

# Minutes

## Mining and Petroleum Competence Board

### Details

**Location:** NSW Government, Maitland Hub  
516 High Street, Maitland

**Date/time:** 12 November 2024  
9.30 am

**Chairperson:** Joanne Muller, AM (Independent)

### Members present

1. **Chairperson:** Joanne Muller, AM (Independent)
2. Jessica Urquhart (Independent)
3. Kylie Fahey (Independent) - Virtual
4. Stephen Barrett (Mining and Energy Union NSW)
5. Stephen Tranter (Mining and Energy Union NSW)
6. Angela Hudson (NSW Resources, Department of Primary Industries and Regional Development)
7. Anthony Israel (NSW Minerals Council)
8. Craig Reed (NSW Minerals Council)
9. Anthony Margetts (Resources Regulator, Department of Primary Industries and Regional Development)

### Secretariat

1. Vanessa Cleary, Policy Officer (NSW Resources, Department of Primary Industries and Regional Development)
2. Javier Garcia, Graduate Policy Officer (NSW Resources, Department of Primary Industries and Regional Development)

### Observers

1. Linda Matthews vice Andrew Palmer (Resources Regulator, Department of Primary Industries and Regional Development)
2. Todd Jones (Mining and Energy Union)

### Apologies

1. **Member:** Ron Cowdrey
2. **Observer:** Andrew Palmer (NSW Resources Regulator, Department of Primary Industries and Regional Development)

**This Meeting:**

No.	Issue
1	<p><b>Welcome, Acknowledgement of Country and Board member changes</b></p> <p>The Chair opened the meeting at 9.31 am. Craig Reed gave the Acknowledgement of Country.</p> <p>The Chair welcomed the board members and observers. She expressed her thanks to Kylie Fahey and acknowledged the invaluable experience she brought during her tenure. The Board joined the Chair in sincerely thanking Kylie for her service.</p> <p>Todd Jones was introduced to the board as a future delegate for Steve Barrett. Linda Matthews as an observer for Andrew Palmer. An apology was noted for member, Ron Cowdrey.</p> <p>The Chair reminded the Board that they would conduct a post meeting survey following every second meeting.</p> <p><u>Outcomes</u></p> <p>MPCB:</p> <ol style="list-style-type: none"><li>1. <b>Noted</b> the changes to the Board</li></ol>
2	<p><b>Declaration of interests</b></p> <p>MPCB were reminded about their declaration of interest obligations – Chair advised updates of her role on other Boards and committees.</p> <p><u>Outcomes</u></p> <ol style="list-style-type: none"><li>1. The Chair provided secretariat with changes for the pecuniary interests register.</li></ol> <p><b>Actions</b></p> <ol style="list-style-type: none"><li>A. Secretariat to update the Declarations of Interests with changes advised by Chair.</li><li>B. Secretariat to update pecuniary interests register to remove reference to CFMEU replace with MEU.</li></ol>
3	<p><b>Acceptance of previous minutes and Action items</b></p> <p>Small amendments to minutes were outlined.</p> <p><u>Outcomes</u></p> <ol style="list-style-type: none"><li>1. The Board <b>endorsed</b> the minutes from 06 August 2024 meeting.</li><li>2. The Board <b>noted</b> the status of actions arising.</li></ol> <p><b>Actions</b></p>

C. Secretariat amend minutes to rephrase action item then publish 6 August 2024 MPCB meeting minutes on the Resources Regulator website.

#### 4 Correspondence

MPCB were advised on all pertinent correspondence received.

##### Outcomes

1. The Board **noted** the update.

#### 5 Risk register review.

MPCB discussed the risk register and established that it pertained to the management and conduct of the board and was not to be confused with items that more properly sit on other (Departmental) risk registers.

##### Outcomes

The board recommended to hold over and conduct a full review the risk register in 2025

1. **Agreed** to re-table the risk register at the February 2025 meeting.

##### Actions

D. Department to conduct review of the risk register, identify risk stakeholders with the revisions provided to the Board for endorsement in 2025.

#### 6 Examiner Performance Review Procedure

MPCB discussed the procedure for the appointment. The Chief Inspector outlined a proposed governance framework for the appointment, monitoring of performance and reappointment of examiners.

MPCB discussed that the board is to only be involved in the appointment and termination of an examiner. The Regulator is to continue to deal with lesser administrative actions regarding examiners.

##### Outcomes

1. The board conditionally **endorsed** the proposed revised procedure for management of examiners. To include small amendments to Appendix 3 Section 4 and change 'Conflicts of Management' to Conflicts of interest.'

##### Actions

E. Resource Regulator to survey candidates on completion of examination panels to gauge feedback on the examiners, venue and examination process. This survey is to be issued prior to candidates receiving results.

F. MPCB to review appointment of examiners on recommendation of the Regulator

G. Resources Regulator to devise a communications plan/strategy prior to the procedure being operationalised.

## 7 Update on EOI Process

MPCB were advised on the process and timings to recruit for the independent board member position.

### Outcomes

The board:

1. **Noted** the process.

## 8 Update on Public Interest Disclosure

MPCB were advised that the Department would manage Public Interest Disclosure obligations for and on behalf of the board.

### Outcomes

The board:

1. **Endorsed** the process and the Chair agreed to sign a letter authorising the Department to manage the handling of public information disclosures.

### **Actions**

- H. **MPCB Chair to sign letter authorising the Department to take over the management of PID.**

## 9 Update on Auditing Procedures

The board discussed proposed changes to the auditing procedure.

MPCB agreed the proposed procedure provides more rigour and helps minimise risks to industry.

### Outcomes

The board:

1. **Endorsed** the paper and the procedure.

### **Actions**

- I. **Secretariat to add further information to slide pack provided to Chair for her presentations including the following: “It is the position of the Regulator and the Board that the obligation remains with both the employer and employee to ensure that they have the relevant qualifications to perform their statutory function.”**
- J. **Regulator to advise the MPCB on operationalisation of the new procedure and to develop a communications plan which includes having an article in MSN as an annual reminder.**

## 10 Victorian Gazettal Notices

Discussion was held by the board regarding the gazettal of notices on 8 August 2024. It was explained that the purpose of the gazettal related to aged Victorian qualifications placing

restrictions on holders of that aged qualification. The Regulator advised they have only received 2 applications under this system.

Outcomes:

1. The board **noted** the publication of the gazette notice on 8 August:
  - Notice of other criteria in respect of statutory functions
2. The Department **agreed** to notify the board prior to publishing any future gazettal pertinent to the board.
3. MPCB **noted** that 2 people to date had applied with Victorian quarry manager certificates of competence and received the equivalent NSW practicing certificate.

## 11 MPCB Charter

The board was asked to endorse changes made to the Charter. The Charter was amended to more closely align to the legislation, and make it contemporary to the current business of MPCB operations.

Outcomes

The board:

1. **Endorsed** the modified MPCB Charter.
2. **Acknowledged** the Charter would be submitted to Minister Houssos for approval.

**Actions**

- K. **Secretariat to publish Charter on RR website once signed by the Minister.**

## 12 Appointment of Examiners

The Chair requested MPCB to approve the examination panels for 2025 and the list of personnel requesting appointment as examiners.

MPCB agreed it was necessary for applicants to follow the full process in their applications.

Outcomes

The board:

1. **Endorsed** the letters of appreciation to be sent to retiring examiners.
2. **Endorsed** the appointment of the recommended examiners
3. **Agreed** that Bryce Jensen was unsuccessful in his application to be considered as a Reserve under manager examiner

**Actions**

- L. **Resource Regulator to advise Bryce Jensen on the outcome of his application.**

### 13 Update on actions to address practising certificate numbers

The board discussed concerns raised in the report about the number of candidates failing oral exams.

The Regulator advised that they would review the rationale as to why changes to the exam tempo occurred. Is the current tempo and program reflective of contemporary practice.

The Regulator advised that greater understanding of each level of competence was needed and a comprehensive analysis of the data was required to enable future development of the training **continuum**.

#### Outcomes

MPCB **noted** the report and **agreed** more effort be made into understanding the data.

#### Actions

- M. Resource Regulator to review rationale as to changes to examination tempo and programme to ensure the examination regime remains contemporary and advise MPCB of outcome in February 2025 meeting.
- N. Secretariat to modify the communications plan to include the Regulators' quarterly forums targeting the relevant practising certificate holders.

### 14 Quarterly report on certification outcomes

The Regulator briefed MPCB on the certification outcomes, the dataset was explained and the Board were advised that often withdrawals occurred due to changes in personal circumstances.

The examination timetable contributed to the outcomes and explained certification outcomes should be viewed annually to provide the bigger picture.

MPCB accepted the periodicity of 6 months between exams remains reasonable and is fit for purpose based on current feedback and data.

#### Outcomes

##### The MPCB:

1. **Noted** the data on the number of examination attempts
2. **Noted** the report on certification outcome
3. **Noted** the report on the planned activities.

**15 Resources Regulator Quarterly Safety Report**

The Regulator advised that the Quarterly Safety report would be provided to the MPCB out of session.

Outcomes

1. MPCB **agreed** the Regulator will provide quarterly report to MPCB OOS.

**16 MPCB 2024 work plan and communication plan**Outcomes

1. MPCB **Noted** the work plan and communication plan.

**17 Meeting dates and venues**

Meeting dates and venues for 2025 are:

Meeting Date	Host	Venue
Tuesday 18 February 2025	Department of Primary Industries and Regional Development	Level 1, 516 High Street, Maitland
Tuesday 6 May 2025	Glencore	Newcastle or Hunter Valley, location TBC.
Tuesday 5 August 2025	Mining and Energy Union	Nymboida House, 215 Clarence Street, Sydney
Tuesday 11 November 2025	Department of Primary Industries and Regional Development	Level 1, 516 High Street, Maitland

Outcomes

1. The board **agreed** to the proposed dates and venues for meetings in 2025.

**18 Additional business**

A question was raised whether electrical engineers get an easier pathway for competency requirements through the engineer list.

It was agreed that a deep dive should be conducted into competency requirements.

**Meeting closed 13.15pm**

**Next Meeting: 9.30 am 18 February at 516 High Street, Maitland**

### Summary of Actions

- A. Secretariat to update the Declarations of Interests with changes advised by Chair.
- B. Secretariat to update pecuniary interests register to remove reference to CFMEU replace with MEU.
- C. Secretariat amend minutes to rephrase action item then publish 6 August 2024 MPCB meeting minutes on the Resources Regulator website.
- D. Department to conduct review of the risk register, identify risk stakeholders with the revisions provided to the Board for endorsement in 2025.
- E. Resource Regulator to survey candidates on completion of examination panels to gauge feedback on the examiners, venue and examination process. This survey is to be issued prior to candidates receiving results.
- F. MPCB to review appointment of examiners on recommendation of the Regulator
- G. Resources Regulator to devise a communications plan/strategy prior to the procedure being operationalised.
- H. MPCB Chair to sign letter authorising the Department to take over the management of PID.
- I. Secretariat to add further information to slide pack provided to Chair for her presentations including the following: “It is the position of the Regulator and the Board that the obligation remains with both the employer and employee to ensure that they have the relevant qualifications to perform their statutory function.”
- J. Regulator to advise the MPCB on operationalisation of the new procedure and to develop a communications plan which includes having an article in MSN as an annual reminder.
- K. Secretariat to publish Charter on RR website once signed by the Minister.
- L. Resource Regulator to advise Bryce Jensen on the outcome of his application.
- M. Resource Regulator to review rationale as to changes to examination tempo and programme to ensure the examination regime remains contemporary and advise MPCB of outcome in February 2025 meeting.
- N. Secretariat to modify the communications plan to include the Regulators’ quarterly forums targeting the relevant practising certificate holders.



**Approval**

Name/position	Signature/approval	Date
Joanne Muller, AM Independent Chair	Endorsed	18/02/25

**Comment:**

Nil.