



MINING AND PETROLEUM COMPETENCE BOARD

Meeting 4 – 16 November 2021

Meeting details

Meeting	Mining and Petroleum Competence Board	Date	16 November 2021
Location	CFMMEU, 67A Aberdare Rd, Aberdare	Time	9am – 11:30am
Chair	<ul style="list-style-type: none">Ruth Mackay (Chair, Independent)		
Attendees	<ul style="list-style-type: none">Ashley McLeod (NSW Minerals Council)Chris Dolden (Cement Concrete & Aggregates Australia)Leigh Nicholls (delegate of Garvin Burns, NSW Resources Regulator, Department of Regional NSW)Stephen Tranter (Construction, Forestry, Maritime, Mining and Energy Union (Mining and Energy Division))Tony Linnane (Mining, Exploration and Geoscience, Department of Regional NSW) <p><i>Via videoconference</i></p> <ul style="list-style-type: none">Andrew Grivas (NSW Minerals Council - Metalliferous)Justin Smith (Australian Workers' Union, New South Wales Branch)Kylie Fahey (Independent)Peter Standish (Independent)		
Apologies	<ul style="list-style-type: none">Stephen Luck (delegate of Stephen Barrett, Construction, Forestry, Maritime, Mining and Energy Union (Mining and Energy Division))		
Observers	<ul style="list-style-type: none">Andrew Palmer (Resources Regulator, Department of Regional NSW) <p><i>Via videoconference</i></p> <ul style="list-style-type: none">James Barben (NSW Minerals Council)		
Prepared by	Anna Ormerod (NSW Resources Regulator, Department of Regional NSW)	CM9 ref	DOC21/827876

Minutes

Paper	Description
1	<p><u>Welcome and apologies</u></p> <ul style="list-style-type: none">■ The Chair opened the meeting at 9am.■ Members noted that Leigh Nicholls is attending the meeting as the delegate for Garvin Burns.
2	<p><u>Declaration of interests</u></p> <ul style="list-style-type: none">■ It was advised that Kylie Fahey’s declaration has been received by the secretariat. No conflicts were declared.■ Mr Nicholls declared a conflict with agenda item 8 (refer to discussions under agenda item 8). <p>Actions</p> <p>A. Secretariat to update the Pecuniary Interests declaration to include Kylie Fahey for the next meeting.</p>
3	<p><u>Acceptance of previous minutes and actions</u></p> <ul style="list-style-type: none">■ The Chair requested changes to the minutes to state that John Flint is no longer working with the Department (page 3). <p>Outcomes</p> <ul style="list-style-type: none">■ The Board endorsed the minutes of the last meeting held on 17 August 2021 subject to the above amendment. Moved Mr Standish. Seconded Mr Linnane.■ The Board noted the status of actions arising from the last meeting. Members noted there were three action items in progress. It was agreed to add those action items to the action register for this meeting. <p>Actions</p> <p>B. The Chair to write to the Deputy Premier recommending the amendment to the statutory function of electrical engineer (coal mines other than underground coal mines) as outlined in item 3.6 of the recommendation 34 analysis.</p> <p>C. Secretariat to send a copy of the AMCAC minutes for the May 2021 meeting to members.</p> <p>D. Secretariat to send the date for the next AMCAC meeting to volunteers once known and seek volunteers from MPCB members to attend.</p>

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4	<p><u>Correspondence</u></p> <ul style="list-style-type: none">■ Mr Linnane advised that since the papers were distributed, the Secretariat has received a letter from the Deputy Premier advising of Kylie Fahey’s appointment to the Board. <p>Outcomes</p> <ul style="list-style-type: none">■ Members noted the correspondence received and sent since the last meeting. <p>Actions</p> <p>E. Secretariat to include a copy of the letter from the Deputy Premier about Kylie Fahey’s appointment to the Board in the papers for the next meeting.</p>
5	<p><u>Statutory Review of the Work Health and Safety (Mines and Petroleum Sites) laws</u></p> <ul style="list-style-type: none">■ Mr Linnane advised that approval is being sought from the Deputy Premier to proceed with amendments to the regulation from the recommendations in the statutory review. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the next step for finalising implementation of the statutory review recommendation includes seeking amendments to the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014.
6	<p><u>Certificate of competence assessment components progression</u></p> <ul style="list-style-type: none">■ Mr Palmer advised that the Resources Regulator is recommending option 3 (as per the paper) for candidates to progress through the written and oral examinations process. Candidates would only be re-examined on the competencies they did not pass in their first attempt. The portfolio is a pre-requisite as part of the blueprint. It will not get assessed in terms of quality but whether one has been provided that meets the requirements. Examiners will prepare an evaluation report after the exams and that will be compiled into a report for the Board.■ Members discussed the assessment levels for components of the exam and whether a candidate will be required to be reassessed on all criteria or only those where they are found not to be competent; the 80% mark for non-essential criteria and the timeframe in which a candidate must re-sit the exam if unsuccessful.

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	<ul style="list-style-type: none">Members agreed that it would be beneficial to consider a revised option 3 with a worked example outlining a set of oral questions, how they will be assessed as competent or not and whether they can re-sit the oral. <p>Outcomes</p> <ul style="list-style-type: none">Members agreed that option 2 (pass all assessment components in one attempt in one exam cycle) was not a suitable option. <p>Actions</p> <p>F. Resources Regulator to circulate out of session (prior to end January 2022), a worked example of option 3 including a set of oral questions, how candidates will be assessed and a minimum standard for candidates to re-sit the oral exam.</p>
7	<p><u>Quarry manager certificate of competence pre-requisites</u></p> <ul style="list-style-type: none">The agenda item was deferred until next meeting.
8	<p><u>Appointment of examiners</u></p> <ul style="list-style-type: none">Mr Nicholls declared that one of the applicants seeking appointment is his brother. Mr Nicholls did not participate in the decision making of the appointments. <p>Outcomes</p> <ul style="list-style-type: none">The Board endorsed the appointments. Moved Mr McLeod. Seconded Mr Standish.
9	<p><u>Online exams for certificates of competence</u></p> <ul style="list-style-type: none">The agenda item was deferred until next meeting.
10	<p><u>MPCB Annual Report 2020-2021</u></p> <ul style="list-style-type: none">Mr Linnane advised that the Board’s annual report is an obligation under the Act. A draft was circulated out of session for comment. No comments were received.Mr Dolden commented that there was a typing error in the introduction; “The is” in the second paragraph should read “This is”. <p>Outcomes</p> <ul style="list-style-type: none">The Board endorsed the Board’s 2020/21 Annual Report subject to the above modification. Moved Mr McLeod. Seconded Mr Dolden.

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	<p>Actions</p> <p>G. Secretariat to amend typing error in annual report and forward to Deputy Premier.</p>
11	<p><u>Meeting dates for 2022</u></p> <ul style="list-style-type: none">■ Members considered the proposed 2022 meeting dates. <p>Outcomes</p> <ul style="list-style-type: none">■ Members agreed to the 2022 meeting dates. <p>Actions</p> <p>H. Mr Barben to confirm availability of the NSW Minerals Council boardroom in Sydney for the February 2022 meeting.</p> <p>I. Mr Tranter to confirm availability of the CFMMEU boardroom in Aberdare for the August 2022 meeting.</p> <p>J. Mr Linnane to confirm availability of the Department’s boardroom in Maitland for the May 2022 and August 2022 meetings.</p> <p>K. Secretariat to send meeting invitations to members for all 2022 board meetings.</p>
12	<p><u>MPCB work plan</u></p> <ul style="list-style-type: none">■ Members considered the update on the MPCB work plan.■ Mr Linnane confirmed that three Board members attended the last AMCAC meeting (Mr Burns, Mr Linnane and the Chair). The date for the next meeting has not been advised.■ The Chair advised that some of the communication activities were postponed due to COVID. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the status of projects identified in the Board’s work plan to support the Strategic Plan to 2023.
13	<p><u>Coal Mining Industry Reference Committee (Skills for Australia project)</u></p> <ul style="list-style-type: none">■ Mr Palmer referred members to the updates in the paper.

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	<p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted developments in the work being carried out by Skills for Australia and Coal Mining Industry Reference Committee (IRC) for completion by September 2022.■ The Board noted the national developments to transition to Industry Clusters managing training packages from 1 January 2023.
14	<p><u>Quarterly report on certification outcomes</u></p> <ul style="list-style-type: none">■ Mr Palmer advised that the dates for exams were revised due to COVID.■ Members discussed the maintenance of competence scheme and how the Board can monitor holder update and compliance. It was noted that the Resources Regulator is responsible for checking individual holder's compliance with their obligations. Further, the first cohort of certificate holders will only potentially be non-compliant with their requirements after September 2021 because of the transitional nature of the scheme.■ Mr Linnane said the regulator is taking a practical and proportional approach to non-compliance with the scheme in accordance with its compliance and enforcement approach.■ Members noted that an approach could be made to Coal Services for deidentified data from its maintenance of competence app to assist in getting a better understanding of how holders are progressing with fulfilling their requirements. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the application and exam outcomes reported for certification from August to October 2021.■ The Board noted the revised exam calendar for 2021/2022 due to COVID-19 restrictions. <p>Action</p> <p>L. Resources Regulator to request deidentified data from Coal Services to report for the next Board meeting on maintenance of competence.</p>
15	<p><u>Resources Regulator Quarterly Safety Report</u></p> <ul style="list-style-type: none">■ Mr Linnane advised that a draft version of the report has been emailed to members.

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	<ul style="list-style-type: none">■ Mr Nicholls advised that:<ul style="list-style-type: none">□ there were no fatalities between July and September 2021□ there was a change in the regulatory approach due to COVID□ notices are down due to online assessments□ incident notifications are slightly up but not significant. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the Resources Regulator Quarterly Safety Report.
16	<p><u>Update on implementation of blueprinting</u></p> <ul style="list-style-type: none">■ Mr Palmer provided an update on implementation of the blueprinting. In respect of portfolios, he noted that all evidence must be from within three years of applying and evidence can be submitted at a higher level (eg Level 1 is from part of a mine; Level 2 within a shift; Level 3 across the whole mine). <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the status of the blueprinting implementation project.■ The Board noted the draft portfolio requirements.
17	<p><u>Additional business</u></p> <ul style="list-style-type: none">■ Mr Palmer noted that the regulator is developing a project plan for an auditing program on compliance with maintenance of competence requirements.■ Mr Nicholls advised that the Queensland regulator has recently cancelled two certificates of competence, and that those decisions are under appeal.■ Mr Linnane advised that explosives licences are subject to an exemption from the new automatic mutual recognition arrangements.
	<p><u>Meeting close</u></p> <ul style="list-style-type: none">■ The Chair thanked Mr Tranter and the CFMMEU for hosting the meeting.■ The next meeting is on 15 February 2022.■ The Chair closed the meeting at 11:29am.

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Action items

No	Action	Agenda item
A	Secretariat to update the Pecuniary Interests declaration to include Kylie Fahey for the next meeting.	Declaration of interests (2)
B	The Chair to write to the Deputy Premier recommending the amendment to the statutory function of electrical engineer (coal mines other than underground coal mines) as outlined in item 3.6 of the recommendation 34 analysis.	Acceptance of previous minutes and actions (3)
C	Secretariat to send a copy of the AMCAC minutes for the May 2021 meeting to members.	Acceptance of previous minutes and actions (3)
D	Secretariat to send the date for the next AMCAC meeting, once known, and seek MPCB members to attend.	Acceptance of previous minutes and actions (3)
E	Secretariat to include a copy of the letter from the Deputy Premier about Kylie Fahey's appointment to the Board in the papers for the next meeting.	Correspondence (4)
F	Resources Regulator to circulate out of session (prior to end January 2022), a worked example of option 3 including a set of oral questions, how candidates will be assessed and a minimum standard for candidates to re-sit the oral exam.	Certificate of competence assessment components progression (6)
G	Secretariat to amend the typing error in annual report and present to the Deputy Premier.	Annual Report (10)
H	Mr Barben to confirm availability of the NSW Minerals Council boardroom in Sydney for the February 2022 meeting.	Meeting dates for 2022 (11)
I	Mr Tranter to confirm availability of the CFMMEU boardroom in Aberdare for the August 2022 meeting.	Meeting dates for 2022 (11)
J	Mr Linnane to confirm availability of the Department's boardroom in Maitland for the May 2022 and August 2022 meetings.	Meeting dates for 2022 (11)
K	Secretariat to send meeting invitations to members for all 2022 board meetings.	Meeting dates for 2022 (11)

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No	Action	Agenda item
L	Resources Regulator to request de-identified data from Coal Services and prepare a report for the next Board meeting on maintenance of competence.	Quarterly report on certification outcomes (14)

Approval

Name/Position	Signature/approval	Date
Mining and Petroleum Competence Board members	Endorsed at meeting. See minutes of February 2022 meeting.	15/02/22