

# Mining and Petroleum Competence Board

## Meeting Minutes

DOC19/182663

Details	
<b>Name</b>	Mining and Petroleum Competence Board
<b>Location</b>	CFMMEU, Boardroom, Level 11, 215 Clarence Street, Sydney
<b>Date/Time</b>	Tuesday 19 February 2019, 9:30am – 2pm
<b>Chairperson</b>	Tony Linnane (Resources Regulator, Department of Planning and Environment)
<b>Members in attendance</b>	Leanne Parker (Cement Concrete & Aggregates Australia), Andy Honeysett (Construction Forestry Mining and Energy Union, Northern Mining & NSW Energy District), Stephen Tranter (Construction Forestry Mining and Energy Union, Northern Mining & NSW Energy District), Janine Lea-Barrett (Independent), Peter Standish (Independent), Garvin Burns (Resources Regulator, Department of Planning and Environment)
<b>Observers</b>	Andrew Palmer (Resources Regulator, Department of Planning and Environment)
<b>Secretariat</b>	Anna Ormerod (Resources Regulator, Department of Planning and Environment)
<b>Presenters</b>	Juliet Kwang (Skills for Australia)
<b>Member apologies</b>	Ruth Mackay (Chair, Independent), Rachael Whiting (NSW Minerals Council), Greg Shields (NSW Minerals Council), Ron Cowdrey (Australian Workers' Union)

Paper	Description	Outcomes/Actions
<b>Introduction</b>		
1	<p data-bbox="331 344 667 376"><b>Welcome and apologies</b></p> <ul data-bbox="331 392 1541 799" style="list-style-type: none"> <li>• The meeting commenced at 9:25am.</li> <li>• Mr Linnane advised that the Chair, Ms Mackay, is an apology for the meeting. As per the Charter, members chose Mr Linnane to act as Chair.</li> <li>• The Chair advised that apologies were also received from Ms Whiting, Mr Shields and Mr Cowdrey.</li> <li>• The Chair requested that if members are unable to attend that a delegate be nominated to ensure all views of stakeholder groups are represented.</li> <li>• Ms Parker asked if members could bring an observer to a meeting as way of introduction.</li> <li>• The Chair stated that a person could attend as an observer with the approval of the Chair.</li> <li>• The Chair requested that members email the secretariat for future meetings requesting observers attend the meeting.</li> <li>• The traditional custodians of the land were acknowledged.</li> </ul>	
2	<p data-bbox="331 831 663 863"><b>Declaration of interests</b></p> <ul data-bbox="331 879 1592 1190" style="list-style-type: none"> <li>• No conflicts declared.</li> <li>• The Chair advised that it is a requirement for all members to submit a declaration of interests upon appointment and ongoing basis. A copy of the form is included in papers today for all members to complete and return to the Secretariat. The purpose of the form is to make it very clear on Government's register what interests all members have. The pecuniary interest declaration is in addition to conflict of interest. It was agreed that all forms be returned within 2 weeks of being received.</li> <li>• Mr Standish noted that the form was received in PDF format.</li> <li>• It was requested that the Secretariat circulate a word version of the form.</li> </ul>	<p data-bbox="1653 831 1749 863"><i>Actions</i></p> <ul data-bbox="1653 879 2051 1190" style="list-style-type: none"> <li>a. Secretariat to email the Pecuniary Interest Declaration Form in Word format.</li> <li>b. Members to return the completed form to the Secretariat within 2 weeks of receipt.</li> </ul>
3	<p data-bbox="331 1222 958 1254"><b>Acceptance of previous minutes and actions</b></p> <ul data-bbox="331 1270 1003 1332" style="list-style-type: none"> <li>• No changes were requested to the draft minutes.</li> <li>• All action items were noted.</li> </ul>	<p data-bbox="1653 1222 1733 1254"><i>Action</i></p> <ul data-bbox="1653 1270 2051 1332" style="list-style-type: none"> <li>c. Secretariat to circulate the updated letters to Mr</li> </ul>

Paper	Description	Outcomes/Actions
	<ul style="list-style-type: none"> <li>It was requested that the Secretariat circulate updated letters to Mr Goodsir and Mr Davis to all members.</li> </ul>	Goodsir and Mr Davis to members out of session.
4	<p><b>Correspondence</b></p> <ul style="list-style-type: none"> <li>Incoming and outgoing correspondence was noted.</li> </ul>	
<b>Presentation</b>		
5	<p><b>RII training package</b></p> <ul style="list-style-type: none"> <li>The Chair introduced Ms Kwang from Skills for Australia to provide members with an update on RII training package.</li> <li>Ms Kwang tabled three handouts at the meeting.</li> <li>Members discussed the proposal to break the units into streams. The Board expressed concerns over how it will work in practice.</li> <li>Ms Kwang left the meeting at 11:00am.</li> <li>It was requested that the Secretariat circulate documents to members out of session.</li> <li>Members to provide feedback by end of March for discussion at the May meeting.</li> </ul>	<p><i>Action</i></p> <ul style="list-style-type: none"> <li>d. Secretariat to circulate Skills for Australia documents to members out of session.</li> <li>e. Members to provide comments on the RII training package by end March.</li> </ul>
<b>Agenda items</b>		
6	<p><b>Implementation of the practising certificate system and maintenance of competence scheme</b></p> <ul style="list-style-type: none"> <li>Mr Palmer brought members attention to the progress in attachment A and the updated flyer.</li> <li>Mr Standish raised the incident in the notices where an operation was shut down as they didn't have an appropriately certified person on site.</li> <li>The Chair advised that the matter was in relation to an issue under the Mining Act which was incorrectly reported in some media. The issue related to whether a titleholder was fit and proper and was not a statutory function issue.</li> <li>Mr Burns advised that they weren't undertaking mining operations. They did not have technically competent people.</li> <li>Ms Parker asked if members were able to send the flyer to their networks.</li> </ul>	<p><i>Action</i></p> <ul style="list-style-type: none"> <li>f. Secretariat to email members a link to the flyer on the Resources Regulator's website.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Mr Palmer agreed. It is currently with the Resources Regulator's industry engagement team for finalisation.</li> <li>• The Chair confirmed the Resources Regulator would confirm if it is on our website and send members a link to flyer for distribution.</li> <li>• Ms Parker asked if we were on track. Mr Palmer stated that we were.</li> <li>• Ms Lea-Barrett asked what was MISAC changed to.</li> <li>• The Chair advised that it was now called the Metalliferous Industry Safety and Health Engagement Forum.</li> </ul>	
7	<p><b>Communications strategy for the practising certificate system and maintenance of competence scheme</b></p> <ul style="list-style-type: none"> <li>• Mr Palmer advised that a communications strategy was an action from the last meeting. An updated version is attached to the papers at A. The messaging still needs to continue as new people are still coming online.</li> <li>• Mr Palmer advised he would be giving several presentations (dates to be finalised).</li> <li>• Mr Standish noting that the Institute of Mining would have a lot of contacts. It was agreed that Mr Standish would provide a contact for AusIMM.</li> <li>• The Chair requested that members consider the strategy out of session and advise the Secretariat if there are additional forums or other effective communication strategies to be used.</li> <li>• Mr Standish asked whether it was an option to present at a webinar.</li> <li>• The Chair advised that it would be possible, and it was a good opportunity for engagement without the need to travel. Mr Palmer has prepared a lot of material that would be utilised. The Resources Regulator is looking to utilise as many appropriate forums as possible.</li> <li>• Discussions reverted to the presentation (paper 5).</li> </ul>	<p><i>Actions</i></p> <ul style="list-style-type: none"> <li>g. Mr Standish to provide a contact for AusIMM.</li> <li>h. Members to consider the strategy out of session and advise the Secretariat of other communication strategies to be used.</li> </ul>
8	<p><b>Auditing of the practising certificate system and maintenance of competence scheme</b></p> <ul style="list-style-type: none"> <li>• Agenda item 8 was discussed after agenda item 12.</li> <li>• The Chair advised that the audit has three components: voluntary, standardised program, and identified. A program is being developed and will apply from 2020.</li> <li>• Ms Lea-Barrett asked if the Coal Services app could be used by the metalliferous industry.</li> <li>• The Chair advised that the Resources Regulator has developed a log book / spreadsheet that could be used or Coal Services has developed an app. The Resources Regulator is not</li> </ul>	

Paper	Description	Outcomes/Actions
	<p>promoting a recommendation but provides an example log book (available on website) as an option. The Resources Regulator recognises that other organisations might develop other material.</p> <ul style="list-style-type: none"> <li>Recommendation 1 was endorsed. Recommendation 2 was noted.</li> </ul>	
9	<p><b>Identification of competencies for statutory functions requiring practising certificates</b></p> <ul style="list-style-type: none"> <li>Mr Palmer advised that feedback from last meeting was incorporated and final versions of the competencies are attached for endorsement.</li> <li>Mr Standish requested that the formatting and page breaks be checked.</li> <li>The final versions of the competencies will be posted after the State Election on March 25.</li> <li>Ms Parker noted that on page 66 of 184 a couple of lines remained highlighted in error which needs a tidy up.</li> <li>The documents were endorsed subject to editorial corrections.</li> </ul>	<p><i>Outcomes</i></p> <p>The documents were endorsed subject to editorial tidy ups and being published post March 25.</p> <p><i>Actions</i></p> <ul style="list-style-type: none"> <li>Mr Palmer to check the formatting, page breaks and remove all highlighting on the competencies.</li> </ul>
10	<p><b>Appointment of examiners</b></p> <ul style="list-style-type: none"> <li>The Chair advised that at the last meeting members discussed examiner appointments being for an indefinite period. Members are drawn from the examination panel pool as required.</li> <li>Ms Parker did not support the proposal and expressed concerns about people who have been retired for a significant amount of time but are assessing current competencies.</li> <li>The Chair proposed that an annual confirmation is undertaken by the Resources Regulator with each person appointed to check that they wish to remain on the panel and that they are maintaining their competence to maintain their function.</li> <li>Mr Standish commented that they could also be send a letter advising that they need to ensure their own competencies remain up to date.</li> <li>The Chair advised that the Resources Regulator would write to each of panel member advising they are appointed for an indefinite period and that on an annual basis they need to confirm they wish to remain as a panels member and make a statement that they are maintaining their</li> </ul>	<p><i>Actions</i></p> <ul style="list-style-type: none"> <li>Department to write to each of panel member advising they are appointed for an indefinite period and that on an annual basis they need to confirm they wish to remain as a panel member and make a statement that they are maintaining their</li> </ul>

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	<p>practising certificate and maintenance of competence requirements. The declaration would need to be made to the Board on an annual basis.</p> <ul style="list-style-type: none"> <li>• The Board agreed to revoke Greg Goodsir and Mark Davis's appointment per attachment A, on the basis of their retirement.</li> <li>• It was requested that for future papers, the list be provided in alphabetical order and include a column of what panel they are on.</li> <li>• It was agreed that the list would be provided at the next meeting for noting.</li> <li>• Supported.</li> </ul>	<p>competence to maintain their function.</p> <ul style="list-style-type: none"> <li>k. Mr Palmer to remove Greg Goodsir and Mark Davis's appointment.</li> <li>l. An updated examiners list be provided at the next meeting for noting in alphabetical order and include a column of the panel.</li> </ul>
11	<p><b>Stepped approach for certificates of competencies</b></p> <ul style="list-style-type: none"> <li>• Mr Linnane advised that at the last meeting the Resources Regulator was asked to look at the following options; stepped approach; broaden examination process; only perform functions you hold certificate for; new experience requirements only. The Chair opened the item for discussion.</li> <li>• Mr Honeysett advised that the CFMMEU's preferred option is option 1 (stepped approach) but given the NSW Minerals Council's opposition to the stepped approach, they are happy to adopt option 2 and 4 combined.</li> <li>• Ms Parker advised support for options 2 and 4.</li> <li>• The Board agreed to a combination of options 2 and 4.</li> </ul>	<p><i>Outcome</i></p> <p>The Board agreed to a combination of options 2 and 4 - broaden the examination process in conjunction with the new experience requirements.</p> <p><i>Actions</i></p> <ul style="list-style-type: none"> <li>m. Department to develop a paper for industry on the changes to the experience.</li> </ul>
12	<p><b>Accepting higher level qualifications for certificate of competence pre-requisites</b></p> <ul style="list-style-type: none"> <li>• The Chair advised that the Resources Regulator has been applying the policy intent that for certificate of competence requirements, if an applicant held the required AQF qualification of certificate IV, the higher qualification (i.e. diploma or advanced diploma) was also acceptable.</li> </ul>	<p><i>Actions</i></p> <ul style="list-style-type: none"> <li>n. Resources Regulator to undertake gap analysis of certificate IV, diploma</li> </ul>

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	<p>This has been the process for many years. The Resources Regulator has identified the need to undertake an analysis to confirm the required certificate IV and higher qualifications are equivalent.</p> <ul style="list-style-type: none"> <li>The Board noted recommendations 1 and 2.</li> </ul>	<p>and advanced diploma for each certificate of competence</p>
13	<p><b>Certificate of competence exam results</b></p> <ul style="list-style-type: none"> <li>Mr Palmer advised that the exam results are presented annually to the Board.</li> <li>Mr Standish commented that a chart would be helpful displaying the percentages year by year.</li> <li>The Chair advised that there is an enormous amount of information. The Resources Regulator will work on how to make the data more digestible over the next couple of months.</li> <li>Ms Lea-Barrett asked if no one passed quarrying and only 4 applied. Mr Palmer advised that this was correct.</li> <li>The Chair advised that for future analysis the Resources Regulator would be looking at results over a period.</li> <li>Mr Palmer advised that examination papers for this year are available (they weren't previously published).</li> <li>Ms Lea-Barrett asked if ideal answers were put up on the Resources Regulator's website. Mr Palmer advised that only comments from examiners are put up.</li> <li>The Chair advised that the Resources Regulator could look at providing one example question and answer.</li> <li>Ms Parker stated that there are concerns over panel members just regurgitating questions. We need to ensure the right questions are being asked. We should start with the answer and then work out the question.</li> <li>Mr Palmer advised that a contractor has been engaged to assist with writing the questions. A template has been produced which looks at what we are trying to assess, develop the question and the marking criteria for the answer and results.</li> <li>Mr Standish raised a concern about the Board getting involved in the finer details and no longer being strategic. He questioned if the Board could look at what the panel did as part of their review process and how they reached the result they did.</li> <li>Ms Parker requested an example be provided to the Board. The Chair stated that this could be on the agenda for a future meeting.</li> </ul>	<p><i>Actions</i></p> <ul style="list-style-type: none"> <li>o. Department to provide a sample question and answer at the next meeting.</li> <li>p. Members to provide additional comments to the Secretariat out of session, if required.</li> <li>q. An example of how a question is assessed to be provided at the next meeting.</li> </ul>

Paper	Description	Outcomes/Actions
	<ul style="list-style-type: none"> <li>Ms Lea-Barrett advised that she may have a conflict of interest in that field but can excuse herself from that agenda item.</li> <li>It was requested that any additional comments be provided to the Secretariat out of session, if applicable.</li> <li>The Board noted the recommendations and paper.</li> </ul>	
14	<p><b>MPCB Strategic Plan</b></p> <ul style="list-style-type: none"> <li>The Chair advised that towards 2019 the Board will need to look at reviewing the strategic plan.</li> <li>Mr Standish questioned the wording in attachment A “1.3 – Integrate specific requirements for emerging ‘skills set’ into standards and assessments”.</li> <li>The Chair advised that the correct wording should be ‘skill sets’. It was requested that the Secretariat update the attachment.</li> <li>Mr Standish asked if a new strategic plan would be tabled at the next meeting. He proposed that the Board would benefit from a strategy session. A board meeting is not the forum to do it.</li> <li>Ms Parker advised that she is very visual and would like to see a process flow or mind map of how it all relates. We need to identify our goal, what has been done and what we need to keep doing.</li> <li>The Chair advised that the Secretariat will propose a framework to address future planning for discussion at the next meeting.</li> </ul>	<p><i>Action</i></p> <ul style="list-style-type: none"> <li>r. Secretariat to update the wording in the strategic plan attachment a to ‘skill sets’.</li> <li>s. Department to develop a framework to update the strategic plan for discussion at the next meeting.</li> </ul>
<b>Other business</b>		
15	<p><b>Additional business</b></p> <p><b>Geotechnical engineer statutory position</b></p> <ul style="list-style-type: none"> <li>Mr Honeysett raised that on 5 December 2018 he sent a letter regarding a geotechnical engineer becoming a statutory position. Advice back from the Resources Regulator was that the best forum is for the Board to consider and make a recommendation to the Minister and the Regulator.</li> <li>The Secretariat will add the issue to the next meeting agenda.</li> <li>Mr Standish commented that it the position should be called geotechnical officer in line with other positions.</li> </ul>	<p><i>Action</i></p> <ul style="list-style-type: none"> <li>t. Department to provide a paper on the statutory position of geotechnical officer at the next meeting.</li> <li>u. Department to provide a paper at the next meeting on extending the time for oral exams.</li> </ul>



### **Mechanical engineer statutory position**

- Ms Parker asked if there is any intention for a mechanical engineer for non-coal mines to become a statutory position.
- The Chair advised that there are no active plans to create new statutory functions. However, issues of concern should be considered by the Board.
- Mr Burns added that we don't need to rely on it being a statutory function to hold people accountable for what they are doing.

### **Examiner feedback**

- Mr Burns advised that the examiners panel meeting was held last week. Currently, there are varying approaches with how exam panels operate. We have been trying to standardise over the last 12 months. Some panels were providing feedback at the end of the oral exams. The issue is that the panel only makes a recommendation not the determination. Several people have submitted GIPA applications to access results and paperwork from exams. The Regulator's delegate (usually the Chief Inspector) makes the decision to grant a certificate of competence. Panels will no longer provide feedback to candidates at the end of an examination.

### **Timing for oral exams**

- Mr Honeysett advised he had received a request from Steve Barrett for the Board to extend oral exams for another 45 minutes to allow time for paperwork etc.
- Mr Burns added as an examiner, that an extra 15 minutes would be ideal.
- Mr Tranter commented that extending an exam by an extra 45 minutes would reduce the number of exams you could do in a day. However, there is validity in extending the process.
- Mr Burns commented that we should look at exam technique as well, but an extra 15 minutes would be useful.

### **COC exam process**

- The Chair advised that Johnstaff were successful in the tender to review of certificate of currency examination process. The first project meeting will be held after the Board meeting.
- Mr Palmer advised that the timeframe for delivery is approximately 4 months.
- The Chair advised that the purpose of the project is to review the certificate of currency exam process and benchmark what we do against best practice.

Paper	Description	Outcomes/Actions
16	<p><b>Next meeting</b></p> <ul style="list-style-type: none"> <li>The next meeting will be held:  Date: Tuesday 21 May 2019  Time: 9:30am to 2pm  Location: Department of Planning and Environment  Waratah Room, Level 31, 320 Pitt Street, Sydney</li> <li>It was requested that the Secretariat resend the appointment with the address details.</li> </ul>	<p><i>Action</i></p> <ul style="list-style-type: none"> <li>v. Secretariat to resend the calendar appointment for the next Board meeting with the venue details.</li> </ul>

The meeting closed at 1:50pm.