

Briefing – Mining and Petroleum Competence Board Annual Report

Topic	Report on Mining and Petroleum Competence Board (the Board) meeting of 25 August 2016 and its Annual Report (2015/16) for Minister's endorsement.
Analysis	The Chairman of the Board provides a Summary Report following each meeting for the Minister's information and the Board's Annual Report on activities for 2015/16 year, as required by the <i>Work Health and Safety (Mines and Petroleum) Act 2013</i> for Ministerial endorsement and publication on the Department's website.

Recommendations

That the Minister;

- 1** Notes the Executive Officer's 25 August 2016 meeting report.
- 2** Agrees to endorse the Board's Annual Report for 2015/16 and to its public release on the Department's website.

➔ **Minister's approval:**



Date: 12/10/2016

Minister's office:

Key reasons

The Executive Officer of the Board Secretariat, Mr John Flint, has provided a Summary Report (**Att A**) of the Board meeting held on 25 August 2016, for the Minister's information.

The term of the previous Chairperson (Mr Bryan Davis) expired on 22 July 2016. We are awaiting Cabinet's endorsement and Minister's approval of the new Chairperson (Ms Ruth Mackay).

The Board discussed the following:

- The project for developing a framework and role descriptions for statutory functions
- Revised Maintenance of Competence scheme for Statutory Functions requiring a Practising Certificate in response to public comment
- Eligibility of mines for a Mine Specific Quarry Manager Practising Certificate and the standards for assessing the competence of individuals
- Endorsed the Board's Annual Report (2015/16) to the Minister (**Att B**). Section 68 of the *Work Health and Safety (Mines) Act 2013* requires the Board to provide an Annual Report of its activities during the preceding year, within six months of 30 June.

Supporting analysis

Financial impact

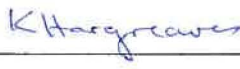
Activities of the Board are funded through the Mine Safety Levy on industry through the *Mine Safety (Cost Recovery) Act 2005*.

Communications

The Board endorsed the Annual Report at its 25 August 2016 meeting.

Departmental approvals

Comments:

Position	Signature	Date
Endorsing officer: Lee Shearer, Chief Compliance Officer, Resources Regulator	Endorsed in RM8	19/09/2016
Approving officer: Douglas Revette, Executive Director Governance	Endorsed in RM8	21/09/2016
Endorsing officer: Kylie Hargreaves, Deputy Secretary Resources and Energy		26/9/16

Background

The Board is appointed by the Minister for Industry, Resources and Energy under the *Work Health and Safety (Mines and Petroleum) Act 2013*, and is subject to control and direction by the Minister.

The Board provides advice to the Minister and the Department of Industry on matters relating to the competence of people who are required to perform functions at mines in NSW that may impact on health and safety.

The Board seeks to achieve its objectives by:

- overseeing the development of competence standards for statutory positions
- requirements for the maintenance of competence under the practising certificates scheme
- consulting with other bodies exercising similar functions in other jurisdictions, primarily through the Australasian Mining Competence Advisory Council.

Attachments

Attachment	Title
A	Mining Competence Board Chairman's Summary Report for 25 August 2016 meeting
B	Mining Competence Board Annual report 2015/16 (RM8 REF: OUT16/27828)

Summary Report for NSW Mining and Petroleum Competence Board Meeting

Attachment A

Meeting Date: 25 August 2016

Time: 10.15am – 3.05pm

Place: Hanson Ltd, Level 18 Jessie Street Centre 2 – 12 Macquarie St Parramatta

Item for Attention	Executive Officer's summary		
Mining Competence Board Annual Report 2015/16	<ul style="list-style-type: none"> The Board endorsed its Annual Report to the Minister for the 2015/16 year. 		
Descriptions of statutory positions requiring a Practising Certificate	<ul style="list-style-type: none"> The Board supported the overall approach being taken with the development of the Descriptions and their content, noting the progress to date with the project. 		
Maintenance of competence for Practising Certificates	<ul style="list-style-type: none"> The Board endorsed major elements for the maintenance of competence scheme to the Department to finalise the design of the scheme and its implementation. Changes have been made in response to public comment. A timeframe for implementation will be developed by the Department for consultation. 		
Eligibility and assessment for the Mine Specific Quarry Manager Practising Certificate	<ul style="list-style-type: none"> The Board endorsed the draft risk assessment tool for determining mine eligibility for the certificate so the Cement, Concrete & Aggregates Australia to consult with their members. The Board also endorsed the Department's proposed processes and standards for competence assessment for the practising certificate. The mine specific certificate replaces the former Above Ground Production Manager Permit under the <i>WHS (Mines and Petroleum) Regulations 2014</i>. 		
Appointment of chairperson and member representatives of the Board	<ul style="list-style-type: none"> The Board was informed the new Chairperson appointment is awaiting Cabinet endorsement. The Board Secretariat has written to member organisations asking them to nominate representatives, given most of their current members' terms expire in December 2016. 		
Next meeting	Date: 24 November 2016	Time: 10am to 2pm	Venue: Department offices, Maitland

Please accept my Meeting Summary Report of the Mining and Petroleum Competence Board meeting of 25 August 2016.

John Flint – Executive Officer of Board Secretariat

NSW Mining and Petroleum Competence Board 2015/16 Annual Report

Annual Report 2015/16

What is the NSW Mining and Petroleum Competence Board?

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

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

for exercising functions at a mine 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 Industry (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 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 operations, as part of an overall strategy to improve mine 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.resourcesandenergy.nsw.gov.au/miners-and-explorers/safety-and-health/about-us/mining-competence-board

The role of the mine safety regulator

The Secretary of the department, as the mine safety regulator, may receive advice from the Board on how to carry out its functions under the WHS (Mines and Petroleum Sites) legislation 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 Industry
PO Box 344

Hunter Region Mail Centre NSW 2310

Ph: 02 4931 6636 Email: mcb.secretariat@industry.nsw.gov.au

Terms of reference

The Board developed a Charter of Operations and Conduct and agreed on the Terms of Reference below:

- 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, and
- providing advice to the Minister on matters related to competence requirements.

Identified priorities and vision

At the 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 department's goal of safe and sustainable management of resources for the economic benefit of NSW, with operations at best practice health, safety and engineering standards.

On 30 November 2015 the Minister endorsed the Board's Strategic Plan to 2020 to address the four priority areas.

Activities of the Board in the preceding year

- Following Ministerial endorsement the Board published its Strategic Plan to 2020 on the Department website.
- The Board has recommended that all certificates of competence have first aid and emergency coordination competencies as mandatory requirements.
- Following consultation with the metalliferous sector the Board has endorsed certificate of competence requirements for the new statutory function of underground supervisor in underground mines other than coal.
- After considering Associated Non-technical Skills (ANTS) capabilities for statutory functions, the Board endorsed an ANTS capabilities matrix for examination panels and candidates to consider for the oral examinations for certificates of competence.
- The Board issued a discussion paper based on the New Zealand model for the Maintenance of Competence (MOC) for Practising Certificate holders in December 2015 and received 30 submissions. To consider the feedback the Board agreed to form a tripartite Maintenance of Competence Sub-Committee. The Sub-Committee is considering the appropriate areas of learning, the hours required over a 5-year period for different practicing certificate holders and mix of formal and informal learning that will best meet the needs of industry and met on three occasions during the year. The Board is