



MINING AND PETROLEUM COMPETENCE BOARD

Meeting 4–8 November 2022

Meeting details

Meeting	Mining and Petroleum Competence Board	Date	8 November 2022
Location	Department of Regional NSW 516 High Street, Maitland NSW 2320	Time	9–11:30 am
Chair	<ul style="list-style-type: none">■ Joanne Muller, Independent		
Attendees	<ul style="list-style-type: none">■ Ashley McLeod, NSW Minerals Council■ Chris Dolden, Cement Concrete and Aggregates Australia■ Garvin Burns, Resources Regulator, Department of Regional NSW■ Kylie Fahey, Independent■ Angela Hudson (representing Marwan El-Chamy, Mining, Exploration and Geoscience, Department of Regional NSW) – via teleconference■ Peter Standish, Independent■ Stephen Barrett, Mining and Energy Union■ Stephen Tranter, Mining and Energy Union■ Thomas Lethbridge (representing Andrew Grivas, NSW Minerals Council (Metalliferous)) – via teleconference		
Secretariat	<ul style="list-style-type: none">■ Anna Ormerod (Mining, Exploration and Geoscience, Department of Regional NSW)		
Observers	<ul style="list-style-type: none">■ Andrew Palmer, Resources Regulator, Department of Regional NSW■ Aaron Thompson, Resources Regulator, Department of Regional NSW (agenda item 11 only)		
Apologies	<ul style="list-style-type: none">■ Justin Smith, Australian Workers' Union■ Marwan El-Chamy, Mining, Exploration and Geoscience, Department of Regional NSW■ Andrew Grivas, NSW Minerals Council (Metalliferous)		

Minutes

Paper	Description
1	<p><u>Welcome and apologies</u></p> <ul style="list-style-type: none">■ The Chair delivered an Acknowledgement of Country and opened the meeting at 9:00 am.■ The Chair advised that Mr El-Chamy and Mr Smith were late apologies.■ The Chair noted Ms Hudson was attending on behalf of Mr El-Chamy and Mr Aaron Thompson was attending as an observer for agenda item 11 only. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the membership changes to the Board.■ The Board noted the delegates, observers and apologies for the meeting.■ The Board noted the report from the Chair on meeting attendance and upcoming events.
2	<p><u>Declaration of interests</u></p> <ul style="list-style-type: none">■ The Chair requested members declare any conflicts.■ The Chair raised whether the Board has a risk register. It was noted that it does not and members agreed to discuss the need for one at the next meeting. <p>Outcomes</p> <ul style="list-style-type: none">■ No conflicts were declared.■ No updates were requested to the pecuniary interest register. <p>Actions</p> <p>A. Secretariat to include discussions on the need for a Board risk register at the next meeting.</p>
3	<p><u>Acceptance of previous minutes and actions</u></p> <ul style="list-style-type: none">■ No changes were requested to the minutes. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board endorsed the minutes of the last meeting.■ The Board noted the status of the remaining actions arising from the last meeting.

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4	<p><u>Correspondence</u></p> <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the correspondence received and sent since the last meeting.
5	<p><u>Implementation of recommendations of statutory review of the WHS (MPS) laws</u></p> <ul style="list-style-type: none">■ Mr Burns advised that changes have been made to the Regulations. The amendment was released two week ago.■ Mr Tranter raised the need for ISHRs to undertake a probity check prior to being appointed by the Minister.■ Mr Burns commented that the legislative addition formalises current practices.■ Mr Barrett commented that individuals are now completing probity checks twice. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the next steps for finalising the implementation of the statutory review recommendations includes seeking additional amendments to the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 following commencement of the Regulation on 1 September 2022.
6	<p><u>Automatic mutual recognition</u></p> <ul style="list-style-type: none">■ Mr Palmer advised that changes to automatic mutual recognition will now occur on 1 July 2023. The Resources Regulator will develop communications and a fact sheet for mine operators in 2023. A copy will be provided at the May 2023 board meeting. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the delay in the introduction of Automatic Mutual Recognition (AMR) for mining occupations until 1 July 2023 in NSW. <p>Actions</p> <ul style="list-style-type: none">B. Resources Regulator to provide a copy of the Automatic Mutual Recognition fact sheet at the May 2023 meeting.
7	<p><u>Regulator approach to maintaining blasting competence for quarry manager practising certificate holders</u></p> <ul style="list-style-type: none">■ Mr Burns provided a verbal brief on the paper.

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	<ul style="list-style-type: none">■ Mr McLeod asked if the Resources Regulator is undertaking reviews to see if blasting operations are being managed.■ Mr Burns replied that the Resources Regulator has a structured assessment template and will do random samples. An incident will automatically trigger a review. The Resources Regulator does on average 30 inspections a week; most quarries don't shot fire. If they do at tier 2 level, it is very infrequent. Regular shot firing is undertaken by tier 1 quarries.■ Mr Dolden commented that there is a potential risk in the really small quarries that do blast on occasions. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the Resources Regulator's proposed approach to monitoring blasting competence for quarry manager practising certificate holders.■ The Board agreed that the Resources Regulator will provide quarterly reports commencing at the May 2023 meeting. <p>Actions</p> <ul style="list-style-type: none">C. Resources Regulator to provide quarterly updates to the Board on shot firing commencing May 2023.
8	<p><u>Appointment of examiners</u></p> <ul style="list-style-type: none">■ The Chair asked what if members are appointed for an indefinite term, what happens if they are no longer able to fulfill the role.■ Mr Palmer advised that the convenor discusses that with the individual person.■ Mr Burns added that there is no formal process. It is dealt with on a case-by-case basis. The Resources Regulator has cancelled the appointment of a number of examiners as they are no longer working in a NSW coal mine.■ Ms Fahey commented that there needs to be some terms or appoint for a specific period.■ Mr Burns replied that would be a significant amount of work for the Resources Regulator.■ Mr Dolden added there should be triggers for removal.■ Mr Burns proposed that the Resources Regulator submit a paper for the next meeting with tenure as examiners.

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	<ul style="list-style-type: none">■ The Chair asked if there is a process to manage complaints relating to the misconduct of an examiner.■ Mr Burns replied there is a process for formal complaints from the examination process but not for the conduct of examiners. Complaints are handled in line with Resources Regulator policies.■ It was agreed that the Resources Regulator consider a complaints process and submit a paper for the next meeting.■ Mr Palmer – they are issued with the Department’s code of conduct.■ Mr Dolden asked if an applicant’s maintenance of training is validated.■ Mr Burns replied that it is not a prerequisite.■ Ms Fahey asked if there is an interview process to assess personal and communication skills or are applicants known.■ Mr Palmer replied that applicants are normally known but it is not stipulated that they need to be interviewed.■ Mr Burns added that applicants are assessed against criteria. The convenor and panel put forward a recommendation to the Resources Regulator and then it goes to the Board for approval. Typically, the convenor approaches individuals they think would be suitable to see if they are interested.■ Mr Barrett agreed that most applicants are known, and the system is working. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board approved the appointment of reserve examiners for the following panels:<ul style="list-style-type: none">□ Electrical engineering manager of underground coal mines (Greg Campbell, Mark Perry)□ Deputy of underground coal mines (Robert Gacevic, Bryce Jensen)□ Mining engineering manager of underground mines other than coal mines (Clive Jones, Jason Hughes). <p>Moved Mr Standish. Seconded Mr McLeod.</p> <p>Actions</p> <ul style="list-style-type: none">D. Resources Regulator to submit a paper for the next meeting detailing tenure as examiners and a complaints process for examiner misconduct.

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	<ul style="list-style-type: none">■ Mr Palmer advised that the pilot exams were successful and comparable to face to face. It is recommended they continue and extend to other certificates.■ Mr Standish asked if there was any qualitative feedback from people who went through the online exams.■ Mr Palmer replied there was, but it is unable to be qualified. Using survey monkey could be a consideration for next time. There is a deficiency with online exams as they cannot currently do drawings in answer to examination questions.■ Mr Burns commented that it is not envisaged it be rolled out to ventilation examiners.■ Ms Fahey commented there is software that allows real time upload of documents.■ It was agreed that Mr Palmer would hold discussions with Ms Fahey out of session.■ The Chair asked if participants found it challenging to type all their answers.■ Mr Palmer replied no. The time was extended by half an hour to cater for typing rather than handwriting. An extra 30 minutes was also available if required. Moving forward, an extra 30 minutes will be allowed.■ The Chair asked with the 60% pass mark now replaced, how is an exam marked.■ Mr Palmer replied that they are marked per section. An examinee must get a certain number of marks per sections based on what the panel deemed.■ Mr Burns commented it is not envisaged that online exams will go beyond the exams it has been applied to at this point. The Resources Regulator will need to look into the legality of accessibility.■ The Chair asked if any adjustments were made for disabilities e.g. scribe.■ Mr Palmer replied that none were required but it would need to be considered. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the report on pilot of online written examinations for quarry Manager certificate of competence. <p>Actions</p> <ul style="list-style-type: none">E. Mr Palmer to hold discussions with Ms Fahey out of session in relation to software for online exams.
10	<p><u>MPCB Annual Report 2021/2022</u></p> <ul style="list-style-type: none">■ Members requested that the photo on the front page be changed before the report is sent to the Minister.

Paper	Description
	<p>Outcomes</p> <ul style="list-style-type: none">■ The Board endorsed the MPCB Annual Report 2021–2022 for presentation to the Minister. Moved Mr Burns. Seconded Mr Barrett. <p>Actions</p> <ul style="list-style-type: none">F. Secretariat to update the photo on the front page of the MPCB Annual Report.
11	<p><u>Outcomes of auditing maintenance of competence for practising certificates</u></p> <ul style="list-style-type: none">■ Mr Aaron Thompson attended meeting for this agenda item.■ Mr Palmer advised that 149 requests were made, 105 audits were completed and 85 conformed.■ Mr Tranter asked whether notifications are sent out for renewals.■ Mr Palmer replied yes, emails are sent out 3 months prior.■ Mr Barrett asked how COVID impacted the audits and individuals meeting the requirements.■ Mr Palmer replied that all audits were completed via desktop and meeting requirements due to COVID wasn't raised as a concern.■ Mr McLeod commented that non-conformance appeared to relate to how people were recording their informal learning.■ Mr Palmer commented that there was a 4-hour cap on most learning. Individuals claiming more than 4 hours was problematic.■ Mr McLeod asked why it was deemed a non-conformance for going above the minimum hours.■ Mr Burns replied that the auditors identified it as non-conformance if hours were above or below.■ Ms Fahey commented that there has been a lot of discussion around informal learning and that clarification is needed.■ The Chair asked if there is a template document to use as a record.■ Mr Palmer replied that a template is available. Mines Rescue has an app.■ The Chair asked members for feedback on the recommendations in the report.■ Mr Dolden commented there needs to be clarification between non-conformance and non-compliance. 20% of holders are non-conforming. Mr Dolden asked how many of

Paper	Description
	<p>those are at risk of not having their certificate renewed. The report does not give a clear indication.</p> <ul style="list-style-type: none">■ Mr Palmer replied that there are none at risk. All were above the minimum hours.■ Mr Burns commented that the Resources Regulator will put specific comment about the number of individuals not meeting requirements, so it is clear.■ Mr Thompson left the meeting at 10:56 am.■ Mr Burns commented that the Resources Regulator has now responded to all people who have been audited.■ Mr Palmer added that one concern raised was that people approached did not think it was legitimate. The Resources Regulator will email individuals next time in advance to advise of the audit.■ The Chair added that a contact within the Department should also be added if individuals want to verify.
12	<p><u>MPCB work plan and communication plan</u></p> <ul style="list-style-type: none">■ Mr Burns commented that AMCAC meetings are now held by exception not twice a year. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the status of projects identified in the Board’s work plan to support the Strategic Plan to 2023.■ The Board noted the status of actions identified in the MPCB Communication Plan. <p>Actions</p> <ul style="list-style-type: none">G. Secretariat to update the status table to reflect AMCAC meetings are now held by exception.
13	<p><u>Quarterly report on certification outcomes</u></p> <ul style="list-style-type: none">■ Mr Palmer advised that all exams now conducted with blueprinting.■ Mr Standish asked what the numbers mean compared to the total number of certificates issued; are numbers decreasing?■ Mr Burns replied that the number of practising certificate holders is known but not how many are exercising statutory functions.■ Ms Fahey asked whether the 62 refused is higher or lower than previous quarters.■ The Chair asked whether the number and type of practising certificates could be graphed to identify trends.

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	<ul style="list-style-type: none">■ Mr Burns replied that the number of certificates issued could be graphed. However, caution should be used when analysing the data based on the type of data the Resources Regulator collects. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the reports on certification outcomes and activities completed for July to September 2022.■ The Board noted the report on planned activities for November 2022 to January 2023. <p>Action</p> <ul style="list-style-type: none">H. Resources Regulator to prepare a report for the next meeting detailing the number of certificate holders, and exams pass/fail rates over the past 5 years.
14	<p><u>Resources Regulator Quarterly Safety Report</u></p> <ul style="list-style-type: none">■ Mr Burns provided a verbal report on the paper. <p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the Resources Regulator Quarterly Safety Report.
15	<p><u>Update on implementation of blueprinting</u></p> <ul style="list-style-type: none">■ Mr Palmer advised that the Resources Regulator proposing to pause the blueprinting process until July 2023. Feedback is that the competency framework is too complicated and needs to be consolidated.■ Mr McLeod asked if exams are still going ahead and assessed per the normal marking criteria.■ Mr Burns replied that desirable and essential criteria will still be assessed but the full blueprinting process will be put on hold.■ Mr McLeod asked if paused, will a report on the review of the blueprinting process be provided to the Board.■ Mr Burns replied that examiners have provided feedback to the Resources Regulator and proposed that a progress update be provided to the Board at the May 2023 meeting.■ Mr Palmer commented that there needs to be standardised criteria.■ Mr McLeod commented that there are certain skills that are standard across all functions.

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	<p>Outcomes</p> <ul style="list-style-type: none">■ The Board noted the progress in implementing blueprinting into certificate of competence examinations from July to October 2022.■ The Board noted the Resources Regulator will pause implementation of the blueprinting process until July 2023 so an external review can be carried out to identify improvements. <p>Actions</p> <ol style="list-style-type: none">I. Resources Regulator to provide an update report on the blueprinting process at the May 2023 meeting.
16	<p><u>2023 meeting dates</u></p> <ul style="list-style-type: none">■ The Chair advised that the proposed meeting on 9 May 2023 creates a potential availability conflict.■ Mr Dolden commented that this was his final meeting unless reappointed.■ The Chair thanked Mr Dolden for his contribution to the Board. <p>Outcomes</p> <ul style="list-style-type: none">■ Members agreed to the following meeting dates:<ul style="list-style-type: none">□ Tuesday 14 February 2023□ Tuesday 8 August 2023□ Tuesday 14 November 2023 <p>Actions</p> <ol style="list-style-type: none">J. Secretariat to confirm the date of the May meeting with the Chair and advise members out of session if it needs to be rescheduled.
17	<p><u>Additional business</u></p> <ul style="list-style-type: none">■ Mr Standish advised that he has been doing some work around how people make decisions and raised that it may be relevant to the Board. <p>Outcomes</p> <ul style="list-style-type: none">■ Members agreed that Mr Standish should hold discussions with Mr Palmer out of session in the first instance and prepare a paper for the next meeting if deemed appropriate. <p>Actions</p>

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- K. Mr Standish and Mr Palmer to meet out of session in relation to decision making and prepare a paper for the next meeting if deemed appropriate.

Action items

Action	
A	Secretariat to include discussions on the need for a Board risk register at the next meeting.
B	Resources Regulator to provide a copy of the Automatic Mutual Recognition fact sheet at the May 2023 meeting.
C	Resources Regulator to provide quarterly updates to the Board on shot firing commencing May 2023.
D	Resources Regulator to submit a paper for the next meeting detailing tenure as examiners and a complaints process for examiner misconduct.
E	Mr Palmer to hold discussions with Ms Fahey out of session in relation to software for online exams.
F	Secretariat to update the photo on the front page of the MPCB Annual Report.
G	Secretariat to update the status table to reflect AMCAC meetings are now held by exception.
H	Resources Regulator to prepare a report for the next meeting detailing the number of certificate holders, and exams pass/fail rates over the past 5 years.
I	Resources Regulator to provide an update report on the blueprinting process at the May 2023 meeting.
J	Secretariat to confirm the date of the May meeting with the Chair and advise members out of session if it needs to be rescheduled.
K	Mr Standish and Mr Palmer to meet out of session in relation to decision making and prepare a paper for the next meeting if deemed appropriate.