

<b>Meeting</b>	<b>Mining and Petroleum Competence Board</b>				
<b>Meeting No.</b>	3 of 2018	<b>Date</b>	Tuesday 21 August 2018	<b>Time</b>	10:00 – 2:00
<b>Location</b>	CFMEU, Nymboida House, Boardroom, Level 11, 215 Clarence Street, Sydney				
<b>Chair</b>	Ms Ruth Mackay (Independent)				
<b>Members</b>	Mr Greg Shields (NSWMC), Ms Rachael Whiting (NSWMC), Ms Leanne Parker (CCAA), Mr Andy Honeysett (CFMEU), Mr Stephen Tranter (CFMEU), Mr Tony Linnane (Resources Regulator), Mr Garvin Burns (Resources Regulator); Mr Peter Standish (Independent), Mr Ron Cowdrey (AWU)				
<b>Observers</b>	Mr Andrew Palmer (Resources Regulator)				
<b>Secretariat</b>	Ms Anna Ormerod (Resources Regulator)				
<b>Apologies</b>					

## MINUTES

No	Agenda item discussions	Outcomes / Actions
1	<b>Introduction</b>	
1.1	<b>Welcome and apologies</b> <ul style="list-style-type: none"> <li>The Chair opened the meeting at 10am.</li> <li>No apologies were received.</li> <li>The Chair advised members of the new secretariat arrangements and introduced Ms Ormerod.</li> </ul>	
1.2	<b>New member induction</b> <ul style="list-style-type: none"> <li>Mr Linnane and Mr Burns delivered a presentation to members on the role of the board and the Resources Regulator.</li> <li>Mr Linnane advised that there has been an organisational realignment within the Resources Regulator. Mr Burns now has responsibility for the safety inspectorate as Chief Inspector.</li> </ul>	<u>Action:</u> <ol style="list-style-type: none"> <li>Secretariat to circulate a copy of the presentation to members with relevant documents.</li> </ol>

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	<p>Mr Linnane is the Director Regulatory Services. Mr Palmer is now the Manager Competencies and Authorisations. Mr John Flint is the Manager Regulatory Development. Ms Ormerod now provides the secretariat function for both the board and the NSW Mine Safety Advisory Council. The secretariat coordinates the work of the board and council. Mr Palmer's team delivers projects from a competencies operational perspective and Mr Flint's team develops and delivers policy and the regulatory framework.</p> <ul style="list-style-type: none"> <li>• Ms Parker requested a copy of the organisational chart.</li> <li>• Mr Burns advised that a copy is available on the Department's website.</li> <li>• The Chair asked when the changes took effect.</li> <li>• Mr Burns advised that the changes came into effect on 7 July 2018.</li> <li>• Mr Shields noted that one of the Board's strategies is to develop world leading competence standards. He questioned what benchmark we are using for world's best.</li> <li>• Mr Burns commented that world's best is an aspiration. Mr Peter Wilkinson is currently undertaking a second and final review of the Resources Regulator's Incident Prevention Strategy implementation and the regulator is approaching what he considers to be world best.</li> <li>• Mr Linnane replied that at this stage the Resources Regulator is unclear on what world's best looks like in the competence space. The regulator is currently undertaking a project to review the assessment process which will help us understand what is best practice in terms of assessment.</li> </ul>	
1.3	<p><b>Declaration of conflict of interest</b></p> <p>No conflicts of interest were declared.</p>	
1.3	<p><b>Acceptance of previous minutes and actions arising (paper 1)</b></p> <ul style="list-style-type: none"> <li>• No changes were requested to the minutes of the last meeting.</li> <li>• The status of the actions from the last meeting were noted.</li> </ul>	<p>The minutes of the last meeting on 22 May 2018 were endorsed without change.</p>
1.4	<p><b>Correspondence (paper 2)</b></p> <p>Members noted the incoming correspondence.</p>	

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2	<b>For discussion and/or decision</b>	
2.1	<p><b>Practising certificate system and maintenance of competence scheme (paper 3)</b></p> <ul style="list-style-type: none"> <li>Mr Linnane advised that 754 practising certificates have been issued per attachment A of the paper. The Department is continuing to engage with industry and is proposing to hold a forum in March 2019. It was initially anticipated that 4,000 certificates would be issued which is still a possibility.</li> <li>Further to the question raised at the last meeting about the percentage of certificate holders who have obtained practising certificates, Mr Linnane advised that the Department cannot provide this figure as it has been unable to track the status of certificate holders and whether they are still actively involved in the mining industry. Any percentages given would not accurately reflect the current situation.</li> <li>Members were advised that Coal Services has developed a log app for the maintenance of competence scheme. It is available on app stores at no cost. The Department is not going to endorse the app formally however recognises it as a positive initiative. The Department has developed a guide and templates for log books which are available on its website.</li> <li>Mr Linnane reminded members that towards the end of the year Government goes into caretaker mode ahead of the March 2019 State Election so all major decision making and appointments will be put on hold.</li> <li>Mr Burns raised the issue of how to target mine supervisors and deputies directly.</li> <li>Mr Shields, Mr Tranter and Ms Whiting advised that this is something they are facilitating internally.</li> <li>Mr Linnane commented that ensuring suitable and sufficient learning opportunities are available to those individuals to meet maintenance of competence requirements is an ongoing challenge. In the coal sector, Mines Rescue Service has developed some courses to specifically target these requirements.</li> <li>Mr Shields commented that this is a significant undertaking. They are currently doing five-year budget planning to organise regular seminars. It is expected that deputies and under managers are where the big numbers are.</li> </ul>	<p><u>Action:</u></p> <ul style="list-style-type: none"> <li>Mr Burns and Mr Palmer to develop a flyer for field inspectors to hand out when on site in relation to practising certificates.</li> <li>Mr Shields to provide a copy of their flyer on practising certificates to Mr Palmer.</li> </ul>

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	<ul style="list-style-type: none"> <li>• The Chair questioned whether there was any indication from workers as to whether this is a concern of theirs.</li> <li>• Mr Burns replied that they are not turning their minds to it. Their focus is on what they need to do for that day not looking towards the future. Good companies are considering it but at the end of the day it is down to the individual. We are coming from the top down but we need to consider something from the bottom up.</li> <li>• The Chair advised that a similar approach is taken in education.</li> <li>• Mr Burns suggested that the Department consider developing a flyer to give to field inspectors that they can hand out when on site. It was agreed that Mr Burns and Mr Palmer would action this.</li> <li>• Mr Shields advised that they have put together a flyer for everyone who has a statutory certificate detailing key information. It was agreed that Mr Shields would provide a copy to Mr Palmer.</li> <li>• Mr Shields questioned whether practising certificates can be issued automatically when people sit exams for qualifications.</li> <li>• Mr Palmer replied that this is a historical practice. On the application form there is a box that you can tick if you want a practising certificate with a certificate of competence. If it was not ticked, one was not issued automatically.</li> <li>• The Chair requested that the Department start to consider a compliance check to see if certificates are up to date.</li> <li>• Mr Burns advised that it is part of targeted assessments to enquire about certificate status.</li> </ul>	
2.2	<p><b>Statutory function experience (paper 4)</b></p> <ul style="list-style-type: none"> <li>• Mr Burns advised that a final position on the statutory function experience has been reached. The proposed changes were put to a meeting of the convenors and there was broad agreement that the changes are appropriate and required.</li> <li>• Mr Shields questioned if experience requirements should be signed off by a statutory manager rather than a supervising manager per page 1 of attachment A.</li> <li>• Mr Burns stated that question was raised at the convenors meeting and asked board members for their comments. Mr Burns raised whether face supervisors would be an</li> </ul>	<p>The Board agreed that evidence in the application form for experience be signed off by the relevant key statutory function holder at the mine.</p> <p>The Board agreed that the revised statutory function experience</p>

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	<p>appropriate person to sign off on the experience with an overarching sign off by a statutory manager.</p> <ul style="list-style-type: none"> <li>• Members made the following comments:               <ul style="list-style-type: none"> <li>○ the sign off should be by someone at a high level with an understanding of the requirements (Mr Shields)</li> <li>○ does someone in a higher-level position question whether the experience was undertaken (Mr Tranter)</li> <li>○ a lower-level sign off can give credibility to what they did. The person holding the relevant key statutory function at the mine should sign off as well as the immediate supervisor (Mr Burns)</li> <li>○ it would be expected that the statutory manager makes enquiries with the persons direct supervisor. The statutory manager should sign off (Mr Honeysett)</li> <li>○ the person could present a log book with their supervisor's signature of their experience. The Department's guide refers to record keeping (Mr Linnane)</li> <li>○ records need to be kept from the time an individual start working. There is a concern that log books will only be created at the time of application (Mr Burns)</li> </ul> </li> <li>• Members agreed that the evidence in the application form for experience needs to be signed off by relevant key statutory function holder at the mine.</li> <li>• Members further agreed that records of evidence of experience (e.g. a log book) should be signed off by direct supervisors.</li> <li>• Members requested that the Department update the wording in the document and send to members out of session.</li> <li>• Mr Shields asked when the prerequisites should be established.</li> <li>• Members agreed that a 12-month period is appropriate and that the revised statutory function experience requirement will apply from exams to held from 2020 onwards. Moved Mr Burns. Seconded Mr Honeysett.</li> </ul>	<p>requirement will apply from exams to be held from 2020 onwards.</p> <p><u>Action:</u></p> <p>d. The Department to amend the attachment requiring evidence in the application form for experience to be signed off by the relevant key statutory function holder at the mine and send to members out of session.</p>

No	Agenda item discussions	Outcomes / Actions
2.3	<p><b>Identification of competencies for statutory functions requiring practising certificates (paper 5)</b></p> <ul style="list-style-type: none"> <li>Mr Linnane advised that Chandler McLeod was engaged to deliver the framework and identify competencies for the 17 functions. Attachment A and B to the paper are draft documents.</li> <li>Mr Standish noted that there is an error on page 8 of attachment A. Point c) should read 'ventilation officers' not 'ventilator officers'.</li> <li>Mr Burns advised that the intent of the document is to be a tool for examiners to assess competency. It is a guide for candidates to understand what their strengths need to be above the technical skills. It is focussed on ANTS.</li> <li>The Board supported recommendation 1.</li> <li>Mr Palmer advised that the identification of competencies for the remaining 16 statutory functions should be completed by end October. The Board noted the timeframe.</li> </ul>	<p>The Board agreed to support the Regulator to progress the project with the contractor to finalise the:</p> <p>a) framework of competencies and levels</p> <p>b) Mining Engineering Manager for an Underground Coal Mine.</p> <p><u>Action:</u></p> <p>e. Department to present the identification of competencies for the remaining 16 statutory functions at the next board meeting.</p>
2.4	<p><b>Strategy for improving exam results (paper 6)</b></p> <ul style="list-style-type: none"> <li>Mr Burns referred members to attachment B.</li> <li>Ms Parker questioned whether the question marks in the tables on page 2 are for Board consideration.</li> <li>Mr Burns replied that the question marks indicated that the meeting was unable to produce a tangible suggestion and did not require Board input.</li> <li>Members endorsed recommendations 2 and 3 from the paper. Moved Mr Shields, seconded Ms Parker.</li> </ul>	<p>The Board endorsed the changes identified by the Resources Regulator with the convenors to improve examination processes and outcomes.</p> <p>The Board endorsed the strategy currently led by the Resources Regulator to support candidates to prepare for and be assessed as competent for a certificate.</p>

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2.5	<p><b>Appointments of examiners (paper 7)</b></p> <ul style="list-style-type: none"> <li>Mr Palmer advised that from a Regulator's point of view we do not need to specify an expiry date. It is recommended that current examiners be appointed under the current system.</li> <li>Mr Linnane advised that the intent is to appoint people to the panel as required. If there is no expiry date on their term, we need to consider any elements that may make them no longer appropriate (e.g. no longer holding practicing certificate). The Regulator will bring to the Board's attention any concerns if applicable.</li> <li>Mr Shields declared that he is an examiner and questioned his appropriateness to comment.</li> <li>The Chair questioned whether a report will be presented to the Board on a regular basis with a list of the who is on the panels and when appointed.</li> <li>Mr Linnane suggested that a report be presented to the Board on an annual basis.</li> <li>Members agreed to recommendation 2 and approved recommendation 3.</li> </ul>	<p>The Board agreed that the Regulator tables a new process for appointing examiners at the November 2018 board meeting.</p> <p>The Board approved the appointments of new and existing examiners under the existing processes.</p> <p><u>Action:</u></p> <p>f. Resources Regulator to table a new process for appointing examiners at the November 2018 board meeting.</p>
2.6	<p><b>Stepped approach for certificates of competencies (paper 8)</b></p> <ul style="list-style-type: none"> <li>Mr Burns referred members to the paper and the SWOT analysis undertaken on the various options. The Regulator hasn't put a position to the Board however the steps taken to date will go a long way to address the concerns of the CFMEU.</li> <li>Mr Shields agreed that the position the Board has taken will go a long way to address the concerns.</li> <li>Mr Burns advised that another disadvantage of adopting the stepped approach is discounting what the Board just endorsed and having to the go back out to consultation with new proposed changes.</li> <li>Mr Honeysett reinforced their position of wanting a stepped process to ensure that people in statutory positions are qualified and people in the top roles have the necessary experience. A stepped approach will avoid people fast tracking the system. Advantages of option 2 far outweigh the disadvantages.</li> </ul>	<p><u>Action:</u></p> <p>g. Resources Regulator to draft the proposed changes and send out to members within 2 weeks.</p> <p>h. Members to consult as required and come back with a position and comments at the next board meeting.</p>

No	Agenda item discussions	Outcomes / Actions
	<ul style="list-style-type: none"> <li>• Mr Linnane proposed that we can modify what we already have by only allowing people to perform the roles that they have a statutory certificate for. They cannot perform any other statutory functions under them. We are unable to change for those who have already been issued a practising certificate but if the Board agrees, we can change moving forward.</li> <li>• Mr Tranter expressed concerns with people completing the theoretical requirements and thinking they have an understanding but then being put in roles relating to safety without the necessary experience. To work as the manager, they need to follow the stepped approach.</li> <li>• Mr Cowdrey questioned how you can be a manager if you haven't performed the roles underneath you.</li> <li>• Mr Shields commented that the concern is the deputies who have come out of university and are eligible to sit the under managers exam but haven't had the necessary experience. A stepped approach would ensure that people are competent. He indicated support for the stepped approach but expressed concerns that in may be controversial in the industry.</li> <li>• Mr Burns agreed that there would be mine operators who would object.</li> <li>• Ms Parker questions what it means for the Board.</li> <li>• Mr Linnane replied that it won't affect the Board's agreements, we are only adding to the experience required.</li> <li>• Mr Burns commented that the Resources Regulator is not going to advocate for and against. The regulator can see the benefits of a stepped approach but think the proposed changes go long way to address the concerns.</li> <li>• Mr Honeysett agreed that the changes go a long way but not all the way.</li> <li>• Mr Burns confirmed that the proposal is to amend the prerequisites for an under-manger certificate to be a deputy certificate and a manager's certificate to require an undermanager's certificate. The changes would come into effect from 2020.</li> <li>• The Chair commented that further consultation is required from members and further discussion and feedback should be presented at the next meeting.</li> <li>• It was requested that the Resources Regulator draft the proposed changes and send out to members within 2 weeks.</li> <li>• It was agreed that members would consult as required and come back with a position and comments at the next board meeting.</li> </ul>	

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2.7	<p><b>Recognition of emergency management units (paper 9)</b></p> <ul style="list-style-type: none"> <li>Mr Linnane advised that the issue with the units is that under the AQF and the way training courses are endorsed the current version and superseded version are considered equivalent. The previous versions can then be of a deleted status as per training.gov.au website. As a result, it is proposed that the only units accepted as equivalent are the superseded unit. There is the possibility for those who have completed the earlier versions of a now deleted status to get recognition of prior learning from an RTO so they don't have to do the entire course again.</li> </ul>	<p>The Board endorsed that only the superseded emergency units of competence listed in attachment A are acceptable equivalents to those prescribed for certificates of competence.</p> <p>The Board endorsed that the units of competence or qualifications with a deleted status on training.gov.au are not acceptable by themselves as satisfying the pre-qualification requirements for emergency, or any other certificate of competence qualification pre-requisites.</p> <p>The Board noted that the Resources Regulator will advise potential applicants for certificates of competence that they need to obtain recognition of prior learning for units or qualifications with a deleted status.</p>
2.8	<p><b>Recognising mechanical tradesperson qualification (paper 10)</b></p> <ul style="list-style-type: none"> <li>Mr Palmer advised that the regulatory development unit investigated the matter and recommends we do not gazette an equivalent for the reason identified on page 2 of the paper.</li> <li>Mr Shields asked if there are any mutual recognition of trades.</li> </ul>	<p>The Board endorsed the Resources Regulator's position not to gazette equivalence to the NSW proficiency certificate in a mechanical trade to practise in the mechanical</p>

No	Agenda item discussions	Outcomes / Actions
	<ul style="list-style-type: none"> <li>• Mr Palmer replied not for mechanical as there is no licence.</li> <li>• Mr Linnane confirmed that if you require a licence to perform an occupation then you are entitled to mutual recognition. But if you have a qualification without a registration, then there is nothing to mutually recognise.</li> <li>• Ms Parker commented that it is a national qualification so why do you to reapply in NSW.</li> <li>• Mr Burns advised that it is because there are so many different trades and it depends on how they are engaged as an apprentice.</li> <li>• The Chair questioned why an equivalent can't be recognised if they can demonstrate equivalence. The idea is that we have a harmonised approach. If there is no safety reason to prevent it we should not be putting up barriers especially for Australian qualifications. Overseas qualifications are different.</li> <li>• Mr Linnane advised that the issue is the proficiency certificate issued by NSW goes above and beyond what the trade certificates in other states may be. There are a couple of elements to which may be different to other jurisdictions. We would need to look at each trade to determine what equivalence would look like.</li> <li>• Mr Honeysett advised that he is comfortable with the Regulator's position.</li> <li>• The Chair expressed her concerns over the articulation of the rationale in the paper.</li> <li>• Mr Linnane added that the Resources Regulator is an organisation that has a risk-based approach and deals with the issues based on significance, consequences and how wide spreadsheet the issue is. There is only one circumstance where this has been a bit of a problem and it is a lot of work for one potential isolated issue.</li> <li>• Members endorsed the recommendation.</li> </ul>	<p>tradesperson function – coal mines other than underground mines.</p>
<b>3</b>	<b>Business for noting</b>	
3.1	<b>RII package and Industry Reference Committees (paper 11)</b>	<p>The Board noted the update on work being completed to review and revise the Resources and Infrastructure (RII) training package and in common packages.</p>

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3.2	<p><b>Progress in implementing the Board's plans to 2020 (paper 12)</b></p> <ul style="list-style-type: none"> <li>• An update on the progress of the Board's strategic plan was present by Mr Palmer.</li> <li>• Mr Palmer advised that the next AMCAC meeting will be held on 19 October in New Zealand.</li> <li>• The Chair asked who attends the AMCAC meeting.</li> <li>• Mr Linnane advised that the regulator and an employer and an employee representative of the Board are members. Funding will need to go through the Ministerial process if the Chair wishes to attend.</li> <li>• Mr Standish advised that he may be able to attend as he will already be in New Zealand in October.</li> <li>• The Chair stated that wait for Mr Standish to advise if he can attend and if not reconsider.</li> </ul>	<p>The Board noted the progress in implementing the Board's Strategic Plan to 2020.</p>
3.3	<p><b>Calendar for 2019 exams (paper 13)</b></p> <p>Mr Palmer commented that the calendar for 2019 exams is attached for information of members. RTOs and assessment panels were consulted when the dates were set.</p>	<p>The Board noted the 2019 calendar for certificate of competence exams.</p>
3.4	<p><b>Development of mining disasters training package (paper 14)</b></p> <ul style="list-style-type: none"> <li>• Mr Linnane advised that the Department embarked on the development of a training package learning from disasters. Case studies have been identified. There was some discussion regarding the terminology of disaster however it is not a concern in the context of the training. A draft will be finalised soon.</li> <li>• Mr Standish questioned whether members would have a chance to review the draft and if the board will endorse the training package.</li> <li>• Mr Linnane commented that board endorsement is not required.</li> <li>• The Chair commented that the Board was asked for feedback on what would be some good disasters to draw on.</li> </ul>	<p>The Board noted the progress in the development of the training package.</p>

No	Agenda item discussions	Outcomes / Actions
4	<b>Other Business</b>	
4.1	<p><b>Additional business</b></p> <p><u>Appointment of examiners</u></p> <ul style="list-style-type: none"> <li>Mr Palmer requested an amendment to paper 7 attachment A – ‘Table of recommendations from Regulator for Board to appoint examiners’ be minuted. The table should read that Gerald Linde is a member of the undermanager of underground coal mines examination panel not a casual member (page 4).</li> <li>Members noted the amendment.</li> </ul> <p><u>Timing of future meetings</u></p> <ul style="list-style-type: none"> <li>Mr Standish raised that meetings have a full agenda and members rush to get through the last few agenda items.</li> <li>Ms Parker suggested that we commence the meeting earlier.</li> <li>The Chair proposed the next meeting commence at 9:30am.</li> </ul>	The Board agreed to commence the next meeting at 9:30am.
4.2	<p><b>Meetings 2018: next meeting</b></p> <p>The next meeting will be held on Tuesday 20 November 2018 at 9:30am in the Sydney CBD. Ms Parker volunteered to host the meeting.</p> <p>The chair closed the meeting at 14:35pm</p>	<p><u>Action:</u></p> <p>i. Secretariat to email members an appointment for the next meeting.</p>

**Mining and Petroleum Competence Board (MPCB)  
Meeting 3 – 21 August 2018  
Actions Arising**

	<b>Agenda Item</b>	<b>Action</b>
1.2	New member induction	a. Secretariat to circulate a copy of the presentation to members with relevant documents.
2.1	Practising certificate system and maintenance of competence scheme (paper 3)	b. Mr Burns and Mr Palmer to develop a flyer for field inspectors to hand out when on site in relation to practising certificates. c. Mr Shields to provide a copy of their flyer on practising certificates to Mr Palmer.
2.2	Statutory function experience (paper 4)	d. The Department to amend the attachment requiring evidence to be signed off by the relevant statutory manager at the mine with a log book signed off by direct supervisors and send to members out of session.
2.3	Identification of competencies for statutory functions requiring practising certificates (paper 5)	e. Department to present the identification of competencies for the remaining 16 statutory functions at the next board meeting.
2.5	Appointments of examiners (paper 7)	f. Resources Regulator to table a new process for appointing examiners at the November 2018 board meeting.
2.6	Stepped approach for certificates of competencies (paper 8)	g. Resources Regulator to draft the proposed changes and send out to members within 2 weeks. h. Members to consult as required and come back with a position and comments at the next board meeting.
4.2	Meetings 2018: next meeting	i. Secretariat to email members an appointment for the next meeting.