

MINUTES

MEETING	Mining and Petroleum Competence Board (the Board)		
MEETING NO.	1 for 2017	DATE	Tuesday 21 February 2017
LOCATION	South 32, Appin East Colliery	TIME	10.03 am – 2.50pm
CHAIR	Ruth Mackay		
MEMBERS ATTENDING	Greg Shields – alternate for Mick Cairney (NSWMC), Nick Strong (NSWMC), Leanne Parker (CCAA), Andy Honeysett (CFMEU), Keith Shaw (CFMEU), Tony Linnane (NSW Department of Industry), Dave McLean (Chief Inspector of Mines, Resources Regulator), Tony Ingram (Independent), Bob Gibbons (Independent)		
OBSERVERS	Ruth Scott (Mining Competence Team – Department of Industry)		
SECRETARIAT	John Flint, Andrew Palmer		
APOLOGIES	Mick Cairney (NSW MC), Ron Cowdrey (AWU), Doug Revette and Marty Jones (NSW Department of Industry)		

Welcome and preliminary business

No.	Item	Status
1	INTRODUCTION	
1.1	<p>Welcome and apologies</p> <ul style="list-style-type: none"> The Chair welcomed all in attendance, in particular Greg Shields as nominated delegate for Mick Cairney - NSW Minerals Council, and noted apologies Tony Linnane advised that the Cabinet reshuffle will result in the Division of Resources and Energy & the Resources Regulator will be transferred to the Department of Planning under the Minister Don Harwin. This should occur when the Administrative Orders are issued. 	Secretariat to provide an organisation chart for the relevant parts of the Department to inform the Board.
1.1	<p>Declaration of conflict of interest</p> <p>No declarations made</p>	
1.2	<p>Acceptance of previous minutes and actions arising (paper 1)</p> <p>Moved by Leanne, seconded by Tony Ingram Linnane that the minutes of the previous meeting 21</p>	

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	<p>February 2011 in paper 1 attachment A, as amended from feedback by members previously, be accepted.</p> <p>It was noted that the actions arising from the previous meeting in attachment B were completed or progressed through meeting papers.</p>	<p>Minutes accepted</p> <p>Action items completed</p>
1.3	<p>Correspondence (paper 2)</p> <p>Letter of response to Cement Concrete and Aggregates Australia about the Hazard Profiling Tool for mine eligibility for Quarry Manager Practising certificates restricted to a particular mine was noted. Also noted was letter from John Pollaers, Chair Australian Industry and Skills Committee, inviting the Department of Industry to nominate a representative for Coal Industry Reference Committee, and subsequent response letter nominating Andrew Palmer. Board noted that it would be beneficial for Andrew Palmer to be a representative in all the Industry Reference Committees for mining to support consistency.</p>	<p>Correspondence noted.</p> <p>Secretariat to prepare a letter to John Pollaers (Chair Australian Industry and Skills Committee) on behalf of Tony Linnane requesting Andrew Palmer be a representative on all Industry Reference Committees</p>
2	FOR DISCUSSION AND/OR DECISION	
2.1	<p>Endorsing the proposed maintenance of competence scheme (paper 3)</p> <p>The Board reviewed the amended maintenance of competence (MOC) scheme proposed in response to the three issues raised at the last meeting with the solutions outlined:</p> <ol style="list-style-type: none"> 1) A criteria for what are acceptable formal tertiary training courses and evidence 2) Records of learning and evidence to be retained for the current and previous renewal periods 3) An individual sitting an exam to prove their competence if they cannot meet the maintenance of competence scheme requirements <p>Tony Linnane advised the Department does not now support an individual sitting an exam in lieu of meeting the requirements as this enables individuals to not attempt to comply.</p> <p>Leanne expressed concern that there is no other pathway to enable a person to re-enter the industry and practice, if the exam option is removed.</p> <p>The Board agreed to endorse the proposed maintenance of competence scheme but to remove the option of sitting an exam in the last paragraph on page 19. Instead it is to be added that the Regulator can respond with a range options to manage individuals in these circumstances.</p> <p>The Department is to revisit the issue of managing persons who cannot or have not complied, by</p>	<p>Board endorsed the proposed maintenance of competence scheme to the Department.</p> <p>Tony Ingram and Ruth Mackay to provide written details of editorial corrections to the proposed maintenance of competence scheme document</p> <p>The Department is to revisit the issue of managing persons who cannot or have not complied with the maintenance of competence scheme requirements by submitting alternative solutions to the Board within 12 months.</p>

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	tabling alternative solutions to the Board within 12 months.	
2.2	<p>Proposed implementation of the practising certificate system (and maintenance of competence) – paper 4</p> <p>The Board endorsed:</p> <ol style="list-style-type: none"> 1) the Resources Regulator plan for the Practising Certificate System (PCS), including the Maintenance of Competence Scheme (MOCS), to commence on 1 September 2017 2) there will be a staggered introduction from commencement for the issuing of practising certificates in 3 month groupings of functions, with each function having 12 months to apply for a practising certificate 3) the Department planning for communication of the PCS and MOCS to industry 4) the Department to review the PCS and MOCS during implementation and report to the MPCB on a regular basis 	Board endorsed for the Practising Certificate System, including the Maintenance of Competence Scheme to commence from 1 September 2017 in a staggered introduction.
2.3	<p>Competence and maintenance for electrical and mechanical engineers functions (paper 5)</p> <p>Tony Linnane reaffirmed the Department's position to amend the WHS (Mines and Petroleum Sites) Regulation schedule 10 so that certificates of competence requirements for Electrical and Mechanical Engineer functions are replaced with Practising Certificates. The justification includes that the amendment would enable conditions to undertake the maintenance of competence scheme to be placed on the holder of the practising certificate. It would also ensure consistency between certificate holders and those on the National Engineers Register, whose registration requires continuing professional development of 150 hours over 3 years.</p> <p>Leanne advised the issue of requiring the certificate holders to undertake the maintenance of competence scheme is that it potentially adds to the costs for quarry operators, particularly those smaller in operations such as sand excavation operators.</p> <p>The Board agreed to endorse the proposed amendment to the legislation to the Department.</p> <p>Nick identified there is no statutory function for mechanical engineer in an underground mine other than coal mines. An underground metalliferous mine may have many high risk hazards involving mechanical energy, that are similar to electrical hazards. The Board agreed to add the position of mechanical engineer to a list to be considered by the Board at a later date for potential recommendation as a statutory function.</p>	<p>The Board agreed to:</p> <ol style="list-style-type: none"> a) endorse the proposed amendment to the WHS (Mines and Petroleum Sites) Regulation to replace requirements for certificates of competence with practising certificates for electrical engineer and mechanical engineer statutory functions b) to add the position of mechanical engineer for an underground mine other than a coal mine to a list to be considered by the Board at a later date for potential recommendation as statutory functions.
2.4	Development of statutory function descriptions (paper 6)	

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	<p>The Board reviewed the revised drafts of descriptions in response to public comment with the following feedback for:</p> <ol style="list-style-type: none"> 1. Underground mine supervisor: add note that carries out function in accordance with the mine safety management system eg. inspection plan. 2. Mining Engineering Manager: nil specifically 3. Quarry manager: need to include implementing as an activity carried out, in particular for the safety management system. 4. All three descriptions: meaning of terms to start from the Macquarie Dictionary version so it is consistent with the interpretation of legislation. The meaning to then be added to contextualise it to the function and mining environment. <p>The Board endorsed:</p> <ol style="list-style-type: none"> a) The descriptions and the approach being taken by the Secretariat in their development, where the descriptions clearly state what is required by legislation versus good practice, using terminology from codes of practice b) The draft descriptions be placed on the Board website page for comment c) The remaining descriptions be finalised by the end of 2017 according to the Secretariat plan tabled or sooner, with out of sessions papers and follow up public consultation d) Possible amendments to schedule 10 of the WHS (Mines and Petroleum Sites) Regulation so the function aligns with the descriptions being finalised. 	<p>The Board endorsed:</p> <ol style="list-style-type: none"> a) The three draft descriptions and the approach being taken by the Secretariat in their development b) The draft descriptions finalised be placed on the Board website page for comment c) The remaining descriptions be finalised by the end of 2017 or sooner according to the Secretariat plan tabled, with further follow up public consultation d) Possible amendments to schedule 10 of the WHS (Mines and Petroleum Sites) Regulation so the function aligns with the descriptions being finalised.
2.5	<p>Proposed amendments to WHS (Mines and Petroleum Sites) Regulation (paper 7)</p> <p>Amendments to Schedule 10 are proposed for the following functions in response to the development of descriptions and the public consultation workshops:</p> <ol style="list-style-type: none"> 1) Underground mine supervisor 2) Quarry Manager 3) Mechanical engineer 4) Open cut examiner 5) Deputy <p>There was extensive discussion around the proposed change to the Quarry Manager function. Leanne and Tony Ingram advised that the function develops the mine safety management system for the mine operator. Tony Linnane advised the legislation cannot have the statutory function responsible for the duty of the mine operator to develop the system. He also referred to the other</p>	<p>The Board agreed to:</p> <ol style="list-style-type: none"> a) The Secretariat to organise a meeting between Leanne, Tony Ingram and Tony Linnane to discuss the possible wording of the Quarry Manager function in schedule 10. b) members to consult with the organisations they represent on the possible amendments to schedule 10 and the justification for it in the function descriptions c) John will contact Greg Sullivan from the NSW Minerals Council to advise him of the input sought from members

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	<p>manager functions whose scope is to manage engineering practices and procedures. Leanne replied that the workshops and descriptions had the scope of the Quarry Manager to be beyond this and to cover all of the safety management system. Tony Linnane then explained that suitable explanation/justification of amendments has to be provided to the Parliamentary Counsel Office so they can write the amendments. Andrew is to organise a teleconference between Leanne, Tony Ingram and Tony Linnane to discuss the possible wording of the function in schedule 10.</p> <p>It was agreed for all members to consult with the organisations they represent on the possible amendments to schedule 10 and the justification for it in the function descriptions. John will contact Greg Sullivan from the NSW Minerals Council to advise him of this input sought.</p>	
2.6	<p>Higher level certificate holders practising in lower level functions (paper 8)</p> <p>The Board discussions of the issue of higher level certificate holders practising in lower level functions in all types of coal mines raised the following points:</p> <ol style="list-style-type: none"> 1. There is agreement that there is a problem with this practice enabled by a gazettal. Dave McLean and Greg Shields indicated that the higher level function holder may not have the: <ol style="list-style-type: none"> a) depth of knowledge of hazards and risks in the working environment and how to apply controls for them b) practical skills required for the lower level function eg. applying ventilation controls for exercising a Deputy function and Associated Non Technical Skills for managing a crew. The higher level certificate holders have the higher level knowledge of technical areas (eg. ventilation) but only for the establishing and implementing, not applying. 2. The pre requisites for applying for a certificate of competence do not require the applicant to provide sufficient evidence of satisfying requirements for experience (eg. working in or around the face) to carry out the function competently at that level. Qld application forms for certificates of competence require applicants to provide more extensive details of how they satisfy various aspects of experience specified for the function. Tony Linnane pointed out the requirements for experience in terms of experience are the same between NSW certificates of competence (eg. 3 years working at a mine), which does not justify why higher levels do not have the competencies to practise in lower functions. <p>To address the issue, the Board agreed to:</p> <ol style="list-style-type: none"> i. Complete the descriptions of the statutory functions and then identifying the competencies required from them, 	<p>The Board agreed to defer the issue of higher level practising certificate holders practising in lower level functions until the descriptions and competencies for each function are completed. A working group is then to be formed to resolve the issue.</p>

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	<p>ii. Form a working group from the Board when point 1 is completed to consider the problem and how it can be resolved</p>	
2.7	<p>Mining Engineering Manager practising as an Underground Supervisor (paper 9)</p> <p>Board agreed this matter is part of the overall issue for higher level practising certificate holders practising in lower level functions and so will be resolved as part of that issue (see item 2.6).</p> <p>The Board endorsed that individuals holding a Certificate of Competence for Manager of Mining Engineering for Underground Mines other than Coal Mines can be an examiner for the Underground Mine Supervisor Certificate of Competence.</p>	<p>The examination panel for Underground Mine Supervisor Certificate of Competence can include individuals holding a Certificate of Competence for Manager of Mining Engineering for Underground Mines other than Coal Mines.</p>
2.8	<p>Emergency preparedness units requirements for electrical and mechanical engineers certificates of competence (paper 10)</p> <p>The Board was informed of concerns being raised by individuals applying for electrical and mechanical engineering certificates of competence from 2018 in not being able to obtain the required emergency preparedness units of competence for surface or underground mines (RIIERR601D or RIIERR602D) in a timely and suitable course.</p> <p>Coal Services Mines Rescue deliver a 5 day course at a cost of \$1690, which in addition to RIIERR602D, also trains a person as competent in implementing underground coal mine emergency preparedness and response systems (RIIERR501D unit). Dave McLean and Greg Shields indicated that the Emergency Preparedness course is not suitable for Electrical and Mechanical Engineers, who are mainly in support services roles and not taking control of managing the incident. Mines Rescue are considering running an abridged version of the course for electrical and mechanical engineers. The Board is interested in receiving an outline of an abridged course if Mines Rescue goes ahead with it.</p> <p>The Board noted that the results of the Secretariat researching RTOs who are accredited on their scope to deliver the RIIERR601D or RIIERR602D units of competence. There is a limited supply of readily available courses. RTOs contacted did indicate a readiness to provide courses or recognition of prior learning processes for the required units of competence. Individuals can access these options to obtain the required units of competence.</p>	<p>Secretariat to seek an outline of a possible abridged course for electrical and mechanical engineers for emergency preparedness units of competency in underground coal mines being considered by Coal Services Mines Rescue and provide to the Board.</p>
2.9	<p>Approval of examiner appointments (paper 11)</p> <p>The Board approved appointments to the examination panels for the following persons:</p>	<p>Board approved Gary Parker, Daniel Teal, Brendon</p>

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	<ul style="list-style-type: none"> • Gary Parker – Convener, Mining Engineering Manager Underground Coal Mines • Daniel Teal – Casual/reserve panel member Mining Engineering Manager Underground Coal Mines • Brendon Clements - Casual/reserve panel member Open Cut Examiners & Mining Engineering Manager Coal mines other than Underground • Patrick Sharpe - Casual/reserve panel member for Deputy Underground Coal Mine <p>Andy Honeysett (CFMEU) raised his concerns about what matters the Board should consider when determining whether an applicant is suitable against the criteria for the Expressions of Interest, including concerns that members' organisations may wish to raise. In response the Resources Regulator is looking into what matters the Board must take into account, and what matters it must not take into account, when determining whether a person is appointed as an examiner.</p>	<p>Clements and Patrick Sharpe as examiners for certificates of competence</p> <p>The Resources Regulator is to look into what matters must or must not be considered by the Board in the process when determining whether a person is appointed as an examiner. Input is to be obtained from Andy Honeysett.</p>
2. 10	<p>Approval of inspectors as examiners</p> <p>The Board approved for all mining WHS inspectors employed by the Department of Industry to be casual examiners for certificates of competence. This enables inspectors to be on call to fill in for examinations when other examiners are absent at short notice. The inspectors will still need to meet the requirements to be an examiner, including possessing the appropriate certificates of competence.</p>	<p>Inspectors approved by the Board to be examiners.</p>
2. 11	<p>Reporting to Board on examinations and outcomes (paper 13)</p> <p>The Board agreed to receive the proposed information from the Department (Mining Competence Team) on the outcomes and processes from examining candidates for certificates of competence including:</p> <ul style="list-style-type: none"> • Convener reports for each exam cycle for a certificate – panels for the Mining Engineering Manager for Underground Mines other than coal mines and Underground Mine Supervisor are to be requested to provide reports. • Annual report for the calendar year of exam outcomes – this will include cumulative information from previous years and analysis of trends and any other insights <p>The Board discussed the quality of examination questions and having oversight by the Mining Competence Team in their development to ensure they are appropriate with their wording. It was identified that there is no consistency between panels for the development of exam questions. Dave McLean will chair a meeting of panel conveners to develop a process for developing questions.</p>	<p>Mining Competence Team to provide convener reports and an annual report on exam results with details of any issues.</p> <p>Dave McLean to chair a meeting of panel conveners to develop a process for developing questions and table at next Board meeting.</p>

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2. 12	Draft plans for Board activities to 2020 (paper 14) Matter held over to next meeting.	
3	Business for noting	
3.1	Update of Australasian Mining Competency Advisory Council – AMCAC (paper 15) The Board noted the update on the activities of AMCAC with the roundtable meeting between jurisdictions from 7 – 8 December 2016 in paper 15. The matter of which employer and employee members are to attend the next AMCAC meeting in May 2017 was not covered.	Secretariat to request employer and employee members to indicate their availability for the next AMCAC meeting in May 2017, when the actual date and location is known.
3.2	Underground mine supervisor and examinations (paper 16) The Board noted the changed dates for the underground mine supervisor examinations: Applications close: 15 March 2017, Oral examination dates: 8 – 12 May Andrew again asked members to seek through their network individuals to be examiners on the panel. It was suggested that Department inspectors approach individuals to serve on the panels.	Mining Competence Team manager to seek inspectors to approach individuals in industry to be examiners.
3.3	Progress in implementing the operational plan to 2020 (paper 17) The report on progress in implementing the Board Strategic Plan was noted. Progress has been made and action items arising from the last meeting have been completed	
3.4	Development of training sessions for learning from disasters Item held over to next meeting due to time constraints.	
4.	Other Business	
4.1	Next meeting Tuesday 23 May 2017, 10am – 3pm at the NSW Minerals Council offices in Sydney	Secretariat to liaise with Greg Sullivan to organise the meeting at the NSW Minerals Council offices.
4.2	Any other business Tony Linnane tabled a paper proposing the requirements to be gazetted for the Ventilation Auditor	

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	<p>and the Dust Explosion Control Measures Auditor practising certificates in Underground Coal Mines:</p> <p>Ventilation Auditor <i>Qualifications:</i> Graduate Diploma in Mine Ventilation from the University of NSW (UNSW), and Occupational Health (OH) & AU Occupational Health and Safety Management Systems or OH, AU, TL Occupational Health and Safety Management Systems Lead Auditor certificate of attainment issued by Exemplar Global or training providers authorised by Exemplar Global to issue the certification, or an equivalent AQF course specified by the Regulator and delivered by a registered training organisation</p> <p><i>Other:</i> the individual must not be employee of the mine operator so they are independent of the mining operations they are auditing.</p> <p>Dust Explosion Control Measures Auditor <i>Qualifications:</i> Occupational Health (OH) & AU Occupational Health and Safety Management Systems or OH, AU, TL Occupational Health and Safety Management Systems Lead Auditor certificate of attainment issued by Exemplar Global or training providers authorised by Exemplar Global to issue the certification, or an equivalent AQF course specified by the Regulator and delivered by a registered training organisation,</p> <p>and one of the following, Nationally recognised training - Certificate II in Underground Coal Mining (RII20309 or equivalent) or Certificate of competence for Mining engineering manager of an underground coal mine or Certificate of competence for Undermanager of an underground coal mine or Certificate of competence for Deputy of an underground coal mine Or Completion of a course on the sampling and testing of roadway dust conducted by the Department of Industry, Regional Skills and Development, as detailed in clause 13(2) of schedule 10</p> <p><i>Other:</i> the individual must not be employee of the mine operator so they are independent of the mining operations they are auditing.</p>	<p>The Board endorsed to the regulator the proposed requirements to be gazetted for the Ventilation Auditor and the Dust Explosion Control Measures Auditor practising certificates for Underground Coal Mines.</p>



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	<p>The proposed requirements are based on the previous requirements for the licences for these functions under the Coal Mine Health and Safety Regulations, with some additional requirements for independence and technical qualifications.</p> <p>The Board endorsed the proposed requirements to the Regulator.</p> <p>The issue of maintenance of competence for the auditor functions will be tabled at the next meeting.</p>	<p>The Secretariat is organising the tabling of the issue of maintenance of competence for the auditor functions at the next meeting.</p>
	<p>Closed meeting 2.50 pm</p>	