



**NSW  
Resources  
Regulator**

# **ANNUAL REPORT 2017/2018**

Mining and Petroleum Competence Board



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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (March 2019). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the NSW Department of Planning and Environment or the user's independent advisor.

## What is the Mining and Petroleum Competence Board?

The Mining and Petroleum Competence Board (the board) is a statutory board that advises the Minister for Resources and the NSW Resources Regulator on the:

- setting of competence standards
- standards for assessing competence
- requirements for the maintenance of competence

for exercising functions at a mine or petroleum site that impact on the health and safety of any person.

It is established under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* (the Act) and *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* (the Regulation).

The Board comprises people representing the interests of employers and employees, officers of NSW Department of Planning and Environment (the department) and independents with expertise in the development and assessment of competence standards for people performing functions at mines. The Board is chaired by an independent chairperson.

## Vision

To improve mine safety and health by contributing to the development of world-leading competence standards in the NSW mining and extractive industries.

## Objectives

The board aims to ensure the competence of people performing safety critical roles in NSW mining and petroleum operations, as part of an overall strategy to improve mine health and safety performance by:

- maintaining a strategic focus on significant competence issues
- undertaking consultation with all relevant stakeholders when progressing competence matters
- ensuring processes are put in place to quickly identify emerging issues and respond accordingly
- liaising with other jurisdictions, with an aim to promote consistency in competence standards

- ensuring that all key stakeholders have access to consistent and accurate information regarding competence standards. How can I find out more information?

For comprehensive information on the board and its activities, see the webpage:

[www.resourcesregulator.nsw.gov.au/miners-and-explorers/safety-and-health/about-us/competence-board](http://www.resourcesregulator.nsw.gov.au/miners-and-explorers/safety-and-health/about-us/competence-board)

## The role of the mine safety regulator

The Secretary of the department, and the NSW Resources Regulator, take advice from the Board on how to carry out their functions under the Act and the Regulation to:

- determine the requirements for certificates of competence and conduct examinations
- administer the issuing of certificates of competence and practising certificates, including requirements to maintain competence.

## How can I contact the board?

Mining and Petroleum Competence Board

c/- NSW Department of Planning and Environment

PO Box 344

Hunter Region Mail Centre NSW 2310

Ph: 02 4931 6636

Email: [mine.safety@planning.nsw.gov.au](mailto:mine.safety@planning.nsw.gov.au)

## Introduction

The board was established in 2014 following the introduction of the Act. The board is subject to the control and direction of the Minister for Resources. Section 68 of the Act requires the board to provide an annual report within six months of June 30 of its activities during the preceding year.

This is the board's fourth annual report and covers activities between 1 July 2017 and 30 June 2018. The board met on four occasions during the year:

- 22 August 2017
- 21 November 2017
- 20 February 2018
- 22 May 2018.

## Functions of the board

The board has the following functions under section 67(1) of the Act:

- to oversee the development of competence standards for people exercising functions at a mine that may impact on the health and safety of any person
- to undertake initial and ongoing assessments of the competence of people exercising any such function
- to advise the Minister on matters related to the competence required of people to exercise any such function.

The board also has the following functions under section 166(1) of the Regulation:

- a) to advise the regulator on the training, qualifications, experience, knowledge or skills required for the exercise of statutory functions,
- b) to advise the regulator on the conduct of assessments, including the nature, type and manner of assessments,
- c) to make recommendations to the regulator in relation to conditions that may be imposed on a practising certificate,
- d) to ensure, as far as possible, that the competency required under this Regulation in respect of the exercise of a statutory function is consistent with the competency required in other Australian jurisdictions for the exercise of the statutory function,
- e) to recommend to the regulator requirements in relation to the maintenance of competency for holders of practising certificates.

In exercising its functions, the board is to ensure that it exercises them as consistently as is reasonably practicable with bodies exercising similar functions in other Australian jurisdictions and to that end it is (section 166(2)):

- a) to consult with those bodies, and
- b) to take into consideration the effective movement of workers between jurisdictions when making recommendations.

## Membership of the board

In addition to the Chairperson, there are three employer representatives (nominees of the NSW Minerals Council (1 coal and 1 metalliferous) and Cement Concrete and Aggregates Australia), three employee representatives (nominees of the CFMEU Mining and Energy Division and Australian Workers Union) and two representatives of the department.

The members of the board at 30 June 2018 were:

- Ms Ruth Mackay, Independent Chairperson
- Mr Gregory Shields, NSW Minerals Council (coal)
- Ms Rachael Whiting, NSW Minerals Council (metalliferous)
- Ms Leanne Parker, Cement Concrete and Aggregates Australia
- Mr Andy Honeysett, CFMEU Mining and Energy Division
- Mr Stephen Tranter, CFMEU Mining and Energy Division
- Mr Ron Cowdrey, Australian Workers Union
- Mr Robert Gibbons, Independent
- Dr Peter Standish, Independent
- Mr Tony Linnane, Department of Planning and Environment
- Mr Garvin Burns, Department of Planning and Environment.

## Membership note:

Mr Tony Ingram, Independent member, resigned on 6 August 2017 due to a medical condition. A letter of thanks from the board was provided to Mr Ingram in recognition of his contributions to the board and quarrying. Mr Ingram passed away on 4 October 2017.

Mr Nickolas Strong, NSW Minerals Council (metalliferous) resigned on 12 July 2017 and was replaced by Mr Jason Floyd.

Mr Jason Floyd, NSW Minerals Council resigned on 18 April 2018 and was replaced by Ms Rachael Whiting.

Mr Keith Shaw, CFMEU Mining and Energy Division resigned on 10 May 2018 and was replaced by Mr Stephen Tranter.

Mr David McLean, Department of Planning and Environment, resigned on 2 February 2018 and was replaced by Mr Garvin Burns.

## Terms of reference

The board's terms of reference are:

- overseeing the development of competence standards
- overseeing the assessment and examination process for the issuing of certificates of competence
- overseeing requirements for the maintenance of competence
- providing advice to the Minister on matters related to competence requirements.

## Identified priorities and vision

At a strategic planning session, the board agreed on a vision to develop an efficient and effective scheme to ensure people carrying out statutory functions under work health and safety (WHS) laws are competent to carry out those roles to best practice WHS and engineering standards.

To achieve the vision, the board has identified the following priorities to 2020:

1. Develop world-leading competence standards for statutory functions requiring certificates of competence.
2. Develop a scheme for practising certificates.
3. Identify and address emerging issues for statutory functions involving certificates of competence.
4. Develop and implement a collaborative communication strategy.

Implementing actions in these priority areas will contribute to achieving the aim of the regulator for a safe and responsible mining, extractive and petroleum industry in NSW. On 30 November 2015, the Board's Strategic Plan to 2020 was ministerially endorsed.

## Activities of the board in the preceding year

In line with the board's endorsed Strategic Plan to 2020, the following activities were undertaken.

### 1. Develop world-leading competence standards for statutory functions requiring certificates of competence

#### 1.1 Standards for certificates of competence

The board continued its work to develop a scheme for managing the standards for certificates of competence. Role descriptions for 15 of the statutory functions under the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 were endorsed last reporting period. The board endorsed the final two descriptions during this reporting period:

1. ventilation auditor in underground coal mines
2. dust explosion control measures auditor.

The next stage in the project was to identify an individual's competence required for each of the statutory function role descriptions. This included the development of a framework to identify competence requirements for each of the statutory functions. The board endorsed engaging a consultant to carry out this project. A series of interviews and focus groups were conducted to obtain tripartite input into the identification of competencies. The drafting of the framework and competencies is now underway.

The board established a Statutory Function Experience Working Group to consider and provide advice to the board on certificate of competence experience pre-requisites. The working group included representatives from the Board.

Based on recommendations of the working group, the board agreed on changes to the experience criteria as follows:

- increasing the total number of years' experience required
- including experience from other classes of mines
- including supervision, coordination and leadership as an experience pre-requisite.

The department is preparing a consultation and communication strategy in relation to the proposed changes.



## 1.2 Assessment scheme

The board agreed to the following in relation to examiner appointments:

- criteria to evaluate applicants to be an examiner
- procedure for deciding on appointments
- what applicant and assessment information is required by the board from the department
- forming examination panels and terms of appointments.

The board also approved recommendations for examination panels for implementation in the 2018 exam cycle:

- examiners providing feedback to candidates on their performance at end of oral exam (but not results)
- removing prequalification examination for Manager Mining Engineer for underground coal mine and Undermanager underground coal mine, in lieu of pre-requisite qualifications
- removal of mandating number of questions and marks for each certificate of competence.

The board requested that the department arrange a one-day workshop with the examination panels on setting exams and marking criteria. The board endorsed the following recommendations from the outcomes of the assessment workshop:

- further examiner training on at least an annual basis
- department further refining its examination processes, so results are issued in a timely manner.

The board endorsed three changes to the conduct of exams:

- scheduling oral examinations of candidates after they pass the written examination for the certificates of competence for mines other than coal mines (including underground) from 2018.
- moving to closed book examinations for all certificates of competence written examinations with all reference material supplied by the regulator
- continuing the examiner practice of including extracts from legislation, codes of practice, Australian standards, safety alerts and other relevant information within written examination papers.

## 1.3 Skill sets

The board agreed to abolish the requirement for a first aid certificate for examinations from 2019. It was agreed that this is no longer required as the emergency preparedness qualifications (units of competence) requirements were introduced for all certificates of competence from 2018.

The board endorsed the 'Manage blasting operations' unit of competence (RIIBLA401D) being a prescribed elective for the Certificate IV in Metalliferous mining operations (Underground) to satisfy the

qualification pre-requisite for underground mine supervisor certificate of competence from 2019 examinations.

The board endorsed the competence standards for the Mining Engineering Manager for Underground Mines other than coal, practising certificate:

1. Hazard profiling tool to determine mine eligibility
2. Pre-requisites for applying for the practising certificate:
  - a. Current first aid certificate
  - b. One year's experience working in mining operations at a mine, or equivalent experience working in civil works.

The board endorsed the competence standards for Cable Repair Signatory certificate of competence assessment.

The board endorsed:

1. Broadening the existing prerequisite specification for Mechanical Engineering Certificates of Competence to automatically include Engineering Degrees that are accepted as Accredited Programs eligible to be within the Engineers Australia Mechanical Engineering Area of Practice in the disciplines of:
  - a. Mechanical
  - b. Mechatronics
  - c. Manufacturing
  - d. Maintenance
  - e. Aeronautical
  - f. Avionics
  - g. Refrigeration
  - h. Automotive.

or equivalent commencing in 2018. The candidate must also be eligible to be registered as an Engineer in the Engineering Australia Mechanical College.

2. From 2018, removing prerequisite qualification option of three years working in a position superior to an Open Cut examiner in lieu of a minimum qualification of Diploma of Surface Operations Management for the Mining engineering manager of coal mines other than underground mines Certificate of Competence.
3. Adding to the pre-requisites for all certificates of competence requiring an engineering discipline type degree to accept engineering qualifications related to the discipline and recognised under the international accords of Washington, Sydney and Dublin.

## 2. Develop a scheme for practising certificates

### 2.1 Scheme for issuing practising certificates

The board endorsed:

- crediting eligible learning under the maintenance of competence scheme completed in the one year prior to an individual being issued with a practising certificate
- amendments of requirements for individuals with a practising certificate for multiple statutory functions in different disciplines
- the criteria for eligible formal training courses to accommodate online and distance learning
- communicating the amendments to the MOC scheme to stakeholders.

The board endorsed the Regulator gazetting holders of the practising certificate for Underground Mine Mining Engineering Manager (other than coal) to practise in the Underground Mine Supervisor function.

In relation to Ventilation and Dust Explosion Control Measures Auditors, the board endorsed:

1. The requirements for an individual to apply for a practising certificate to exercise an auditor function for an underground coal mine with equivalent certificate to be certified by Exemplar Global
2. The inclusion of the practising certificates for auditors in the maintenance of competence scheme, with individuals required to complete 90 hours of learning over the five-year certificate period.

## 3. Identify and address emerging issues for statutory functions involving certificates of competence

Through the tripartite membership of the board, issues have been identified for statutory functions including:

- the development of individuals to prepare for examinations to obtain certification
- career progression of individuals to move through the levels of mining statutory functions
- ensuring the communication of practising certificate and maintenance of competence requirements reaches the target audiences.

The board is addressing these issues through:

- undertaking a review of certificate of competence prerequisites as outlined in strategy 1.1
- seeking to apply outputs from the project to identify competences for statutory functions to resolve upon career progression requirements
- overseeing the implementation of the practising certificate scheme with advice on guidance material and channels of communication.

The board has also been keeping abreast of emerging technologies and learning needs from collaboration in the ongoing review of the Resources and Infrastructure Training Package outlined in strategy 4.

## 4. Develop and implement a collaborative communication strategy

### Communication

The board implements a communication strategy that includes communication through the department's website, face-to-face workshops on specific issues and participation in industry and stakeholder events. The board provides regular information to the NSW Mine Safety Advisory Council on its strategic direction.

To support transparency, the board publishes the minutes of its meetings on the department's website.

The Board is working to ensure that all parties involved in the delivery of competence standards for statutory functions in NSW are consulted. The board is establishing cooperative arrangements with all stakeholders that will provide a strong foundation for it to achieve its objectives. The result will be improved competence of people to work safely in the NSW mining and extractives industry.

### Collaboration

Board members participated in the Australasian Mining Competence Advisory Council (AMCAC) meetings that included department and stakeholder representatives. AMCAC is the forum for mining WHS jurisdictions to discuss consistent competencies for statutory functions and mutual recognition. The board Chair, Ms Ruth Mackay, Mr Tony Linnane (department) and Mr Dave McLean (department) attended the AMCAC meeting on 18 October 2017 in Tasmania. Mr Tony Linnane (department) and Mr Andrew Palmer (department) attended the AMCAC meeting on 15 May 2018 in Sydney, which was hosted by the department. The board submits papers to AMCAC meetings for information and/or consideration as required.

The board monitors and influences Industry Reference Committees relating to the Resources and Infrastructure Training Package, under the Australian Industry Skills Committee. These committees are reviewing and updating units of competency for mining related qualifications.

Minister, I am pleased to present to you the 2017/18 annual report of the Mining and Petroleum Competence Board.

Ruth Mackay

Independent Chair

Mining and Petroleum Competence Board