



ANNUAL REPORT

MINING AND PETROLEUM COMPETENCE BOARD

2020-2021



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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 (Deputy Premier) and the NSW Resources 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 *Work Health and Safety (Mines and Petroleum Sites) Act 2013 (Act)* and *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 (Regulation)*.

The Board comprises people representing the interests of employers and employees, officers of the NSW Department of Regional NSW and independents with expertise in the development and assessment of competence standards for people performing functions at mines. The Board is chaired by an independent chairperson.

Vision

The Board's vision is to improve mine safety by contributing to the development of world-leading competence standards in the NSW mining and petroleum industries.

Mission

The Board aims to ensure the competence of people performing safety critical roles in NSW mining operations, as part of an overall strategy to improve mine safety performance by:

- maintaining a strategic focus on significant competence issues
- undertaking consultation with all relevant stakeholders when progressing competence matters
- ensuring processes are put in place to quickly identify emerging issues and respond accordingly
- liaising with other jurisdictions, with an aim to promote consistency in competence standards
- ensuring that all key stakeholders have access to consistent and accurate information regarding competence standards.

The role of the regulator

The Minister (Deputy Premier) and the NSW Resources Regulator, Department of Regional NSW, take advice from the Board on how to carry out their functions under the Act and the Regulation 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

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 the Board's sixth annual report and covers activities between 1 July 2020 and 30 June 2021. The Board met on four occasions during the year:

- 18 August 2020
- 17 November 2020
- 16 February 2021
- 18 May 2021.

As a result of COVID-19 restrictions, three of the four meetings were held via teleconference.

Functions of the board

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

- oversee the development of competence standards for people exercising functions at a mine that may impact on the health and safety of any person
- undertake initial and ongoing assessments of the competence of people exercising any such function
- advise 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 166(1) of the Regulation to:

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

In exercising its functions, the Board is to ensure that it exercises them as consistently as is reasonably practicable with bodies exercising similar functions in other Australian jurisdictions and to that end it is to:

- consult with those bodies
- take into consideration the effective movement of workers between jurisdictions when making recommendations.

Terms of reference

The Board's terms of reference are to:

- oversee the development of competence standards
- oversee the assessment and examination process for the issuing of certificates of competence
- oversee requirements for the maintenance of competence
- provide advice to the Minister and regulator on matters related to competence requirements.

Identified priorities and vision

The Board has agreed on a vision to develop an efficient and effective scheme to ensure people carrying out statutory functions under work health and safety (WHS) laws are competent to carry out those roles to best practice WHS and engineering standards.

To achieve the vision, the Board identified the following priorities to 2023:

1. Monitor and review competence standards and assessment for statutory functions.
2. Monitoring and oversight of the maintenance of competence scheme.
3. Identify and address emerging issues for statutory functions.
4. Develop and implement a collaborative communication strategy.

Implementing actions in these priority areas will contribute to achieving the aim of the regulator for a safe and responsible mining, extractive and petroleum industry in NSW.

Membership of the Board

The members of the Board during the 2020/2021 financial year were:

Name	Nominee of	REFERENCE IN THE ACT
Ruth Mackay	Independent	65(1)(a) – chairperson
Chris Dolden	Cement Concrete & Aggregates Australia	65(1)(b) – representing interests of employers
Andrew Grivas	NSW Minerals Council	65(1)(b) – representing interests of employers
Ashley McLeod	NSW Minerals Council	65(1)(b) – representing interests of employers
Stephen Barrett	Construction, Forestry, Maritime, Mining and Energy Union	65(1)(c) – representing interests of employees
Stephen Tranter	Construction, Forestry, Maritime, Mining and Energy Union	65(1)(c) – representing interests of employees
Justin Smith	Australian Workers Union	65(1)(c) – representing interests of employees
Peter Standish	Independent	65(1)(d) – independent
Janine Lea-Barrett	Independent	65(1)(d) – independent
Garvin Burns	Department of Regional NSW	65(1)(e) – officer of the department
Tony Linnane	Department of Regional NSW	65(1)(e) – officer of the department

Attendance at MPCB meetings during 2020/2021 is detailed below.

Member	Position	Meetings present	Meetings represented
Ruth Mackay	Chairperson	4/4	-
Chris Dolden	Member	4/4	-

Member	Position	Meetings present	Meetings represented
Andrew Grivas	Member	4/4	-
Ashley McLeod	Member	4/4	-
Stephen Barrett	Member	0/4	2/4
Stephen Tranter	Member	4/4	-
Justin Smith	Member	4/4	-
Peter Standish	Member	4/4	-
Janine Lea-Barrett	Member	2/4	0/4
Garvin Burns	Member	4/4	-
Tony Linnane	Member	4/4	-

Activities of the Board in the preceding year

In line with the Board’s endorsed Strategic Plan to 2023, the following activities were undertaken during the reporting period.

The Board approved a work plan 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

1.1 Monitor the scheme while ensuring that it is aligned with other jurisdictions

The Resources Regulator, in consultation with the Board, developed a framework and descriptions of statutory functions that require a practising certificate or competence certificate. The competency framework and identified competencies for each statutory function were finalised last financial year. The Board oversees the currency of the competencies as part of its Strategic Plan.

The competencies framework was used to create blueprints of competencies to be assessed in examinations for certificates of competence. The blueprints are now being implemented to improve the consistency and robustness of the examination assessments.

Board members participated in the Australasian Mining Competence Advisory Council (AMCAC) meetings that included Department and stakeholder representatives. AMCAC was established to ensure nationally consistent competencies for statutory positions in mining. Two Board members, Mr Tony Linnane (Department) and Mr Garvin Bruns (Department), attended the AMCAC meeting on 22 October 2020. The Board submits papers to AMCAC meetings for information and/or consideration as required.

The Board monitors and influences Industry Reference Committees relating to the Resources and Infrastructure Training Package, under the Australian Industry Skills Committee. These committees are reviewing and updating units of competency for mining related qualifications.

Representatives of the Board and Resources Regulator also attended the Coal Mining Industry Reference Committee for the Resources and Infrastructure (RII) training package meetings on 2 December 2020 and 21 April 2021. The training package is being revised to update and improve qualifications and units of competence, including new units for emerging technologies and polymeric chemicals. The reviews for coal mining, metalliferous and extractives will impact positively on pre-requisite qualifications and units for certificates of competence.

1.2 Reform the assessment process

Certificate of competence examination review

In 2020 the Resources Regulator engaged a contractor to develop a blueprint for the certificates of competence assessment process. The blueprint addresses the recommendations from the review of the certificate of competence examination process conducted in 2019. A project steering group was established to oversee the project, reporting to the Board.

In 2020, the Board endorsed the project plan for the implementation of the blueprinting framework. The project includes:

- standards for performance for each certificate of competence that build on existing statutory function descriptions and competencies documents
- guidance package for candidates outlining the competencies they will be assessed on
- a framework that:
 - defines the competencies to be assessed
 - assigns a weighting to the competencies
 - identifies specific activities associated with each competency that can be assessed

- assigns each activity to the most appropriate assessment method
- model assessment questions and marking criteria
- a toolkit of resources for assessors and for Resources Regulator staff to build capability in developing and maintaining the blueprinted system

The Board has monitored the progress of the project throughout the reporting period. The deliverables are being finalised and implemented ready for the next financial year examinations (2021/2022).

Changes to certificates of competence assessment process

The Board endorsed changes to certificates of competence assessment process. The changes include:

- ranking competencies and benchmarks for each statutory function
- formalising portfolios as a pre-requisite method of evidence collection
- implementing a competency-based model of assessment
- implementing item templates and marking sheets across all statutory functions
- normalising moderation procedures.

The changes have been finalised and are being implemented progressively from the end of 2021 through to mid-2023.

Examiners and exam calendar

During the reporting period the Board endorsed the composition of examination panel members for the 2021/22 financial year.

The Resources Regulator provides a calendar of planned exams annually to inform the Board. As a result of COVID-19 disruptions, the calendar dates changed from a calendar year to a financial year. The calendar is available on the Resources Regulator's website.

1.3 Set and integrate specific requirements for emerging skillsets into standards and assessments

Blasting explosives user licence (BEUL) / shotfirer licence competency requirements

The Board reviewed the shotfirer licence competency requirements to align NSW with other Australian jurisdictions to facilitate the movement of workers between states and assist in reducing unnecessary red tape.

Amendment to the prerequisites for appointment as an examiner

The Board endorsed amendments to the prerequisites for appointment as an examiner to include a requirement that an applicant, to be eligible for initial and ongoing appointment, be employed:

- in a role that exercises the relevant statutory function (or higher) at a NSW mine, or
- at a NSW mine and hold a current NSW practicing certificate, or
- as an inspector or government official (pursuant to section 18 of the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*), or
- as an industry health and safety representative (pursuant to s28 of the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*).

These changes came into effect from the 2021-2022 financial year.

New experience pre-requisites for certificates of competence

The new experience prerequisites came into effect 1 April 2021, as planned. The Resources Regulator consulted with examiners and the Board in developing extensive guidance to support the implementation of the changes effectively.

2. Monitoring and oversight of the maintenance of competence scheme

2.1 Board decision making is informed by evidence

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

2.2 Monitor and review the scheme auditing process

Practising certificate holders' compliance with maintenance of competence requirements are monitored by the NSW Resources Regulator and the Board. The Resources Regulator provides reports on assessment outcomes for each Board meeting.

To ensure compliance, auditing is undertaken on an ongoing basis, starting with voluntary audits in years two and three of the scheme and progressing to random mandatory audits. Limited voluntary audits of practising certificates were conducted during 2020/2021, largely because of the disruption from COVID-19 restrictions.

2.3. Proactive monitoring of performance indicators

The Resources Regulator's quarterly safety reports and updates on the competence assessment scheme are tabled at each Board meeting. The Board monitors and identifies trends from these reports.

As of 20 October 2021, 3138 practising certificates have been issued in NSW since the implementation of the practicing certificate system in September 2017.

3. Identify and address emerging issues for statutory functions

3.1 Monitor the mining industry for changes that may impact on the operation of the competency schemes for certificates

Impacts of COVID-19

The Board monitored the impacts of COVID-19 on examinations and maintenance of competence. During the reporting period, examinations for certificates of competence were rescheduled given due to COVID-19. Assessments recommenced in August 2020.

Candidate briefing sessions moved to an online videoconferencing format during the year.

RII training package

The Board and the Resources Regulator continued to be represented on the Coal Mining Industry Reference Committee for the Resources and Infrastructure Training package under the Australian Qualifications Framework (AQF). This involved input into various consultation processes to review and improve qualifications and units of competence impacting WHS, such as mine emergency response, and as pre-requisites for certificates of competence. These activities have supported improvements in the currency of competencies for mine workers.

Statutory Review of the Work Health and Safety (Mines and Petroleum Sites) Act 2013 and Regulation

A report on the statutory review of the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* (WHS (MPS) laws) was tabled in Parliament by the Deputy Premier on 10 November 2020. The review made 40 recommendations for

improvements to the operation of the laws. Of the 40 recommendations, five were for action of the Resources Regulator in conjunction with the Board.

The Board considered the recommendation from the review that given the extensive arrangements already in place in NSW, engineering roles in mining and petroleum should be specified in legislation similarly to professional engineering roles in construction under the *Design and Building Practitioners Act 2020*. The Board agreed that NSW has a rigorous system in place including a statutory function scheme, specified roles and competencies, assessment process and maintenance of competence scheme. This system replicates other professional associations in other jurisdictions. The Board advised the Minister that it is not necessary to have mining engineering roles captured in a professional scheme.

The Board considered the recommendation from the review that the scope of the functions in Schedule 10 should be reviewed by the Mining and Petroleum Competence Board to ensure that there are no significant omissions or inflexibilities.

The Board agreed:

- that the inclusion of a site senior executive role is not considered necessary as it is not an engineering position
- the Board's decision of 18 February 2020 that a statutory function of a geotechnical engineer is not warranted, be maintained
- the need for a power system protection specialist is not supported as there is insufficient evidence to support the role
- there is no justification for expanding the engineering manager roles
- the independent reviewer's decision that there is not enough evidence to make mine surveyors a key statutory function be supported
- the recommendation that the function of Electrical Engineer (coal mines other than underground coal mines) be updated to include supervise and monitor for consistency with the Mining Engineering Manager and Electrical Engineering Manager statutory functions, as well as the wording in the Electrical Engineering Control Plan Code of Practice, be supported.

The Board wrote to the Deputy Premier recommending the amendment to the statutory function of electrical engineer (coal mines other than underground coal mines).

3.2. New modules are developed in response to emerging issues

The Board endorsed the following maintenance of competence requirements for holders of tier-2 quarry manager practising certificates:

- 60 hours of learning over the five-year period of the practising certificate

- minimum 40 hours must be completed as formal learning
- maximum 20 hours may be completed as informal learning
- learning must include the topics of mining and WHS systems, legislation, emergency management, leadership and management, and general WHS topics (including 7 hrs learning from disasters).

4. Develop and implement a collaborative communication strategy

4.1 Develop key messages to be communicated

The Board endorsed a new Communications Plan during the reporting period. The objective of the Communication Plan is to increase awareness within stakeholder groups and broader community about the activities of the Board.

The Board is a statutory board that advises the Minister (Deputy Premier) and the NSW Resources Regulator. It provides advice on the:

- setting of competence standards
- standards for assessing competence
- requirements for the maintenance of competence.

The Board is:

- facilitating effective and efficient schemes for competence assessment and maintenance
- working towards a world-leading framework for statutory functions
- monitoring the implementation and performance of the practising certificate scheme.

4.2 Utilise a broad range of communication channels

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

- publishing new and updated guidance material, board meeting agendas and minutes on the Resources Regulator's website
- publishing articles in the Mine Safety News and gazettes
- delivering presentations at stakeholder events
- participating in stakeholder forums including Australasian Mining Competence Advisory Council and Industry Reference Committees.

These activities are detailed in the tables below.

Seminars and presentations

Date	Event
7 May 2020	Presentation to Mechanical Engineers forum (Open Cut and Underground) online hosted by Resources Regulator
7 May 2020	Presentation to Mechanical Engineers forum (Open Cut and Underground) online hosted by Resources Regulator
14 May 2020	Presentation to Southern Industry Network Meeting, Resources Training Council
15 September 2020	Webinar: Practising certificates and maintenance of competence
5 February 2021	Online briefing session – Certificate of competence (Deputy underground coal mines)
18 March 2021	Online briefing session – Mechanical engineering manager of underground coal mines and mechanical engineer of coal mines other than underground coal mines
25 March 2021	Glencore InCharge training program
31 March 2021	Online briefing session – Electrical engineering manager of underground coal mines and electrical engineer of coal mines other than underground coal mines
12 May 2021	Online briefing session – Quarry manager
23 June 2021	Webinar for changes to requirements for certificates of competence requirements (experience) and applying via the Resources Regulator portal.

Board meeting agendas and minutes

The agendas from Board meetings in 2021 were published in advance on the [Resources Regulator website](#).

The minutes from all Board meetings were published on the [Resources Regulator website](#).

Mine Safety News publications

The following articles relating to activities of the Board, were published in the NSW Resources Regulator’s Mine Safety News.

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Date	Topic
16 July 2020	<ul style="list-style-type: none"> ■ Practising certificates required from 1 October 2020
13 August 2020	<ul style="list-style-type: none"> ■ Revised maintenance of competence requirements for practising certificates ■ Changes to the issuing of quarry manager practising certificates
14 August 2020	<ul style="list-style-type: none"> ■ Certificate of competence examinations resuming ■ New experience pre-requisites for certificates of competence from 1 April 2021
27 August 2020	<ul style="list-style-type: none"> ■ Practising certificate required from 1 October 2020 – reminder
10 September 2020	<ul style="list-style-type: none"> ■ Webinar reminder: Practising certificates and maintenance of competence
24 September 2020	<ul style="list-style-type: none"> ■ Practising certificate required from 1 October 2020 – final reminder
8 October 2020	<p>Publications advice on the Resources Regulator website:</p> <ul style="list-style-type: none"> ■ Revocation of other criteria in respect of statutory function (mining engineering manager)
5 November 2020	<ul style="list-style-type: none"> ■ Revised fees for practising certificates
19 November 2020	<ul style="list-style-type: none"> ■ Additional certificate of competence briefing sessions for coal mine open cut examiner and mining engineering manager ■ Maintenance of competence requirements for Tier-2 quarry managers
17 December 2020	<ul style="list-style-type: none"> ■ Additional certificate of competence briefing session for deputies

Gazette notices

The following gazette notices were published on the Resources Regulator website.

Date	Communication
28 July 2020	Practising Certificate 2020 (Maintenance of Competency)
11 September 2020	Tier-2 quarry manager practising certificate maintenance of competence requirements 2020

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Date	Communication
22 September 2020	Revocation of other criteria in respect of statutory function (mining engineering manager) 2020
22 January 2021	Update and increase the qualifications that are recognised for the issuing of the Quarry Manager for tier 2 quarries practising certificate.
25 June 2021	Notice of other criteria in respect of statutory functions (South Australian certificates of competence) 2021: Underground Mine Manager, Mine Manager and Quarry Manager.

Guidance material

During the reporting period, the Board published new and updated guidance material, detailed in the table below.

Title	Topic	Location
Fact sheet – examiner for certificate of competence	Information and checklist for individuals interested in being an examiner for certificate of competence exams	Resources Regulator website
Guide: Maintaining competence for practise certificate holders	Changes to make the scheme simpler and easier to comply to	Resources Regulator website
Guide: Applying for a Quarry manager tier 2 practising certificate	Revisions to move to a hybrid application model to include applying through the Resources Regulator portal	Resources Regulator website

Workshops

The Board gave oversight of the Resources Regulator activities in refining guidance material for certificate holders to maintain their competence and records. This revised guidance was communicated through a series of workshops held by the Resources Regulator in mining areas of regional NSW.

Date	Event	Location
8 June 2021	Coal services Order 34 workshop	Gunnedah
8 June 2021	Maintenance of competence session	Gunnedah
9 June 2021	Coal services Order 34 workshop	Singleton
9 June 2021	Maintenance of competence session	Singleton

Date	Event	Location
10 June 2021	Coal services Order 34 workshop	Newcastle
10 June 2021	Maintenance of competence session	Newcastle
16 June 2021	Coal services Order 34 workshop	Mudgee
16 June 2021	Maintenance of competence session	Mudgee
17 June 2021	Coal services Order 34 workshop	Wollongong
17 June 2021	Maintenance of competence session	Wollongong

4.3 Communication plan that supports the implementation of competency requirements

The Board endorsed a new Communication Plan during the reporting period. The Plan supports the Board's Strategic Plan to 2023. The objective of the Communication Plan is to increase awareness within stakeholder groups and broader community about the activities of the Board.

4.4. Prepare and publish annual report for Minister

In accordance with section 68 of the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*, the Mining and Petroleum Competence Board produces an Annual Report. The Annual Report informs the Minister of the activities of the board in the preceding financial year.