

# MPCB MEETING MINUTES

## 19 May 2020

<b>Meeting</b>	Mining and Petroleum Competence Board	<b>Date</b>	Tuesday 19 May 2020
<b>Location</b>	Videoconference	<b>Time</b>	9am – 12pm
<b>Chair</b>	Ruth Mackay (Chair, Independent)		
<b>Attendees</b>	<ul style="list-style-type: none"> <li>- Greg Shields (NSW Minerals Council)</li> <li>- Chris Dolden (Cement Concrete &amp; Aggregates Australia)</li> <li>- Andrew Grivas (NSW Minerals Council - Metalliferous) as delegate for Rachael Whiting</li> <li>- Steve Luck (Construction, Forestry, Maritime, Mining and Energy Union) as delegate for Steve Barrett</li> <li>- Stephen Tranter (Construction, Forestry, Maritime, Mining and Energy Union)</li> <li>- Justin Smith (Australian Workers' Union)</li> <li>- Peter Standish (Independent)</li> <li>- Janine Lea-Barrett (Independent)</li> <li>- Garvin Burns (Resources Regulator, Department of Regional NSW)</li> <li>- Tony Linnane (Resources Regulator, Department of Regional NSW)</li> </ul>		
<b>Apologies</b>	<ul style="list-style-type: none"> <li>- Rachael Whiting (NSW Minerals Council)</li> <li>- Stephen Barrett (Construction, Forestry, Maritime, Mining and Energy Union)</li> </ul>		
<b>Observers</b>	<ul style="list-style-type: none"> <li>- Andrew Palmer (Resources Regulator, Department of Regional NSW)</li> </ul>		
<b>Prepared by</b>	Sally Tull (Resources Regulator, Department of Regional NSW)	<b>CM9</b>	DOC20/346427

## Minutes

PAPER	DISCUSSED/ACTION
1	<b>Welcome and apologies</b> <ul style="list-style-type: none"><li>■ The Chair welcomed members and asked that members confirm their attendance online.</li><li>■ Apologies and delegates were noted.</li><li>■ The Chair noted Greg Shield's appointment expires 9 June 2020. The NSW Minerals Council is currently identifying a nomination.</li></ul>
2	<b>Declaration of interests</b> <ul style="list-style-type: none"><li>■ Nil declarations</li></ul>
3	<b>Acceptance of previous minutes and actions</b> <ul style="list-style-type: none"><li>■ Steve Tranter moved to accept the minutes, and Peter Standish seconded.</li><li>■ Paper 1 action is complete.</li><li>■ Paper 10 action is closed. No feedback on the Implementation of practising certificate system and maintenance of competence scheme was received from members. This will be discussed in agenda item 12.</li></ul>
4	<b>Correspondence</b> <ul style="list-style-type: none"><li>■ The Board noted Tony Linnane's correspondence regarding the postponement of exams. This will be discussed further in agenda item 5.</li><li>■ The Board noted a submission on the geotechnical engineer statutory function from Shane Kornek that was not received through the Have Your Say portal due to IT issues. This has now been fixed. Individuals will receive a confirmation notification when their submission is received. The Board agreed that the submission does not change the decision that was reached.</li></ul>
5	<b>COVID-19 impacts on examinations</b> <ul style="list-style-type: none"><li>■ The paper detailed the impact of COVID-19 on the conduct of 2020 examinations for certificates of competence.</li><li>■ Tony Linnane noted that plans to safely reinstate written and oral exams must comply with social distancing requirements. There are also logistical issues regarding the availability of venues and supervisors. There are no immediate plans to conduct</li></ul>

exams online as the current process is not designed to be done online and there are integrity issues that have not been addressed.

- Garvin Burns noted the review of examinations process identified good integrity in the process, however this cannot be applied to phone/online exams. If a shortage of people to exercise statutory functions is identified, the Resources Regulator will deal with this on a case-by-case basis, however this has not been flagged.
- Greg Shields noted the postponement of exams will not have an immediate effect. All operators are in the same position and exposure limits must be adhered to. It is accepted there will be some delays.
- Andrew Grivas noted there will be a backlog of examinations as a result of the postponement. He asked how can an urgent need for competent people be addressed? Garvin Burns noted the CCAA has flagged this issue. In this situation it will be dealt with on a case-by-case basis.
- Tony Linnane noted COVID-19 would have an impact on training in terms of course availability and learning hour requirements, etc. The Resources Regulator has informed industry that for purposes of maintenance or competence, dispensation will be given for some requirements. The specifics have not been determined yet, until the full extent of the impact is known.

**Action A: Tony Linnane to provide update on COVID-19 impacts at the next Board meeting.**

**6 Automatic application of senior statutory functions to multiple statutory functions**

- The Board discussed the paper on the automatic ability to exercise lower level statutory functions and whether candidates have been adequately assessed. The paper identified four options.
- Members agreed that the automatic application to all statutory functions would be reviewed at a later time based on the outcomes of the blueprinting project.

**7 Revised guide for applying for examinations and statutory function certificates**

- Members noted the updates to the guide for applying for examinations and statutory function certificates. The paper provided a summary of the revisions and specific timeframes in the guide.
- Garvin Burns said the terms in the revised guide align with the definitions in the legislation.

**8 Certificate of competence examination review project plan**

- Tony Linnane and Andrew Palmer provided an update on progress of the implementation of the recommendations from the certificates of competence assessment review
- It was noted that COVID-19 was having an impact on the delivery of certain items, including the examiner induction program.
- Tony Linnane said the recommendation to develop a bank of questions to use for preparing each new exam was opposed by the examination panel members at the recent examiner's forum. It was noted that the bank could be developed but that examiners could retain the scope to develop a new set of questions for each exam.

9 **Draft strategic plan**

- Members considered the updated strategic plan to 2023. The Chair suggested the reference to previous boards is no longer required and could be removed.
- The Board approved the strategic plan subject to the changes recommended by the Chair.
- Tony Linnane said a draft work plan would be tabled at the next Board meeting.

**Decision: The Board approved the strategic plan subject to the changes recommended by the Chair.**

10 **Update on three-tier quarry scheme implementation**

- Tony Linnane spoke to the meeting paper and noted the Resources Regulator is implementing the three-tier quarry scheme to take a more proportional approach to statutory function requirements in quarries.
- The next phase for implementation is tier 2 quarries and the new requirements for experience and qualifications will come into effect from 1 October 2022.
- The Chair asked if there is a definition of a 'competent person' who could perform the statutory function of quarry manager for tier 3 quarries. Garvin Burns noted the regulator will request evidence from mine operators as to whether a person is 'competent' but that it was a decision for the mine operator
- Garvin Burns said the regulator would allow a tier 3 quarry to undertake blasting to address unforeseen circumstances, but ordinarily quarries where blasting is undertaken would be tier 2 quarries.

**Decision: The Board endorsed the Resources Regulator's implementation of the three-tier quarry scheme.**

11 **Appointments of examiners**

- The Board considered the paper on appointments to the examination panels

**Decision: The Board approved the appointment of Xavier Hill as the convenor of the Underground Mines Mining Engineering Panel.**

**12 Implementation of practising certificate system and maintenance of competence scheme**

- Andrew Palmer provided a progress report on the implementation of the practising certificate system and maintenance of competence scheme.
- Garvin Burns said the Resources Regulator will continue to communicate changes and expectations to mine operators, existing practicing certificate and production manager permit holders.

**13 Update on Australasian Mining Competency Advisory Council**

- Tony Linnane advised the Board that the AMCAC meeting in May has been cancelled due to COVID-19
- It was agreed at the December 2019 AMCAC meeting that meetings will be moved to annually, except the May 2020 meeting to close out some actions.

**14 Update on meeting with Queensland Board of Examiners about NSW practising certificate scheme**

- The Resources Regulator participated in an online meeting with Queensland secretary of the Board of Examiners to discuss the NSW's practising certificate scheme including maintenance of competence.
- The Resources Regulator provided information about the development and implementation of the NSW scheme.

**15 Revised maintenance of competence guide**

- No feedback was received from members regarding the revised maintenance of competence guide.
- The Board noted that the form in the logbook will be changed so activity types are not exclusive and that learning type has been added
- Andrew Palmer said a webinar would be held to communicate the changes to the guide as part of the communication strategy for maintenance of competence.

**16 Additional business**

- Peter Standish raised the recent gas explosion at the Grosvenor mine in Queensland and whether there were any competence ramifications for NSW. Tony Linnane said the Resources Regulator would consider any findings from the Queensland board of

inquiry and determine if they are applicable to competencies in the NSW mining industry and table for the Board's consideration.

**Next meeting**

- The next meeting will be held on 18 August 2020 via videoconference.

Meeting closed 11:19am

## Action items

NO.	RESPONSIBILITY	ACTION	DUE DATE
A	Tony Linnane	Provide update on COVID-19 impacts at the next Board meeting.	18 August 2020

## Approval

NAME/POSITION	SIGNATURE/APPROVAL	DATE
Ruth Mackay, Chairperson	Approved at MPCB meeting	18 August 2020

**Comment:**