to be copied into that communication).**

2 Declaration of interests

- The Chair reminded members to declare any additional conflicts or interests.

Outcomes

No additional declarations were made.

3 Acceptance of previous minutes and actions

- No changes were requested to the Board minutes from 8 August 2023.

Outcomes

The Board:

1. Unanimously endorsed the minutes from 8 August 2023.
2. Noted the status of actions arising from the last meeting.
3. Noted that the Minister approved the MPCB Annual report for 2022-2023.

Actions

- B. Secretariat to publish 8 August 2023 minutes on the Resources Regulator's website.**

4 Correspondence

- A person from New Zealand had emailed the secretariat regarding competencies. The competencies and authorisations unit responded directly to them.
- Chris Hamilton raised a question after the Chair's presentation at the Metalliferous Industry Safety and Health Engagement Forum (MISHEF). He was asked to supply further details after the forum and was followed up, but no details were supplied.
- The Chair is scheduled to present at the Electrical Engineering Safety Seminar (EESS) on 8 November 2023 and welcomes feedback from any attendees.

Outcomes

1. The Board noted the incoming and outgoing correspondence since the last meeting.

5 Amending tertiary pre-requisite qualifications for electrical engineering certificates of competence

- The electrical engineering examination panel had previously requested that flexible criteria be considered for pre-requisite qualifications for Electrical Engineering Manager underground coal mines and Electrical Engineer for coal mines.
- A working group formed by the Resources Regulator with representatives from the exam panels and industry reviewed the competencies required in Queensland and considered what criteria should be recommended for New South Wales.
- The paper presented to the Board included recommended criteria from the working group and recommended criteria and amended wording for the relevant guides from the department's competencies and authorisations unit.

Outcomes

The Board:

1. Noted that the competencies prescribed for coal electrical statutory functions in Queensland had been reviewed and are for specific licences and units whereas there are flexible criteria proposed for NSW.
2. Resolved that flexible criteria (as recommended in the paper by the department) be applied from 1 January 2024 for acceptable pre-requisite qualifications for Electrical Engineering Manager and Electrical Engineer.
3. Resolved that the Electrical Engineering Manager and Electrical Engineer guides be amended, as set out in Appendix 1 to these minutes, but in accordance with outcome 2 in the Agenda Paper.

Actions

- C. The Resources Regulator to publish amended certificate of competence guides for Electrical Engineering Manager and Electrical Engineer by 1 January 2024, with changes to be announced in Mine Safety News.**

6 Review of criteria for appointment of examiners

- The Mine Managers Association of Australia previously wrote to the Board requesting that the criteria for appointment to the Coal Mining Competency Oral Examination panel be reviewed to consider whether Coal Services personnel could be appointed.
- The Resources Regulator consulted with Coal Services regarding whether roles within Coal Services would meet the existing criteria for appointment. Following consultation, the Resources Regulator recommended appointment criteria changes to the Board.

- The Resources Regulator has not stood down any currently approved examiners who work for Coal Services and recommends that any criteria change apply to new applicants only.

Outcomes

The Board:

1. Noted that Coal Services workers could satisfy the first part of the existing examiner appointment criteria for working at a NSW mine but not necessarily for the roles listed in the existing criteria.
2. Approved amended criteria¹ for new applicants applying to be appointed as an examiner as follows:

To be appointed as an examiner, an applicant must be working in a relevant role at NSW mines for 20 days or more per calendar year: and

- a. in a role that exercises the relevant statutory function (or higher), or
- b. hold a current NSW practising certificate, or
- c. as an inspector or government official (pursuant to section 18 of the Work Health and Safety (Mines and Petroleum Sites) Act 2013), or
- d. as an industry health and safety representative (pursuant to section 28 of the Work Health and Safety (Mines and Petroleum Sites) Act 2013) or
- e. as a statutory official under section 14(e) of the Coal Industry Act 2001.

Actions

- D. Secretariat to write to the Mine Managers Association of Australia to inform them that the Board had agreed to a revised criteria for appointment as an examiner, following Resources Regulator consultation with Coal Services.**

7 Evaluation of maintenance of competence scheme

- The maintenance of competence scheme discussion paper is due to be published for public comment around 13 November 2023 with comments to close on 10 February 2024². This length of time is to allow for potential respondents taking holiday leave.
- The department suggested that the Board's first 2024 meeting be held late in February to allow time for a status report regarding the responses to the discussion paper. It was noted that the final report may not be available until the Board's May 2024 meeting.

Outcomes

- The Board noted the proposed publication and closing dates for the discussion paper and resolved that the Board's first meeting in 2024 be 27 February 2024.

¹ See minutes below arising from Paper 11 regarding 5 years' experience in the relevant role.

² Post-meeting note: the closing date for the maintenance of competence scheme discussion paper is 16 February 2024.

Actions

- E. Secretariat to advise the Board once the Maintenance of Competence discussion paper has been published.
- F. Secretariat to include the evaluation of the Maintenance of Competence Scheme in the meeting agendas for February and May 2024.

8 Certificate of competence examination attempts limits

- Several candidates have recently failed three or more oral exam attempts. Panel convenors have expressed concern that candidates may not be preparing appropriately.
- Queensland restricts candidates who continue to fail exams from resitting for a short period of time and in some cases requires candidates to submit a report indicating how they intend to improve their preparation.
- The Board considered the following Resource Regulator recommendations:
 - that candidates who repeatedly fail an NSW exam are to submit a plan to prepare for passing when applying to re-sit
 - that there be no timed restriction on re-sitting in NSW. NSW exams only occur annually which is sufficient time for a candidate to improve their preparation.

Outcomes

The Board:

1. Endorsed that any candidate after two unsuccessful attempts in any two rounds of certificate of competence exams for a function must submit a plan to prepare for passing the exams. The plan to be submitted for approval to the Resources Regulator as part of an application to re-sit a round of exams for third or more time.
2. Endorsed that the above requirement commences for the round of exams scheduled after 1 July 2024, and is to be communicated as an action to support candidates to adequately prepare to successfully pass exams, but not to stop them.
3. Requested the Resources Regulator to include information in its briefing sessions about the requirement to submit a preparation plan after two failed attempts. Additionally recommended that candidates be encouraged to prepare a preparation plan for personal use prior to attempting any exam.

Actions

- G. Resources Regulator to communicate requirements regarding submitting a preparation plan after 2 unsuccessful attempts in any 2 rounds of certificate of competence exams. Preparation plans to be encouraged for personal use prior to any exams (not mandated for submission to Regulator until applying to resit for a 3rd or more attempt).

9 Revised learning from disaster training package

- The case studies for the Learning from Disasters Programs 1 – 3 are being updated by the Resources Regulator and ACIMS.
- Prior to the meeting Board members advised the secretariat of their preferred case studies. All respondents agreed that Austar mine 15 April 2014 and Bengalla mine 3 November 2018 should be included. Respondents differed in respect of:
 - CSA Cobar mine fire 12 October 1980 or Brilley worker atmosphere exposure 3 April 2017
 - Sand mine Pooncarie 12 August 2019 or Albury quarry shotfiring incident 10 April 2018.
- The Board discussed the merits of including the various case studies, such as recency, seriousness of incident and intended learning outcomes.

Outcomes

The Board:

1. Noted and endorsed for ACIMS consultation updated case studies for the Learning from Disasters packages 1 -3 as per out-of-session Board member agreed selections for:
 - a) Underground coal mines: Austar mine 15 April 2014
 - b) Coal mine (surface): Bengalla mine 3 November 2018.
2. Noted the differences in Board member preferences and endorsed the following case studies for ACIMS consultation:
 - a) Underground mines other than coal: CSA Cobar mine fire 12 October 1980
 - b) Mines other than coal or underground mines: Sand mine Pooncarie 12 August 2019.
3. Noted that the Resources Regulator will finalise the updating of the Learning from Disasters training packages with ACIMS by the end of 2023 and release to the Approved Training Providers.

Actions

H. The Resources Regulator to finalise the updating of the Learning from Disasters training packages with ACIMS by the end of 2023 and release to the Approved Training Providers.

10 MPCB 2023 work plan and communication plan

- The focus in 2023 has been developing the Board's strategic plan to 2026.

Outcomes

- The Board noted the content of the MPCB 2023 work plan and communication plan.
- A new work plan and communication plan to support the Board's strategic plan to 2026 will be developed in the workshops after today's meeting.

11 Appointment of examiners

- A brief for appointment of examiners was tabled.
- The Board noted that the appointment criteria in the brief includes that the applicant must have acted in the relevant role for 5 years. The Board sought clarification between the five year experience criteria in the brief and the 20 day criteria endorsed as per Paper 6 above.
- The Resources Regulator advised that the criteria endorsed under Paper 6 addresses currency of experience and will be applied in conjunction with the 5 years past experience criteria.
- The Board reviewed the experience of the candidates. In a case where the five-year experience requirement was not met, the board exercised its discretion to waive the five year experience requirement based on feedback from the Resources Regulator and the examination panel.

Outcomes

The Board:

1. Approved the appointment of the following examiners:
 - a) Andrew Relf as a reserve examiner for the Deputy of underground coal mines
 - b) John Martin as a reserve examiner for the Electrical engineer of coal mines other than underground mines
 - c) Claudia Vejrazka as a member of the Underground Mine Supervisor panel
 - d) Peter Ostermann as the convenor of the Underground coal mine Mining Engineering Manager panel
 - e) Aaron McGuigan as a member of the Underground coal mine Mining Engineering Manager panel
 - f) Dennis Wallace as the convenor of the Deputy panel
 - g) Alex Warren as a member of the Deputy panel
2. Approved the examination panel membership for the 2024 rounds, subject to Alison Pepper, Hunter Valley Operations replacing Alan Burns, Glencore (retired) on the Mechanical engineer coal mines other than underground exam panel.
3. Endorsed letters of appreciation being sent to retiring exam panel members – Ian Cliftons, Steve Dixon, Rob Cunningham, and Alan Burns.

Actions

- I. The examination panel membership for Mechanical engineer coal mines other than underground exam panel be amended with Alison Pepper, Hunter Valley Operations replacing Alan Burns, Glencore (retired).

J. Secretariat to send letters of appreciation to retiring exam panel members – Ian Cliftons, Steve Dixon, Rob Cunningham and Alan Burns.

12 Quarterly report on certification outcomes

- The Resources Regulator’s quarterly certification outcomes report was tabled.
- The department noted that:
 - information regarding mutual recognition applications has been included in the report, with no trend arising from that data
 - there was previously a risk that applicants who had held a practising certificate, could apply for a new practising certificate, rather than undertake the renewal process, thereby avoiding scrutiny of their maintenance of competence records. Such applicants now receive a Section 155 notice under the Work Health and Safety Act requiring information to be supplied regarding compliance with conditions on their practising certificate, including maintenance of competence requirements.

Outcomes

The Board:

1. Noted the report on certification outcomes for July 2023 to September 2023
2. Noted the report on certification activities completed for August 2023 to October 2023
3. Noted the report on planned activities for October 2023 to February 2024
4. Resolved that data regarding certification under mutual recognition provisions be included in the next quarterly report on certification outcomes, with the Board to determine at its February 2024 meeting whether it would be included thereafter.

Actions

K. The Resources Regulator to include data regarding certification under mutual recognition provisions in its next quarterly report on certification outcomes.

13 Resources Regulator quarterly safety report

- The Resources Regulator’s quarterly safety report for April 2023 to June 2023 was tabled.

Outcomes

1. The Board noted the quarterly safety report for April 2023 to June 2023.

14 Quarterly report on shot firing assessment activity

- The Resources Regulator’s quarterly report on shot firing for July 2023 to September 2023 was tabled. The Explosives Program Stage 1 inspections have been completed.
- The Chair enquired as to how the on-site entry, movement and use of explosives is regulated. The department advised that each site is licenced for a maximum quantity.

SafeWork NSW issues the licence, with the NSW Resources Regulator undertaking the assessing.

- Industry members noted that every item of explosive must be recorded from arrival to use. This is audited and any discrepancy must be reported.

Outcomes

1. The Board noted the quarterly shot firing report for July 2023 to September 2023.

15 Meeting dates and venues

- The Board discussed potential meeting dates and venues for its 2024 quarterly meetings.
- Stephen Barrett advised he was not able to attend a meeting on 27 February 2024, but subject to Board approval would enquire as to whether Stephen Luck has capacity to attend as his delegate.

Outcomes

The Board agreed on its 2024 quarterly meeting dates and venues as follows:

Meeting Date	Proposed Host	Proposed Venue
Tuesday 27 February 2024	Department	To be advised – Possible venues 4PSQ Parramatta or the Rocks.
Tuesday 14 May 2024	Tony Israel - Glencore	To be advised – Possible venues in the Hunter Valley, Newcastle, or Sydney.
Tuesday 6 August 2024	Stephen Barrett - MEU	Nymboida House, 215 Clarence Street Sydney
Tuesday 12 November 2024	Department	To be advised – Possible venues – 516 High Street Maitland or Bull Street Newcastle

Actions

- L. Secretariat to book a meeting at the department's offices at either 4PSQ Parramatta or the Rocks for 27 February 2024.

16 Additional business

- The Chair requested the Secretariat to forward a post-meeting survey to members to gauge satisfaction with timing and operation of today's Board meeting.

Actions

- M. Secretariat to send a survey to Board members regarding the operation of the 7 November 2023 Board meeting.

17 MPCB work plan and communication plan to 2026

- The Board to participate in a workshop after the meeting to develop the MPCB work plan and communication plan to 2026.

Outcomes

1. The Board developed the work plan and communication plan during the afternoon workshop.

Actions

- N. Secretariat to circulate completed work plan and communication plan out-of-session for endorsement by the Board.

18 Risk register

- The Board to participate in a workshop after the meeting regarding the risk register.

Outcomes

1. The Board discussed items for potential inclusion on the Board's risk register and requested the secretariat and John Flint (facilitator) to prepare a draft risk register for the Board's consideration.

Actions

- O. Secretariat and John Flint to prepare and secretariat to circulate risk register for comment and potentially out-of-session endorsement by the Board.

Meeting closed 10.52 am (workshops for papers 17 and 18 continued until 2.30 pm)

Next Meeting: 27 February 2024

Summary of Actions

- A. Secretariat to write to the Mining and Energy Union in December 2023 about the expiry of Stephen Tranter's term (Mr Tranter to be copied into that communication).
- B. Secretariat to publish 8 August 2023 minutes on the Resources Regulator's website.
- C. The Resources Regulator to publish amended certificate of competence guides for Electrical Engineering Manager and Electrical Engineer by 1 January 2024, with changes to be announced in Mine Safety News.
- D. Secretariat to write to the Mine Managers Association of Australia to inform them that the Board had agreed to a revised criteria for appointment as an examiner, following Resources Regulator consultation with Coal Services.
- E. Secretariat to advise the Board once the Maintenance of Competence discussion paper has been published.
- F. Secretariat to include the evaluation of the Maintenance of Competence Scheme in the meeting agendas for February and May 2024.
- G. Resources Regulator to communicate requirements regarding submitting a preparation plan after 2 unsuccessful attempts in any 2 rounds of certificate of competence exams. Preparation plans to be encouraged for personal use prior to any exams (not mandated for submission to Regulator until applying to re-sit for a 3rd or more attempt).
- H. The Resources Regulator to finalise the updating of the Learning from Disasters training packages with ACIMS by the end of 2023 and release to the Approved Training Providers.
- I. The examination panel membership for Mechanical engineer coal mines other than underground exam panel be amended with Alison Pepper, Hunter Valley Operations replacing Alan Burns, Glencore (retired).
- J. Secretariat to send letters of appreciation to retiring exam panel members – Ian Cliftons, Steve Dixon, Rob Cunningham, and Alan Burns.
- K. The Resources Regulator to include data regarding certification under mutual recognition provisions in its next quarterly report on certification outcomes.
- L. Secretariat to book a meeting at the department's offices at either 4PSQ Parramatta or the Rocks for 27 February 2024.
- M. Secretariat to send a survey to Board members regarding the operation of the 7 November 2023 board meeting.
- N. Secretariat to circulate completed work plan and communication plan out-of-session for endorsement by the Board.
- O. Secretariat and John Flint to prepare and secretariat to circulate risk register for comment and potentially out-of-session endorsement by the Board.

Approval

Name/position	Signature/approval	Date
Joanne Muller, AM Independent Chair	Approved	15 April 2024

Comment:

[insert any comments from approver]

Appendix 1 – Agreed wording for Outcome 2 for Paper 5

The Board agreed that flexible criteria be applied from 1 January 2024 for acceptable pre-requisite qualifications and that the Electrical Engineering Manager and Electrical Engineer guides be amended as follows:

1. Acceptable electrical engineering qualification includes those that have one or more of the following terms in their title that are reflective of the majority of the subjects or units of competence completed that are relevant:
 - Electrical Engineering
 - Renewable energy
 - Electronics
 - Mechatronics.
2. Insert the following into the relevant guides listing the existing qualifications accepted and any future ones:

The following is a list of current qualifications that are accepted based on the criteria applied above, as at the date of publication:

- *Bachelor of Engineering (Electrical Engineering) issued by an Australian university, or*
 - *UEE62320 Advanced Diploma of Electrical Engineering – Coal Mining issued by a registered training organisation (the superseded unit number UEE62311 Advanced Diploma of Electrical Engineering – Coal Mining or other equivalent superseded unit number, is acceptable), or*
 - *UEE62220 Advanced Diploma of Electrical Engineering issued by a registered training organisation (the superseded unit number UEE62211 Advanced Diploma of Electrical Engineering or other equivalent superseded unit, is acceptable).*
 - *[any future qualifications ruled to be acceptable].*
3. Replace the following current wording in the guides which does not fit with a flexible criteria approach:

If you hold a qualification /unit of competence that is not specified as a prerequisite above, refer to Fact sheet - Recognition of qualifications and units of competence.

and the proposed wording which is delegating decision making to the exam panel:

An electrical qualification (AQF6 or above) not recognised within the outlined framework may be submitted to the examination panel for review.

with:

If a potential applicant is unsure whether a qualification they have or considering completing will be accepted, then they can request a ruling from the Regulator (Chief Inspector), through submitting details to the exam panel by one or both of the following ways, as applicable:

- a) *Name of qualification and list of subjects/units of competence, and any summary/overview, including any from the qualification provider*

b) *Recognition of the equivalency of a qualification (including older ones and overseas), by referring to the Fact sheet - Recognition of qualifications and units of competence.*

The request is to be emailed with copies of the qualification and transcript in full to mca@regional.nsw.gov.au at least one month prior to the closing date for applying for the certificate of competence.