



ANNUAL REPORT

# MINING AND PETROLEUM COMPETENCE BOARD

2019-2020



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# About 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* and *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014*.

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](http://www.resourcesregulator.nsw.gov.au/safety-and-health/about-us/competence-board)

## Contact the Board

NSW Mining and Petroleum Competence Board

c/- NSW Department of Regional NSW

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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 is the Board's sixth annual report and covers activities between 1 July 2019 and 30 June 2020. The Board met on four occasions during the year:

- 20 August 2019
- 19 November 2019
- 18 February 2020
- 19 May 2020.

## 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 2020:

1. Develop world-leading competence standards for statutory functions requiring certificates of competence.
2. Develop a scheme for practising certificates.

3. Identify and address emerging issues for statutory functions involving certificates of competence.
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 2019/2020 financial year were:

NAME	NOMINEE OF	ACT SECTION
Ruth Mackay	Independent	65(1)(a) - chairperson
Leanne Parker <sup>1</sup>	Cement Concrete & Aggregates Australia	65(1)(b) – representing interests of employers
Chris Dolden <sup>2</sup>	Cement Concrete & Aggregates Australia	65(1)(b) – representing interests of employers
Gregory Shields <sup>3</sup>	NSW Minerals Council	65(1)(b) – representing interests of employers
Rachael Whiting <sup>4</sup>	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

<sup>1</sup> Ms Leanne Parker's appointment on the Board expired on 8 December 2019

<sup>2</sup> Mr Chris Dolden was appointed to the Board on 29 January 2020 to replace Ms Parker

<sup>3</sup> Mr Gregory Shields appointment on the Board expired on 9 June 2020

<sup>4</sup> Ms Rachael Whiting resigned from the Board effective 9 February 2020

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Peter Standish	Independent	65(1)(d) – independent
Janine Lea-Barrett	Independent	65(1)(d) – independent
Garvin Burns	NSW Resources Regulator, Department of Regional NSW	65(1)(e) – officer of the department
Tony Linnane	NSW Resources Regulator, Department of Regional NSW	65(1)(e) – officer of the department

Attendance at MPCB meetings during 2019/2020 is detailed below:

MEMBER	POSITION	PRESENT	REPRESENTED
Ruth Mackay	Chairperson	4/4	0/4
Leanne Parker	Member	1/4	N/A
Chris Dolden	Member	2/4	1/4
Gregory Shields	Member	2/4	1/4
Rachael Whiting	Member	1/4	2/4
Stephen Barrett	Member	3/4	1/4
Stephen Tranter	Member	4/4	0/4
Justin Smith	Member	4/4	0/4
Peter Standish	Member	4/4	0/4
Janine Lea-Barrett	Member	3/4	0/4
Garvin Burns	Member	3/4	0/4
Tony Linnane	Member	4/4	0/4

## Activities of the Board during 2019/2020

In line with the Board's endorsed Strategic Plan to 2020, the following activities were undertaken.

### 1. Develop world-leading competence standards

#### 1.1 Develop a scheme for managing the standards for certificates of competence

The Resources Regulator, in consultation with the Board, developed a framework and descriptions of statutory functions that require a practising certificate or competence certificate. This is the first step in a plan to review and maintain standards for competence certificate examinations and align to the proposed maintenance of competence scheme for practising certificates. Consultation workshops commenced in 2016 for drafts of descriptions. The Board responded to the feedback to finalise the descriptions which have been agreed to by the Resources Regulator.

The Resources Regulator, in consultation with the Mining and Petroleum Competence Board, has finalised the competency framework and identified competencies for each statutory function. The competencies were identified for the statutory function position descriptions developed through a series of workshops in 2018 with practitioners across the various functions and classes of mines.

#### 1.2 Develop effective and efficient assessments

The Resources Regulator engaged a consultant to conduct a review of the certificate of competence examination process. The aim of the review was to evaluate the effectiveness of the current examination processes, including how they are administered. The review was completed in June 2019 and found although the current processes are adequate, improvements can be made to increase their veracity. The review included eight recommendations for improvement. The Board endorsed six of the recommendations and partially accepted one of the recommendations.

#### 1.3 Integrate specific requirements for emerging skills sets into standards and assessments

The Board remained informed of the development of the *Learning from disasters* training package consisting of three programs to ensure mine workers, quarry managers and practising certificate holders learn from past mining disasters. These programs incorporate the findings from investigations and independent reviews of mining incidents that involved fatalities and serious injury, or where the

circumstances presented a significant risk of injury or death to workers or the wider community. Programs 1 and 2 are available for free download from the Resources Regulator website. Program 3 is a one-day course and is currently delivered by 14 approved training providers.

## 2. Develop a scheme for practising certificates

### 2.1 Advise on a scheme for the issuing of practising certificates

As of 1 May 2020, 3095 practising certificates have been issued in NSW since the implementation of the practicing certificate system in September 2017.

In February 2019, the Board endorsed the Resources Regulator's proposed program elements for auditing practising certificate holders for maintenance of competence compliance. The elements include volunteer audits, random audits and audits identified by Resources Regulator activities. Voluntary internal audits commenced in November 2019.

### 2.2 Establishing requirements for maintaining competence

In 2019, the Resources Regulator sought comment from stakeholders on the Board's proposal to increase experience requirements for a certificate of competence for statutory functions at a mine or petroleum site. The changes were in response to the Board's review of feedback from examination panel members on the unpreparedness and lack of experience of many candidates under the current assessment requirements.

The discussion paper *Proposed changes to experience requirements for statutory function certificates of competence* was released for public consultation on 3 July 2019. The Resources Regulator received and analysed 18 stakeholder submissions to identify major themes and provided a recommended response to the major themes for the Board to consider. At its 19 November 2019 meeting, the Board noted the recommended responses and agreed to the new experience requirements. The new experience requirements will commence on 1 April 2021.

### 3. Identify and address emerging issues

#### 3.1 Develop guidance for continuing professional development for statutory functions requiring certificates

The Board keeps apprised of the activities delivered by the Resources Regulator that provide guidance about the practising certificate and maintenance of competence scheme. The activities undertaken are listed below.

##### Seminars and presentations

Date	Event
20 June 2019	Presentation to Mining Electrical and Mining Mechanical Engineering Society (Western Division) on practising certificates - Dubbo
23 October 2019	Cement Concrete & Aggregates Australia – Institute of Quarrying WHS seminar on competency requirements for quarries - Campbelltown
14 November 2019	Resources Regulator Electrical Engineering Seminar
5 and 7 May 2020	Online presentation to Mechanical Engineers forum (Open Cut and Underground) about updates to practicing certificates and maintenance of competence scheme - hosted by Resources Regulator
14 May 2020	Presentation to Southern Industry Network Meeting, Resources Training Council about updates to practicing certificates and maintenance of competence scheme

##### Workshops

Workshops were held across NSW for people who hold a practising certificate or who want to obtain one. The workshops were held at locations on the dates listed below:

- 6 August 2019 – Singleton
- 7 August 2019 – Gunnedah

- 10 September 2019 – Mudgee
- 11 September 2019 – Lithgow
- 12 September 2019 – Wollongong
- 15 October 2019 – Broken Hill
- 16 October 2019 – Cobar
- 17 October 2019 – Parkes
- 18 October 2019 – Orange
- 12 November 2019 - Newcastle

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

In November 2019, the Board endorsed the Resources Regulator’s proposal of a three-tiered approach to the administration of the quarry manager practising certificate scheme. The three-tier scheme recognises that large, medium and small operations have different requirements for qualifications and experience. The scheme identifies mines that do not require a certified quarry manager. These mines have been identified at tier-3 quarries. Accordingly, the regulator has exempted tier-3 quarries from certain requirements of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 in relation to the quarry manager statutory function. The exemption took effect on 28 February 2020. The Board is reviewing the tier-2 and tier-1 quarry scheme implementation.

In 2019, the Construction Forestry Maritime Mining and Energy Union (CFMMEU) formally requested the Board consider a new statutory position of geotechnical engineer for underground coal mines. The CFMMEU believes operators of underground coal mines are not receiving sound and robust advice on geotechnical issues because of an absence of a statutory function with responsibility for this area of mining engineering. On behalf of the Board, the Resources Regulator undertook a public consultation process seeking comments from interested parties about whether the statutory function is required. The Resources Regulator published a discussion paper *Proposed new statutory function: Geotechnical Engineer – Underground Coal Mines* in August 2019. The submissions were published in January 2020 and were considered by the Board. The Board noted that there is no evidence that incidents were caused by not having the statutory function in place. The Board resolved that the proposed geotechnical engineer statutory function was not warranted.

The Board considered the impact of COVID-19 on the conduct of 2020 examinations of certificates of competence. Due to the restrictions on activities and people resulting from the pandemic, all scheduled written and oral examinations were postponed until further notice.

## 4. Develop and implement a collaborative communication strategy

### 4.1 Develop a communication strategy for informing stakeholders

The Board’s communication strategy utilises several methods to communicate information to industry and stakeholders and all can be found on the Resources Regulator website. The communication activities are summarised below.

#### Strategic Plan

The [Mining and Petroleum Competence Board Strategic Plan to 2023](#) was published on Resources Regulator website in July 2020.

#### Board meeting minutes

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

#### Mine Safety News

The following articles were published in Mine Safety News:

Date	Article	Summary
5 July 2019	<i>Practising certificate workshops</i>	The Resources Regulator is holding workshops across the state between August and November 2019 for people who hold a practising certificate or who want to obtain one.
	<i>Learning from disasters training packages now available</i>	The Resources Regulator developed a <i>Learning from Disasters</i> training package consisting of three programs to ensure mine workers learn from past mining disasters.

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	<i>Updated maintenance of competence requirements for practising certificates</i>	The Resources Regulator updated the maintenance of competency requirements for practising certificates issued under the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014.
	<i>Public consultation – have your say</i>	The Resources Regulator is seeking comment from stakeholders on the Mining and Petroleum Competence Board’s proposal to increase experience requirements. This is for people applying for a certificate of competence for statutory functions at a mine or petroleum site required under the Work Health and Safety Mines and Petroleum Sites Regulation 2014 (the regulation).
1 August 2019	<i>Proposed end dates for practicing with certificate of competence</i>	The Resources Regulator is proposing to publish a gazette notice regarding end dates that people can practise in a WHS mines statutory function with a certificate of competence or qualifications.
	<i>Workshop on Practising Certificates – Singleton 6 August &amp; Gunnedah 7 August 2019</i>	The Resources Regulator is holding two workshops for people who hold a practising certificate or who want to obtain one.
	<i>Chair of Mining and Petroleum Competence Board reappointed</i>	Ruth Mackay has been reappointed as Chair of the Mining and Petroleum Competence Board for a period of three years.
27 August 2019	<i>Workshop on Practising Certificates</i>	The Resources Regulator is holding workshops at Mudgee, Lithgow and Wollongong in September for people who hold a practising certificate or who want to obtain one.
19 September 2019	<i>Proposed new statutory function</i>	On behalf of the Mining and Petroleum Competence Board, the Resources Regulator is seeking comment on the discussion paper for a possible new statutory function of Geo-technical Engineer in underground coal mines.

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<p>3 October 2019</p>	<p><i>Practising certificates workshops</i></p>	<p>The Resources Regulator is conducting free workshops for people who hold a practising certificate or who want to obtain one on the following dates and locations:</p> <ul style="list-style-type: none"> <li>■ 15 October 2019 – Broken Hill</li> <li>■ 16 October 2019 – Cobar</li> <li>■ 17 October 2019 – Parkes</li> <li>■ 17 October 2019 - Orange</li> </ul>
<p>28 November 2019</p>	<p><i>Final workshop on practising certificates</i></p>	<p>The final workshop on practising certificates is scheduled for 5 December 2019 (rescheduled from 12 November 2019 due to fire emergencies).</p>
<p>12 December 2019</p>	<p><i>Changes to certificate of competence exams</i></p>	<ul style="list-style-type: none"> <li>■ A revised exam calendar has been published on the Resources Regulator website</li> <li>■ A supervising manager can no longer sign off experience in the application for examination</li> <li>■ A new fee structure will be applied for exams with applications closing dates after 31 January.</li> </ul>
<p>16 January 2020</p>	<p><i>MPCB 2018/19 Annual Report</i></p>	<p>The Mining and Petroleum Competence Board oversees the development of competence standards and the assessment of people who have a role at a mine that may affect health and safety.</p>
<p>31 January 2020</p>	<p><i>Changes affecting practising certificates</i></p>	<p><i>From 1 October 2020 people can only practise in a statutory function if they hold the relevant practising certificate.</i></p>
	<p><i>Small mines and quarries health and safety roadshow</i></p>	<p>Throughout October, November and December 2019 the Resources Regulator held health and safety roadshows for small mines and quarries across NSW. The roadshows provided information on health, safety, and topics, such as learning</p>

		from disasters and quarry manager practising certificates
28 February 2020	<i>Tier-3 quarry exemption</i>	Tier-3 quarries are exempt (effective 28 February 2020) from certain requirements of the Work Health and Safety Mines and Petroleum Sites Regulation 2014.
26 March 2020	<i>Changes to Certificate of competence briefing sessions and exams</i>	Due to restrictions imposed on account of COVID-19 the Resources Regulator made necessary changes to the scheduled dates and delivery of the 2020 Certificate of competence briefing sessions and exams.
9 April 2020	<i>Written and oral examinations postponed</i>	The Resources Regulator postponed all scheduled written and oral examinations until further notice because of COVID-19 restrictions.
23 April 2020	<i>Learning from disasters update</i>	The <i>Learning from disasters</i> interactive timeline has recently been updated with a new case study on Lithgow Valley Colliery, NSW.

## Gazette notices

The following gazette notices endorsed by the Board have been published on the Resources Regulator website:

Date	Communication
July 2019	<a href="#"><u>Maintenance of Competence gazette notice</u></a>
August 2019	<a href="#"><u>Guide: Applying for examinations and statutory functions certificates in 2020</u></a>
January 2020	<a href="#"><u>Practising certificate equivalence order 2020 gazette notice</u></a>
March 2020	<a href="#"><u>Tier-3 quarry managers class exemption March 2020 gazette notice</u></a>

## 4.2 Develop key messages to be communicated

The key messages of the Board's communication strategy are:

- there is one mining competence board serving the whole industry (coal, metalliferous, extractives)

- the Board is facilitating effective and efficient schemes for competence assessment and maintenance
- the Board is working towards a world leading framework for statutory functions
- the Board is overseeing the implementation of a scheme for practising certificates.

## 4.3 Adopt a collaborative approach

On behalf of the Board, the Resources Regulator have participated in the PwC Skills for Australia's review of the Resources and Infrastructure (RII) training package. The package will be 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.