

MINUTES			
MEETING	Mining and Petroleum Competence Board		
MEETING NO.	1 for 2016	DATE	23 February 2016
LOCATION	Boardroom, CFMEU Nymbodia House, 215 Clarence Street, Sydney	TIME	10.07 am – 1.30pm
ATTENDEES	Bryan Davis (Chairman), Mick Cairney (NSWMC), Andy Honeysett (CFMEU), Leanne Parker (CCAA), Tony Linnane as the delegate for Jenny Nash (NSW Department of Industry), Keith Shaw (CFMEU), Nickolas Strong (NSWMC), Bob Gibbons and Tony Ingram (Independents) <i>Secretariat:</i> John Flint, Andrew Palmer, <i>Observers from NSW Department of Industry:</i> John Moss (Technical Advisor to the Board for metalliferous mines and extractives), Bryan Doyle, Gary Parker (Chief Inspector) <i>Guest:</i> Carl Scully, Chairman of the Mine Safety Advisory Council		
APOLOGIES	Jenny Nash and Doug Revette (NSW Department of Industry), Glenn Seton (AWU)		
PREPARED BY	Andrew Palmer		

Welcome and preliminary business

No.	Item	Status
1	Introduction	
1.1	The Chairman welcomed those in attendance and asked for any apologies. In particular the Chairman welcomed Carl Scully and the new independent members, Tony Ingram and Bob Gibbons.	Noted apologies and Tony Linnane as the written nominated delegate for Jenny Nash.
1.2	Declaration of conflict of interest The Chairman asked members if they had a conflict of interest to declare. No declarations were made.	No conflicts of interest declared.
1.3	Acceptance of previous minutes and actions arising The minutes of the previous meeting 25 November 2015 in paper 1 were accepted. Actions arising	

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1.4	<p>from previous meeting have been completed with meeting papers covering most items.</p> <p>Correspondence</p> <p>Correspondence received from the Hon Anthony Roberts MP Minister for Industry, Resources and Energy to the Chairperson advising of the appointment of independent members to the Board, Bob Gibbons and Tony Ingram.</p>	<p>Minutes accepted.</p> <p>Noted</p>

This meeting

No.	Item	Status
2.2	<p>2. For update and discussion and/or decision</p> <p>Public comment on proposed maintenance of competence system</p> <p>Chairman noted 30 submissions received, which the Secretariat has acknowledged receipt of being received and thanked. He also commended the Secretariat on their summary of the major themes raised in the submissions for the Board to consider in paper 3. The themes were mainly from the responses to the 6 questions posed in the discussion paper and were discussed as follows (numbered in same order as they appear in the paper):</p> <p>a) noted the objection to the model scheme from the Institute of Public Works Engineering Australasia for council staff operating extraction sites. Board members noted large council quarries where the manager should be subject to requirements. For very small shallow excavations, the Department representatives noted these sites are usually covered by the Production Manager Permit System. The Department will provide a proposal to the Board for consultation on a Conditional Quarry Manager Practising Certificate with an appropriate level of maintenance of competence requirements.</p> <p>b) thought a transition period and review for the style of scheme to be implemented is appropriate</p> <p>c) the areas of competence and their list of topics are insufficient because:</p> <ul style="list-style-type: none"> • Lack of focus on the various principal mining hazards and critical controls • Inappropriately weighted in terms of equal number of hours to be completed for each • Not adequately covering the elements of the WHS (Mines) legislation including: <ul style="list-style-type: none"> ○ Safety management systems, hazard and control plans ○ Principal mining hazards and controls ○ Statutory function holder duties under the legislation 	<p>Secretariat to organise a working group of the Board to consider the submissions for the maintenance of competence scheme, with the following members:</p> <ul style="list-style-type: none"> - Tony Linnane - Tony Ingram - Nick Strong - Keith Shaw - Bob Gibbons <p>A Chair is to be elected by the subgroup. The working group is to report back to the next Board meeting.</p>

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	<ul style="list-style-type: none"> ○ Contemporary knowledge on mining methods and technologies <p>Some members thought the 6 areas of competence proposed by the Glencore Coal Assets Australia submission were more suitable.</p> <p>d) more relevant types of formal learning to be recognised, including in house company training, and for all hours of attendance at seminars etc to be recognised</p> <p>e) scheme to be more flexible in recognising people with technical competence (but not formal training related qualifications) to deliver formal training</p> <p>f), g) significant concerns about the scheme becoming too complex by prescribing the mix of formal and informal types of learning and hours claimable. The scheme should be a flexible framework where the individual determines the mix of learning to best maintain their competence.</p> <p>Other members thought the scheme should not become so flexible that individuals do not maintain their competence in critical areas, including principal mining hazards and controls, and contemporary mining technical knowledge.</p> <p>There was discussion around the scheme enabling individuals to be able to complete their maintenance of competence requirements through the systems operated by continuing professional development (CPD) providers or RTOs. John Flint advised that the Australasian Mining Competency Advisory Council (regulators only) had agreed that each jurisdiction's maintenance of competence schemes would not endorse particular CPD schemes or training.</p> <p>h) thought people working in the statutory function should be recognised for their hours completed</p> <p>i), j), k), l) consider processes for people who fall behind in meeting the requirements or leave the function or mining industry for a period, to be able to catch up so they can continue in the function. It was agreed that generally requiring people to resit the exams is excessive. Undergoing some form of reassessment may be an option for people to undertake to demonstrate they are competent to retain their practising certificate. Other hardship provisions should also be considered to make allowances for people's changing circumstances.</p> <p>m), n) requirements for record keeping were acknowledged but not discussed specifically</p> <p>Members agreed for a subcommittee to be established with the nominated representatives to consider the public comment and make recommendations to the Board.</p>	
2.1	<p>Update on the Mine Safety Advisory Council (MSAC) activities</p> <p>Carl Scully (MSAC Chairman) thanked the Board for the opportunity to address them about the</p>	

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	<p>work being undertaken by MSAC:</p> <p><i>Dual investigation model</i></p> <p>Extensive tripartite consultation on incident investigations, where learnings from incidents are released early for the benefit of industry, but still allowing for the Department to have the discretion to prosecute. Currently dual investigation models are being examined.</p> <p><i>Incident Prevention Strategy</i></p> <p>The Department is adopting a risk assessment approach in determining its priorities and where best to deploy its resources to regulate the mining industry. A subcommittee of MSAC is being formed for consultation on the development and implementation of the strategy.</p> <p><i>Fatigue management</i></p> <p>An ongoing strategy of MSAC, overseen by the Health Management Advisory Committee (HMAC), is to be further developed. A workshop held for HMAC by Dr Nick Mabbott presented the latest scientific findings on sleep and the impairment caused by a lack of it. This information is to be communicated to assist industry to manage fatigue.</p> <p><i>Liaison with other states</i></p> <p>MSAC is looking to liaise with their equivalent bodies in WA and Qld.</p> <p><i>MSAC planning session is to be held on 9 March 2016 to review the plans developed in 2012.</i></p>	<p>Noted and MSAC Chair extended an invitation to the MCPB Chair to attend an MSAC meeting.</p>
2.4	<p>Revised matrix on applying Associated Non Technical Skills (ANTS) in certificate exams</p> <p>Andrew advised the revised Guide was distributed to the examination panels and Industry Assistance Unit for comment. Their feedback was the Guide is okay, except for the Electrical Engineering panel. They provided extensive justification for why the Electrical Engineering Manager for Underground Coal Mines should be level 3 (Advanced/Expert). The Secretariat reflected this feedback in an amended Guide provided to the Board, which also placed the Mechanical Engineering Manager at level 3. The Board endorsed these amendments and for the electrical and mechanical engineering panels to be consulted on where the electrical and mechanical engineer should be placed in the matrix.</p> <p>Tony Linnane questioned whether the Restricted Quarry Manager (Production Manager Permit) should be Level 1 (Sound/competent), which in practice is a first line supervisor level. The Board endorsed that it should be level 2 (Adept/capable), which aligns with a low risk extractives site.</p>	<p>Secretariat to:</p> <ol style="list-style-type: none"> 1) amend the ANTs Guide so Restricted Quarry Manager is at level 2 and Leadership skills for Level 3 is to have 'assertiveness' replaced with 'influence' 2) seek advice from the Electrical and Mechanical Engineering Panels on what level the Electrical and Mechanical Engineer should be included at

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	Nick Strong questioned whether Leadership for level 3 will involve '...authority and assertiveness...'. Board endorsed to replace 'assertiveness' with 'influence'.	3) Report back to Board on the final content of the Guide for noting
2.5	<p>Development of statutory function descriptions</p> <p>The Board noted that a contract has been awarded to Forsythes Human Resources to develop the descriptions, starting from 1 March 2016 with revised milestones. This means that the final two progress payments of approximately \$15,000 will need to be made from the following financial year, which can be accommodated within the budget.</p>	Noted
2.6	<p>Expressions of interest (EOIs) for examination panel members</p> <p>Board noted that the Department's Business Processes and Authorisations Unit will advertise for EOIs to fill vacancies on several panels, including casual oral examiners.</p>	Noted
2.6	<p>Update on Australasian Mining Competency Advisory Council (AMCAC)</p> <p>Board agreed for Nick Strong (employer representative) and Glenn Seton (employee representative) to attend the AMCAC meeting on 24 May 2016, given the material to be covered will be most likely relevant to the metalliferous mining sector. The Department will be represented by the Chief Inspector, Gary Parker.</p> <p>John Flint intends to find out at the AMCAC Regulators Establishment teleconference meeting on 24 February 2016 what the Qld Board of Examiners is progressing for maintenance of competence for statutory functions. He will also suggest that AMCAC establishes a subcommittee for maintenance of competence made up of NSW, Qld and WA.</p>	<p>1) Gary Parker, Nick Strong and Glenn Seton to attend the AMCAC meeting on 24 May 2016</p> <p>2) Secretariat to contact Glenn Seton about his availability to attend the 24 May meeting</p>
2.3	<p>Revised requirements for Underground mine supervisor certificate of competence</p> <p>The Board noted the options for requirements provided by the Secretariat in paper 4:</p> <ol style="list-style-type: none"> 1. The matrix of requirements for a certificate of competence according to the activities the applicant wants to supervise and be assessed for 2. Generic certificate of competence 3. Generic certificate with conditions for supervising certain types of activities 4. Replace the practising certificate requirement with the RII40315 Certificate IV in Metalliferous Mining Operations (Underground), with prescribed electives 	<p>Secretariat to revise requirements for underground mine supervisor certificate of competence to reflect option 2 Generic certificate of competence with the following details:</p> <ul style="list-style-type: none"> • remove specific areas of experience so general experience only is required • prescribe general electives but remove ones for specialised areas of work • an oral exam only ie. no written exam • confirmed the grandfathering of experience

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	<p>5. The certificate requirements be for a site wide senior supervisor type role Nick Strong moved for option 2 Generic certificate of competence be adopted because:</p> <ul style="list-style-type: none"> • it is suitable for a front line supervisor role in an underground metalliferous mine • covers core risk management like in Qld (S1, S2 etc) and legislative requirements • provides flexibility for the individual and mine operator, who determine whether they possess the specific technical skills to supervise a particular type of work eg. shotfiring <p>The Board agreed with adopting option 2 with the requirements set out in section B of the paper to be revised as follows:</p> <ul style="list-style-type: none"> • remove specific areas of experience so general experience only is required • RII40315 Certificate IV in Metalliferous Mining Operations (Underground) to have required general electives, but remove the specialised ones indicated • only have an oral examination ie. no written examination • confirmed the grandfathering of experience in lieu of qualifications is removed <p>The maintenance of competence requirements for the practising certificate will be finalised as part of developing the overall scheme.</p>	<p>in lieu of qualifications is removed</p> <p>Requirements to be provided to the next Board meeting for confirmation of details and endorsement.</p>
3	<p>Business for noting</p> <p>3.1 3.1 WHS (Mines) Amendments</p> <p>Tony Linnane advised that amendments had been made to the legislation so petroleum sites are now included. There are several statutory functions for petroleum sites that require Australian Qualifications Framework Resources and Infrastructure Package qualifications.</p> <p>The legislation now refers to the Mining and Petroleum Competence Board. Representation for the petroleum sector will be sought by the Department when it is necessary to review competence requirements for this sector.</p> <p>3.2 Update on Safety and Health Representative (SHR) training</p> <p>Andrew advised that the Department has completed the one day conversion course required to be completed by persons who completed the check inspector training under the previous legislation. The five day training course for new SHRs will be conducted in February and March 2016 at Lithgow and Maitland.</p>	<p>Noted</p> <p>Noted</p>

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3.3	<p>Progress in implementing the Board strategic plan to 2020</p> <p>Secretariat tabled a report indicating progress in implementing the strategies and objectives of the plan. It was noted that several objectives have yet to be progressed until the descriptions for the statutory functions becomes available. Board agreed for the Secretariat to table this report at each meeting.</p>	Secretariat to table a progress report for implementing the strategic plan at each meeting.
3.4	<p>Annual report for 2015 to the Minister</p> <p>The report has been approved by the Minister and posted on the Mining Competence Board webpage.</p>	
4.	<p>Other Business</p> <p>Next meeting is proposed to be rescheduled from 12 to 10 May 2016 at Newcrest Cadia Operations, Orange.</p>	Noted
	<p>Close meeting</p> <p>1.35 pm</p>	

MCPB Actions Schedule

Actions from 23 February 2016 Meeting

Action #	Action	Current Status
2.2	Public comment on proposed maintenance of competence system	
	Secretariat to organise a working group of the Board to consider the submissions for the maintenance of competence scheme. The working group is to report back to the next Board meeting.	Completed – see paper 3
2.4	Revised matrix on applying Associated Non Technical Skills (ANTS) in certificate exams	
	Secretariat to: <ol style="list-style-type: none"> 1) amend the ANTs Guide so Restricted Quarry Manager is at level 2 and Leadership skills for Level 3 is to have 'assertiveness' replaced with 'influence' 	Completed
	<ol style="list-style-type: none"> 2) seek advice from the Electrical and Mechanical Engineering Panels on what level the Electrical and Mechanical Engineer should be included 3) Report back to Board on the final content of the Guide for noting 	Completed – see paper 9
2.6	Update on Australasian Mining Competency Advisory Council (AMCAC)	
	<ol style="list-style-type: none"> 1) Gary Parker, Nick Strong and Glenn Seton to attend the AMCAC meeting on 24 May 2016 2) Secretariat to contact Glenn Seton about his availability to attend the 24 May meeting 	Completed
2.3	Revised requirements for Underground mine supervisor certificate of competence	
	Secretariat to revise requirements for underground mine supervisor certificate of competence to reflect option 2 Generic certificate of competence	Completed – see paper 8
3.3	Progress in implementing the Board strategic plan to 2020	
	Secretariat to table a progress report for implementing the strategic plan at each meeting.	Completed – see paper 16