

# Mining and Petroleum Competence Board Annual Report 2023–2024

August 2024



**Published by the Department of Primary Industries and Regional Development**

**Title: Mining and Petroleum Competence Board Annual Report 2023-2024**

**First published: August 2024**

**Department reference number: RDOC24/78911**

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# What is the Mining and Petroleum Competence Board?

The Mining and Petroleum Competence Board (the Board) is a statutory board that advises the Minister responsible for administering the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* (the Act) and its supporting Regulation, and the Regulator on:

- 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.

The Board is established under the Act and the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 (Regulation).

The Board membership comprises tripartite stakeholder representatives with members representing the interests of employers and employees, and officers of the Department of Primary Industries and Regional Development (during the reporting term the Department of Regional NSW). The Board also includes independent members with expertise in the development and assessment of competence standards for people performing functions at mines. The Board has an independent chair.

## The role of the NSW Resources Regulator

The responsible Minister and the Department of Primary Industries and Regional Development's NSW Resources Regulator (the Regulator) receive advice from the Board on how 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.

## More information

For comprehensive information on the Board and its activities visit the webpage:

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

## Contact the Board

NSW Mining and Petroleum Competence Board

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# 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. 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 tenth annual report and covers activities between 1 July 2023 and 30 June 2024.

The Board met on four occasions during the year:

- 8 August 2023
- 7 November 2023
- 27 February 2024
- 14 May 2024.

## Functions of the Board

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

- overseeing the development of competence standards for people exercising functions at a mine that may impact on the health and safety of any person
- undertaking initial and ongoing assessments of the competence of people exercising any such function
- advising 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 170(1) of the Regulation:

- advising the Regulator on the training, qualifications, experience, knowledge, or skills required for the exercise of statutory functions
- advising the Regulator on the conduct of assessments, including the nature, type, and method of assessments
- making recommendations to the Regulator in relation to conditions that may be imposed on a practising certificate
- ensuring, as far as possible, that the competency required under this Regulation for the exercise of a statutory function is consistent with the competency required in other Australian jurisdictions for the exercise of the statutory function
- recommending to the Regulator requirements in relation to maintenance of competency for holders of practising certificates.

## Identified priorities of the Board

The Board has agreed on a strategy to develop an efficient and effective scheme to ensure people carrying out statutory functions under the Act and the Regulation are competent to carry out those roles to best practice WHS and engineering standards.

To achieve the strategy, the Board identified the following priorities to 2026:

1. Monitor and review competence standards and assessment for statutory functions
2. Monitoring and oversight of the practising certificate maintenance of competence scheme (MoC)
3. Emerging issues for statutory functions
4. Effective communication.

Implementing actions in these priority areas contributes to achieving the NSW Government's aim for a safe and responsible mining, extractive and petroleum industry in NSW.

## Membership of the Board and attendance at meetings

The below table details the members of the Board and the attendance of each member at the four Board meetings held during the 2023/2024 financial year. It is noted that Mr Ashley McLeod<sup>1</sup> and Mr Garvin Burns<sup>2</sup> ceased as members before the first meeting date and therefore have not been included in the table below.

Name/position	Nominee	Appointed under (Act section)	No. of meetings attended / No. of meetings held whilst a member
<b>Ms Joanne Muller AM</b> Chair	Independent	65(1)(a) – chairperson	4/4
<b>Mr Stephen Barrett</b> Member	Mining and Energy Union	65(1)(c) – representing interests of employees	2/4 Mr Stephen Luck attended as delegate for Mr Barrett at 1 meeting.
<b>Mr Stephen Tranter<sup>3</sup></b> Member	Mining and Energy Union	65(1)(c) – representing interests of employees	3/4
<b>Ms Kylie Fahey</b> Member	Independent	65(1)(d) – independent	3/4
<b>Ms Angela Hudson</b> Member	Department of Regional NSW	65(1)(e) – officer of the department	4/4
<b>Mr Anthony Margetts<sup>4</sup></b> Member	Department of Regional NSW	65(1)(e) – officer of the department	4/4

<sup>1</sup> Mr McLeod's term ceased 5 August 2023 (former nominee of NSW Minerals Council)

<sup>2</sup> Mr Burns' Term ceased 27 July 2023 (former Department nominee)

<sup>3</sup> Mr Tranter was reappointed on 26 March 2024 for a 3 year term commencing 13 June 2024

<sup>4</sup> Mr Margetts' term commenced 28 July 2023

Name/position	Nominee	Appointed under (Act section)	No. of meetings attended / No. of meetings held whilst a member
<b>Mr Ron Cowdrey</b> Member	Australian Workers Union	65(1)(c) – representing interests of employees	2/4
<b>Mr Kurt Bridges</b> Member	Cement Concrete & Aggregates Australia	65(1)(b) – representing interests of employers	3/4
<b>Mr Craig Reed</b> Member	NSW Minerals Council	65(1)(b) – representing interests of employers	4/4
<b>Mr Tony Israel<sup>5</sup></b> Member	NSW Minerals Council	65(1)(b) – representing interests of employers	4/4
<b>Mrs Jessica Urquhart<sup>6</sup></b> Member	Independent	65(1)(d) – independent	2/2

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<sup>5</sup> Mr Israel's term commenced 6 August 2023

<sup>6</sup> Mrs Urquhart's term commenced 23 November 2023

# Activities of the Board in the preceding year

In line with the Board's endorsed Strategic Plan to 2023, the Board undertook the following activities during the reporting period. The Board worked to an approved work plan developed to support its Strategic Plan to 2023. The activities in the work plan are monitored by the Board on a quarterly basis.

## 1. Monitor and review competence standards and assessment for statutory functions

There are existing competence standards for statutory functions requiring certificates of competence.

Competence standards need to be monitored and revised in response to emerging issues to ensure safety standards are maintained. The Board advises the Regulator on updating the competence standards for statutory functions requiring certificates of competence and the standards that should apply in the processes to assess applicants. This enables the competence standards for statutory functions to be up to date, relevant and world leading so people conducting these functions are competent and support safe mining operations.

### 1.1 Monitor the competence framework to ensure alignment with other jurisdictions where practical

During the reporting period, the Board commissioned a desktop review to compare statutory functions, certificates of competence (CoC) and maintenance of competence (MoC) requirements in various Australian states and international jurisdictions including New Zealand, South Africa and British Columbia, Canada.

The Board continues to monitor competence framework alignment with comparable jurisdictions and has included further reviews in its strategic plan to 2026.

### 1.2 Review the quality of the assessment process for certificates of competence

The assessment scheme for certificates of competence involves panels of people from industry and the mine safety regulator assessing the eligibility of applicants, including examining candidates through written and oral assessments. The scheme needs to remain efficient and effective so only suitable people receive a certificate of competence.

#### ***Certificate of competence examinations***

The Regulator's reports on candidate numbers and pass/fail rates for certificate of competence examinations are tabled at Board meetings. The Board monitors and identifies trends from these reports.

Certificates of competence to exercise certain statutory functions are granted under the Regulation. A person is eligible to hold a certificate of competence for a statutory function once they have been assessed and deemed competent to exercise that function.

Key requirements to determine competence for a certificate of competence include specified qualifications and experience, satisfying set criteria and an examination process. The assessment process is facilitated by the Regulator, with competence standards determined in consultation with the Board.



In response to an independent review conducted in 2019, a blueprint framework was developed to standardise the way exams are constructed and delivered. The purpose of the framework is to achieve validity, reliability, transparency, and consistency of assessment. Dr Bruce Mowbray undertook an external review of the blueprinting framework during the reporting period, to identify opportunities for improvement. The Board endorsed the full implementation of the blueprint framework at its August 2023 meeting.

### ***Examiners and exam calendar***

During the reporting period the Board endorsed the composition of examination panel members for the 2023/24 financial year. The Regulator provides a calendar of planned exams annually to inform the Board. The calendar is available on the Department's website.

### **1.3 Identify opportunities to improve the assessment process in collaboration with examination panels**

In reviewing the schemes for competency standards and assessment, emerging skills sets for statutory functions need to be identified and integrated into the competency standards.

In the reporting year the Board:

- considered the outcomes of an examination panel workshop to identify strategic priorities for the Board for the 2023-2026 years.
- endorsed the Regulator recommendation to support candidates who fail two rounds of testing by asking them to submit a study plan, with the new requirement to commence on exams scheduled after July 1 2024.

### **1.4 Identify emerging industry trends/issues that may affect competence standards for statutory functions and provide advice to the Minister and the Regulator**

To maintain the integrity and effectiveness of the competence framework, the Board must identify emerging trends and provide relevant advice to the Regulator and the Minister.

During the reporting period the Board:

- identified the need to develop automatic mutual recognition (AMR) requirements to facilitate the commencement of AMR for statutory functions on 1 July 2024
- requested the Regulator to develop a plan to communicate the new requirement for study plans to be submitted by candidates who fail two rounds of testing
- recommended the Regulator publish a report on practicing certificates issued and certificate of competence exams to bring the ongoing low number of candidates to industry attention
- requested the Regulator develop and publish a future trend projection for practising certificate numbers, candidate numbers and pass/fail rates over a 3 year and 5 year period.
- requested the Regulator develop an action plan to address low candidate numbers and improve candidate pass rates to ensure the future practicing certificate needs of industry are met.

## **2. Monitoring and oversight of the practising certificate maintenance of competence scheme (MoC)**

## **2.1 Identify the data and information that is required to enable the Board to make decisions that enable effective monitoring of the MoC scheme**

The Board considers relevant information when making decisions. The Regulator provides regular reports, policy position papers and analysis of reviews and inquiries to information the Board of competence and assessment matters.

## **2.2 Monitor and review the MoC scheme auditing process**

Practising certificates are required by people to exercise the statutory function prescribed in mine safety legislation. A key condition of a practising certificate is to maintain competence. The Board advises on the implementation of the scheme and performance of certificate holders in fulfilling their maintenance of competence obligations.

The Regulator and the Board monitor practising certificate holders' compliance with maintenance of competence requirements. The Regulator provides reports on assessment outcomes for each Board meeting.

To ensure compliance, random mandatory auditing is undertaken on an ongoing basis.

After a successful pilot of outsourcing audits of NSW practising certificate holders for their maintenance of competence in 2022, the Regulator has continued to engage external providers to undertake the annual auditing. The Regulator proposes to conduct 100 MoC audits annually from 2024-2026.

The audit process is ongoing for the 2023-2024 year. In the reporting year, the Regulator tabled its report for the 2022-2023 period detailing 206 audit requests sent to practicing certificate holders of which 100 audits were completed.

## **2.3 Evaluate the MoC scheme learning requirements to be fit for purpose**

The Board considers the effectiveness of maintenance of competence obligations. The Board monitors indicators that report on practising certificate holders' awareness of their requirements and the effect of the scheme on safety, supervision, and the implementation of control measures.

In the reporting year, the Board:

- endorsed a discussion paper for the Evaluation of the Practising Certificate Maintenance of Competence Scheme, which the Department published as detailed in 3.2 below
- sought feedback from the public and stakeholders on the Evaluation of the Practising Certificate Maintenance of Competence Scheme discussion paper and is progressing a number of recommendations based on this feedback
- endorsed updated case studies for the Learning from Disasters packages 1 -3 for consultation with the Australian Centre for Investigation Incident and Management Solutions (ACIIMS).

## **2.4 Review the MoC scheme to ensure it aligns with the competence framework**

The Board endorsed a work plan to 2026 which includes a proposed project to review the MoC scheme alignment during the term of the workplan.

## **3. Emerging issues for statutory functions**

The scheme for the statutory competency framework needs to be responsive to industry changes, as mine operators seek to be more productive and safer. These changes need to be identified and the impact on the competencies of statutory functions considered. This assists the Board in the early identification of emerging issues and advise on proactive steps to respond appropriately so people remain competent to the determined standards.

### **3.1 Review the statutory functions competence standards in response to global and local emerging issues to enable the competence standards to maintain their currency**

The Board draws upon its tripartite representation from across the mining industry to identify emerging trends affecting competency.

During the reporting year, the Board:

- considered proposals for additional qualifications and change in qualifications
- endorsed the Regulator recommendation to gazette that an individual with the following certificates of competence (or the equivalent certificates issued under former legislation) is eligible to be granted a practising certificate to exercise the quarry manager function for: a) Mining Engineering Manager of coal mines other than underground b) Mining Engineering Manager of underground coal mines c) Victorian Quarry Manager certificate of competence
- agreed that flexible criteria be applied from 1 January 2024 for acceptable pre-requisite qualifications and that the Electrical Engineering Manager and Electrical Engineer guides be amended.

### **3.2. Provide advice to the Minister and Regulator on proactive steps to respond appropriately so individuals carrying out statutory functions remain competent**

Statutory functions require competent people to carry them out. As these competencies required change, there is a need to ensure people stay current. One way of ensuring currency of competencies is for maintenance of competence to underpin requirements for practising certificates.

During the reporting period the Board progressed a discussion paper for evaluation of maintenance of competence scheme. The discussion paper was opened for public submissions from 13 November 2023 – 16 February 2024 and ran concurrently with an online survey. The Board has reviewed the submissions and survey results and is evaluating and progressing several recommendations based on this feedback.

## 4. Effective communication

### 4.1 Engage industry stakeholders to promote the role and work of the Board and to canvas their views on contemporary and emerging issues

The Board engages industry via its tripartite stakeholder membership drawn from across the mining sector including employee and employer representatives as well as departmental officers and independent members.

To keep stakeholders informed of Board activities, the Board utilises a range of communication channels including:

- delivering presentations at stakeholder events
- delivery of webinars and workshops
- publishing articles in the Mine Safety News
- publishing new and updated guidance material, board meeting agendas and minutes on the Department's website.

These activities are detailed below.

#### ***Seminars, meetings, and presentations***

The chair of the Board presented at the following Regulator seminars.

- 2023 Electrical Engineering Safety Seminar
- 2023 Metalliferous Industry Safety and Health Engagement Forum

The Regulator presented at the following meetings and seminars:

- 2023/2024 – Briefing sessions for prospective applicants and candidates on individual function exams by panel
- August to October 2023 - Various project governance and working group meetings for Automatic Mutual Recognition meetings
- September 2023 - Induct candidates into the online written exams for Quarry Manager
- 22 September 2023 - Exam convenors working group
- 10 October 2023 - Blueprinting spreadsheet demonstration to Panel Convenors
- 1 February 2024 - Examiners annual meeting
- 14 February 2024 - Automatic Mutual Recognition implementation meeting

20 March 2024 - Webinars on how individual practising certificate holders and mine operators can comply to legislative requirements.

## Mine Safety News publications

The following articles relating to activities of the Board, were published in the Regulator's Mine Safety News email circular.

Date	Topic
13 July 2023	Fact sheet on practicing certificate application fees
13 July 2023	In case you missed it: Mining and Petroleum Competence Board meeting minutes - February 2023
10 August 2023	Certificate of competence exam calendar updated
24 August 2023	New exam dates released for certificates
24 August 2023	Past exam papers removed to allow reuse
7 September 2023	Important date change: Deputy oral exam
7 September 2023	Satisfying conditions on practising certificates
7 September 2023	Reminder for Quarry manager tier 2 practising certificate holders
2 November 2023	In case you missed it... Mining and Petroleum Competence Board agenda 7 November 2023 Mining and Petroleum Competence Board annual report 2022-2023
17 November 2023	Have your say on the statutory function for practising certificate of maintenance
17 November 2023	Important date change: Open cut examiner written exams 2024
1 December 2023	New process for applying for a practising certificate after expiry
1 December 2023	Renew practising certificates before the Christmas period
14 December 2023	In case you missed it... MPCB meeting minutes 8 August 2023
8 February 2024	Have your say on new discussion paper (evaluation of the MoC scheme)
22 February 2024	Practising certificate maintenance webinars
22 February 2024	In case you missed it... MCPB meeting agenda 27 February 2024
7 March 2024	Updated information for tier 2 quarry managers
7 March 2024	New date for underground mine supervisor certificate of competence briefing session
7 March 2024	Reminder: Webinars on maintaining current practising certificates
21 March 2024	Expanded review of certificate of competence exam outcomes policy
21 March 2024	New flexible qualification pre-requisites criteria
4 April 2024	Competencies and portfolios webpage updated
2 May 2024	Report on auditing of practising certificates

2 May 2024	In case you missed it... MPCB meeting minutes 7 November 2023
16 May 2024	Prepare for certificate of competence exams
13 June 2024	Mining and Petroleum Competence Board (MPCB) Minutes
27 June 2024	Download new fact sheets
27 June 2024	Automatic mutual recognition for statutory functions from 1 July 2024

### Board meeting agendas and minutes

The agendas and minutes from Board meetings during the reporting period were published on the Department's website.

### Guidance material

During the reporting period, the following new and updated guidance material was published on the Department's website:

Date	Title
2023/2024	Publication of past exam papers
January 2024	Form: Plan to prepare for third or more attempt of certificate of competence examinations
March 2024	Guide: Applying for a certificate of competence From 2024 exams
March 2024	Electrical engineer of coal mines other than underground mines: Prerequisites and written exam details
March 2024	Electrical engineering manager of underground coal mines: Prerequisites and written exam details
May 2024	Portfolio requirements Certificate of competence examination process from February 2024
June 2024	Fact sheet: Examination fee schedule – certificate of competence

### 4.2 Review the Board's charter to embed communication with industry stakeholders into business as usual

During the reporting year the Board reviewed the Board's charter and is progressing the finalisation of amendments.

### 4.3 Review the Board's communication plan to promote visibility and strategic intent of the Board

The initial review of the communication plan was completed during the reporting period. The Board proposes to update the communication plan annually, to ensure stakeholders are informed of the activities of the Board including:

- potential applicants for certificates of competence

- the mining industry, including mine operators, workers, and stakeholder organisations
- registered training organisations (RTOs) and educational bodies/institutions.

These activities are further detailed in 4.1 above.

#### **4.4 Provide an annual report to the Minister**

In accordance with section 68 of the Act, the Board produces an Annual Report. The Annual Report informs the Minister of the activities of the Board in the preceding financial year.