

MPCB MEETING MINUTES

18 August 2020

Meeting	Mining and Petroleum Competence Board	Date	Tuesday 18 August 2020
Location	Videoconference	Time	9am – 12pm
Chair	Ruth Mackay (Chair, Independent)		
Attendees	<ul style="list-style-type: none"> - Ashley McLeod (NSW Minerals Council) - Chris Dolden (Cement Concrete & Aggregates Australia) - Andrew Grivas (NSW Minerals Council - Metalliferous) - Stephen Tranter (Construction, Forestry, Maritime, Mining and Energy Union) - Justin Smith (Australian Workers' Union) - Peter Standish (Independent) - Janine Lea-Barrett (Independent) - Garvin Burns (Resources Regulator, Department of Regional NSW) - Tony Linnane (Resources Regulator, Department of Regional NSW) 		
Apologies	<ul style="list-style-type: none"> - Stephen Barrett (Construction, Forestry, Maritime, Mining and Energy Union) - Steve Luck (Construction, Forestry, Maritime, Mining and Energy Union) delegate for Steve Barrett 		
Observers	<ul style="list-style-type: none"> - Andrew Palmer (Resources Regulator, Department of Regional NSW) - Evelyn Subagio (NSW Minerals Council) 		
Prepared by	Sally Tull (Resources Regulator, Department of Regional NSW)	CM9	DOC20/669605

Minutes

PAPER	DISCUSSED/ACTION
1	<p>Welcome and apologies</p> <ul style="list-style-type: none">■ The Chair welcomed the members to the meeting■ The Chair noted Steve Barrett is an apology.■ Noted that Andrew Grivas and Ashley McLeod had been appointed to the Board by the Minister.■ Steve Luck was unable to participate due to technical difficulties.
2	<p>Declaration of interests</p> <ul style="list-style-type: none">■ Nil conflicts were declared. <p>Action A: Secretariat to send declaration form to Andrew Grivas</p>
3	<p>Acceptance of previous minutes and actions</p> <ul style="list-style-type: none">■ The Board accepted the minutes and actions from the previous meetings.
4	<p>Correspondence</p> <ul style="list-style-type: none">■ The Board noted the correspondence.■ There is no formal action needed by the Board regarding the feedback on RII training.
5	<p>MPCB Annual Report 2019/20</p> <ul style="list-style-type: none">■ Tony Linnane tabled the draft report for consideration by members.■ Stephen Tranter noted Steve Barrett’s appointment section is to be corrected to 65(1)(c).■ The Chair suggested the following amendments:<ul style="list-style-type: none">□ Page 2 - insert dates□ Page 11 – correct “appraised” to “apprised”□ Page 12 – correct “requirement” to “requirements”□ Page 12 – move “on behalf of board” to the end of the sentence□ Page 13 – Insert workshops as a separate item. Provide more detail for each Mine Safety News article.□ Page 14 – Change “pwc” to “PwC”

- The Chair noted additional information should be included in the report regarding the decision that the additional competence for geotechnical engineer is not warranted because it does not impact on safety and does not change the work required. Peter supported this position. Chris Dolden suggested the report should also include what triggered the discussion regarding the geotechnical engineer. Ruth suggested drafting of sentences and circulating to members.
- The Chair thanked the Resources Regulator for the draft annual report and noted it is a good summary

Action B: Secretariat to amend the report as discussed and circulate to members out of session

6 Competence standards for shotfirers in NSW

- Tony noted the paper was prepared in consideration to changes made to requirements for obtaining a blasting explosives users licence in NSW and subsequent feedback from the NSW Minerals Council.
- After consultation between the Resources Regulator and SafeWork NSW, the process for obtaining a BUEL was amended. Before 1 January 2020, applicants were required to undertake an assessment and obtain a reference letter from the Resources Regulator before they could apply for a BUEL. The Resources Regulator and SafeWork NSW agreed in 2019 to remove the process of an assessment by Resources Regulator inspectors and the issuing of a reference letter for applicants for mining class blasting explosives user licences (BEULs). Instead, from 1 January 2020, mining class BEUL applicants only need to meet prerequisite requirements for training and experience similar to applicants for other classes of BEULs (eg civil or agriculture) in NSW.
- As part of the reforms, the unit of competence *RIIBLA401D Manage blasting operations* was added to the competency requirements for mining class BEULs for consistency with other BEULs issued in NSW.
- The decision by the Resources Regulator and SafeWork to remove the assessment process has brought NSW more into line with other jurisdictions. While *RIIBLA401D Manage blasting operations* is not required in Queensland, it is listed in competence requirements for blasting supervisor/contractor role.
- The competencies for obtaining a mining class BEUL in NSW have been determined by the Resources Regulator and SafeWork NSW as necessary to ensure that competent people are granted licences to undertake shotfiring at mines.
- Irrespective of differences in competency requirements between states, the *Mutual Recognition (New South Wales) Act 1992* and Mutual Recognition (Equivalence of

Gaming and Other Occupations) Declaration 2009 provide that a person holding a licence for blasting or shotfiring in another jurisdiction is entitled to registration in NSW after notifying SafeWork NSW.

- The NSW Minerals Council asked the Board to discuss the variation of requirements across jurisdictions.
- Mr McLeod noted the practicality of obtaining evidence of training is going to be a problem. Mr Burns noted the Resources Regulator consulted with stakeholders about this issue and determined that RTOs offer the required training. It is for the RTO to determine how the training will be delivered. Mr Linnane noted the Resources Regulator's view is there are many examples where RTOs are delivering training and assessment in simulated environments.
- Mr Linnane noted it is clear there is a distinction between competency requirements between states, similar to certificates of competence. It is the Resources Regulator's view that removing requirements is not the answer as it would lower the standards.
- The Chair asked is there is a safety issue that requires more regulation/that we should have something different? On what basis can we decide? It is good to be consistent. Mr Burns said a review was undertaken because there was lack of consistency within NSW. Further, the Resources Regulator is currently investigating two serious incidents in relation to explosives. In the last year there has been theft of explosives. Mr Linnane added two key issues were facilitating movement of workers between states and assisting in reducing unnecessary red tape. The Resources Regulator's view is licencees moving between states is facilitated by mutual recognition. Reducing red tape has been achieved by removing the former assessment process. The only thing that has been changed is that one additional unit of competence has been added. There is a higher standard in NSW due to the significant risk of shotfiring and it is appropriate for shotfirers to have those competencies from a safety perspective.
- The Chair asked how the Board should respond to the NSW Minerals Council? Depending on whether there is agreement from the Board, the Secretariat could draft a letter noting the Board supports:
 - the facilitation of moving workers between states
 - reducing red tape
 - the view that it is a safety concern as there have been shotfiring incidents in NSW and elsewhere
 - it is imperative to have strong approach, and there should be consistency across competencies.

- Mr Dolden noted the CCAA's perspective and from his own observations is that competencies are common across jurisdictions. There is an issue of safety around blast management and the CCAA would not support watering down the requirements.
- Mr Tranter noted the onus is on the RTOs to provide adequate training. Mr Tranter noted people will want to know why there is a change to the assessment requirements. Mr Tranter has no issue with what is in place now.

Decision and action C: The Board agreed the Secretariat is to draft a response letter to NSW Minerals Council and circulate to the Board before sending.

7 **Work plan to support strategic plan**

- Mr Linnane noted no feedback was received from the Board regarding the draft work plan and asked the Board for any final feedback during the meeting.
- Mr Tranter asked about the monitoring and oversight of maintenance of competence scheme. Mr Linnane replied data will be tabled at meetings going forward including the performance of industry. The Board will investigate if the scheme is achieving its objectives.
- The Chair asked if the scheme will be able to continue considering the concern of lack of examiners? Will that come be covered in item 3 of the plan? Mr Linnane replied it would. The Resources Regulator is monitoring the industry for changes, including having suitably qualified people to do the assessment. The appointment process is way of monitoring this.
- Mr Standish asked if the work plan should include key performance indicators to track the performance of the Board? Mr Linnane replied that the Board's performance against its functions is noted in the Annual Report and Strategic Plan. KPIs may be difficult to report against as the Board performs an advisory role, is not operational and there may be factors beyond control of board. Mr Dolden also noted that the Strategic Plan is the KPI.
- Mr Standish advised that he will give this more thought and bring points for discussion at next meeting.

8 **Maintenance of competence for tier-2 quarry managers**

- Mr Linnane provided an overview of the paper and the proposal for consideration and endorsement by the Board.
- Mr Dolden advised there has been no feedback from industry on the changes and believed it to be generally understood. No further comment to add.

	<ul style="list-style-type: none">■ The Chair noted the primary concern was that consultation took place and is comfortable it was undertaken. <p>Decision: The Board endorsed the proposal</p>
9	<p>Appointment of examiners</p> <ul style="list-style-type: none">■ The Board noted the table of appointments as examiners. <p>Decision: The Board endorsed the appointments</p> <p>Action D: The Chair to sign the brief and send to the Secretariat</p>
10	<p>Certificate of competence examination review project plan</p> <ul style="list-style-type: none">■ Mr Linnane provided an update on the blueprinting project. <p>Decision: The Board noted the update</p>
11	<p>COVID-19 impacts on examinations</p> <ul style="list-style-type: none">■ Mr Grivas asked if exemptions will be granted if exams do not go ahead? Mr Burns replied it will be dealt with on a case-by-case basis.■ Mr Grivas asked if applicants could act under supervision, etc? Mr Burns replied that exemptions or other alternative arrangements could be offered if there is an equivalent level of safety.■ Mr Standish asked if the Board needs to explore PPE requirements for exams? Mr Linnane replied that the risk assessment process will reflect health advice. Masks won't be required where they impact on the candidate's ability to complete the exam. <p>Decision: The Board noted the update</p>
12	<p>Implementation of practising certificate system and maintenance of competence scheme</p> <ul style="list-style-type: none">■ Mr Palmer provided an update on the implementation of the practising certificate system and maintenance of competence scheme. <p>Decision: The Board noted the update</p>
13	<p>Update on RII training package</p> <ul style="list-style-type: none">■ Mr Palmer provided an overview of the paper. <p>Decision: The Board noted the update</p>
14	<p>Additional business</p>

<ul style="list-style-type: none"> ■ Mr Burns noted that an issue has been identified where examiners who have moved to another jurisdiction may have implications in performing their duties. A paper will be tabled at the next meeting proposing clarification for appointment as an examiner.
<ul style="list-style-type: none"> ■ Meeting concluded 11:09am
<p>Next meeting</p> <ul style="list-style-type: none"> ■ Tuesday 17 November meeting – scheduled to be held online due to COVID <p>Action E: Secretariat to add Mr McLeod and Mr Grivas to the November meeting invite.</p>

Action items

NO.	RESPONSIBILITY	ACTION	DUE DATE
A	Secretariat	Send declaration form to Andrew Grivas	17/11/2020
B	Secretariat	Amend the MPCB Annual Report as discussed and circulate to members for review	17/11/2020
C	Secretariat	Draft a response letter to NSW Minerals Council and circulate to members for review	17/11/2020
D	Chair	Sign appointment brief and send to the Secretariat	21/08/2020
E	Secretariat	Add Mr McLeod and Mr Grivas to the November meeting invite.	21/08/2020

Approval

NAME/POSITION	SIGNATURE/APPROVAL	DATE
Ruth Mackay	Approved	17/11/2020

Comment: