



ANNUAL REPORT

of the

BOARD OF EXAMINERS

(Statutory certificates of competency
for safe mine management)

Coal Mining Safety and Health Act 1999

July 2011 - June 2012

INTRODUCTION:

The Board of Examiners traces its origin to *The Mining Act of 1898 (Queensland)*. The Board's activities contribute to securing the safety and health of workers in mines by ensuring only qualified and competent people are entrusted with key roles in mines which, if mishandled, could contribute to injury and loss of life, potentially on a large scale. The Board grants certificates of competency to persons assessed as being appropriately qualified to fill statutory safety and health mine management positions in the coal and metalliferous mining industries.

The former mining Board of Examiners was constituted under the *Mines Regulation Act 1964*, and recognised by the *Coal Mining Act 1925*. Two Boards of Examiners were constituted under identical provisions in Parts 10 of both the *Mining and Quarrying Safety and Health Act 1999* and the *Coal Mining Safety and Health Act 1999* with the proclamation of new mining safety and health legislation on 16 March 2001. The *Mines and Energy Legislation Amendment Act 2010* was implemented on 21 April 2010 and a single Board of Examiners is now established under Part 10 of the *Coal Mining Safety and Health Act 1999*.

FUNCTIONS OF THE BOARD OF EXAMINERS:

- to decide the competencies necessary for holders of certificates of competency for persons who are appointed under the *Coal Mining Safety and Health Act 1999 and the Mining and Quarrying Safety and Health Act 1999*;
- to assess applicants, or have applicants assessed, for certificates of competency;
- to grant certificates of competency to persons who have demonstrated to the Boards' satisfaction the appropriate competencies necessary to hold the certificates;
- to ensure the competencies under the above Acts are consistent with the competencies required by other States for the holders of certificates of competency; and
- to perform other functions given to the board under the above Acts.

Certificates of competency are mandatory for statutory positions defined in the respective Acts. Certificates are only issued by the Board of Examiners to persons who meet appropriate eligibility criteria, pass a written examination in Queensland mining law and an oral examination in mining practice. The oral examination panels are chaired by a Mines Inspector and include two experienced qualified peers from the mining industry.

Certificates issued by the Board are:

- First Class Mine Manager's Certificate of Competency (Underground Metalliferous Mines)
- First Class Mine Manager's Certificate of Competency (Underground Coal Mines)
- Second Class Mine Manager's Certificate of Competency (Underground Coal Mines)
- Deputy's Certificate of Competency (Coal Mines)
- Open Cut Examiner's Certificate of Competency (Coal Mines).

The Board also issues Site Senior Executive Mining Legislation Examination Notices to persons who have demonstrated their knowledge of the *Coal Mining and Safety Health Act 1999* by undertaking a written mining law examination. This notice is issued on behalf of the Coal Mining Safety and Health Advisory Committee.

MEMBERS OF THE BOARDS OF EXAMINERS AS AT 30 JUNE 2012 WERE:

- Robert Gavin Taylor, Chair of the Board and Chief Inspector of Coal Mines, Queensland Mines and Energy, Department of Natural Resources and Mines, a member of the Coal Mining Safety and Health Advisory Committee and an experienced coal mine manager holding First and Second Class Mine Manager's and Deputy's Certificates of Competency.
- Gregory Allan Dalliston, holder of a Mine Deputy's Certificate of Competency, Industry Safety and Health Representative, a member of the Coal Mining Safety and Health Advisory Committee, a member of the Coal Sector Committee of the Resources and Infrastructure Industry Skills Council and Chair of the Coal Sector Working Party.
- Dr Brian White, holder of a First Class Mine Manager's Certificate of Competency (Underground Metalliferous Mines), Professor of Mining Engineering University of Queensland and Executive Director Mining Operations, Citigold Corporation Ltd.
- Michael Dempster Downs, Underground Mine Manager with Vale and holder of a First Class Mine Manager's (Underground Coal Mines) Certificate of Competency.
- Ian McDonell, currently engaged in a consultancy role after many years as a practising colliery manager and holder of a First Class Mine Manager's (Underground Coal Mines) Certificate of Competency.
- Michael Rhodes Westerman, General Manager Mount Isa Copper Operations with Xstrata Copper and holder of First Class Mine Manager's (Underground Metalliferous Mines) Certificates from Queensland and Northern Territory.
- John Bernard Sleigh, Inspector of Mines, Queensland Mines and Energy, Department of Natural Resources and Mines, holding First and Second Class Mine Manager's (Underground Coal Mines) and Deputy's Certificates of Competency.
- Robert Bruce O'Sullivan, Chief Inspector of Mines (Metalliferous and Quarries), Queensland Mines and Energy, Department of Natural Resources and Mines, a member of the Mining Safety and Health Advisory Committee and holder of First Class Mine Manager's (Underground Metalliferous Mines) Certificate.
- Membership expired 14/11/2011: Roger Billingham, Former Chief Inspector of Mines (Metalliferous and Quarries), Queensland Mines and Energy, Department of Natural Resources and Mines, a member of the Mining Safety and Health Advisory Committee and holder of First Class Mine Manager's (Underground Metalliferous Mines) Certificates from Queensland, Tasmania and South Africa.

On 17 November 2011 Robert Gavin Taylor, Gregory Allan Dalliston, Michael Dempster Downs, and Dr Brian White were reappointed for a period expiring 8 December 2015. Roger Billingham retired and elected not to nominate for reappointment.

Annual Report of the Board of Examiners
July 2011 – June 2012

Board Meeting Attendance:

Board Member	Number of Meetings	Number of Meetings Attended
Robert Gavin Taylor	5	4
Gregory Allan Dalliston	5	5
Dr Brian White	5	2
Michael Dempster Downs	5	4
Ian McDonell	5	4
Michael Westerman	5	3
John Sleigh	5	5
Robert O'Sullivan	5	4
Roger Billingham	0	0

CERTIFICATES OF COMPETENCY ISSUED BY EXAMINATION, AND REGISTRATIONS GRANTED UNDER THE *MUTUAL RECOGNITION ACT 1992*:

The Board issued 92 certificates of competency and 67 letters of registration by mutual recognition. Appendix 1 details the number and class of certificates of competency issued by examination, success rates in examinations, and the number and class of registrations granted under the *Mutual Recognition Act 1992*.

SITE SENIOR EXECUTIVE MINING LEGISLATION EXAMINATION NOTICES ISSUED

In the current reporting period, the Board of Examiners received a total of 96 applications for assessment. The Board organised 137 SSE examinations in Brisbane and at several regional venues. In the current reporting period the Board issued 49 notices to applicants who had successfully completed a mining legislation examination during 2011-2012. Appendix 1 details notices issued by examination.

ISSUES THROUGHOUT THE REPORTING PERIOD:

Meetings with the New South Wales Coal Competence Board

The Board has established bi-annual meetings with the New South Wales Coal Competence Board to discuss matters of mutual interest, in particular the National Mine Safety Framework project, maintenance of competency and ensuring harmonisation of qualifications and work history required to obtain certificates of competency across Queensland and New South Wales.

The New South Wales Coal Competence Board has undergone legislative changes to their membership makeup and was without an appointed Board for half of the reporting period. Therefore only one of the planned meetings occurred within this reporting period.

The Queensland and New South Wales Boards have appointed a working group consisting of Board members and industry representatives to develop common eligibility criteria for the issue of certificates of competency across the two States. This working group is also investigating and developing guidelines to ensure quality assurance of registered training organisations.

Mining Legislation Examination for SSEs

The Coal Mining Safety and Health Advisory Committee tasked the Board of Examiners with developing and conducting the examination process. The SSE examination regime commenced in July 2009. Since the examinations inception a total of 684 applications have been received and 320 applicants had been issued with a Site Senior Executive Mining Legislation Examination Notice having successfully completing a legislation examination.

Every operational coal mine Site Senior Executive in the State now has the competency thus ensuring that all Site Senior Executives have a working knowledge of the legislation as it appertains to their safety and health requirements. Feedback from the industry is now extremely positive and many of the key operators are openly praising the initiative, as they can perceive the benefits in compliance and the reduction in reportable incidents at their operations

The Mining Safety and Health Advisory Committee have postponed determining an appropriate mechanism to address the SSE issue in the metalliferous and quarrying industry until the National Mine Safety Framework project is completed.

Information sessions / Road show

Following on from the success of the inaugural 2011 information sessions regarding the written and oral examination process it was decided to continue to hold these sessions annually. Sessions with industry stakeholders were held in Mackay, Rockhampton, Emerald, Moranbah and Brisbane during April 2012. Approximately 250 interested parties attended and provided very positive feedback. Following the previous sessions there was a dramatic increase in the number of candidates who were successful for an Open Cut Examiner's certificate of competency. It is hoped that continuation of these information sessions will see more candidates succeeding in obtaining a certificate.

Revision of Administrative Processes

The review of the Board's administrative processes commenced previously has continued. Improvements in the current reporting period include:

- Continual improvement and enhancement of the electronic recording and tracking database. Additional reporting functions have been developed.
- Internal processes were streamlined to reduce the administrative burden and application assessment time allowing for a record number of applications to be processed.
- Electronic capture of historical paper records continued.
- New written examination papers implemented for 1st and 2nd Class coal certificates.
- New written legislation examinations papers for all other certificates are undergoing revision and testing before planned implementation in 2012-2013.

Expenses

The amount incurred by the Board for the statutory attendance fees for members from outside the public service was \$668. No special assignment fees were payable. All other costs associated with running the examination and certification processes were incurred by the Department and are not reported in this Annual Report.

APPENDIX 1
OUTCOMES OF THE BOARDS' EXAMINING AND REGISTRATION ACTIVITIES

Certificate of Competency / Registration as....	Obtained.....	Written Examinations		Oral Examinations		Certificates Issued	Mutual Recognition Registration
		Pass	Fail	Pass	Fail		
First Class Mine Manager (Underground Metalliferous Mines)	By examination	5	0	3	4	3	
	Under mutual recognition	2	0	N/A	N/A		2
First Class Mine Manager (Underground Coal Mines)	By examination	2	0	0	1	0	
	Under mutual recognition	2	1	N/A	N/A		1
Second Class Mine Manager (Underground Coal Mines)	By examination	3	0	3	2	3	
	Under mutual recognition	3	0	N/A	N/A		4
Deputy	By examination	51	2	51	41	51	
	Under mutual recognition	59	12	N/A	N/A		57
Open Cut Examiner	By examination	28	1	35	7	35	
	Under mutual recognition	3	0	N/A	N/A		2
Total number of certificates of competency issued						92	
Total number of letters of registration by mutual recognition issued							66

Queensland Coal Mining Legislation Examination	Obtained ...	Written Examinations		Notices issued
		Pass	Fail	
Site Senior Executive	By SSE Examination	52	85	49 *

* Notices issued do not match exams due to the Notice approval process occurring outside the reporting period.



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BOARD OF EXAMINERS

(Statutory certificates of competency
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*Coal Mining Safety and Health Act 1999
Mining and Quarrying Safety and Health Act 1999*

July 2010 - June 2011

INTRODUCTION:

The Board of Examiners trace their origin in *The Mining Act of 1898 (Queensland)*. The Board's activities contribute to securing the safety and health of workers in mines by ensuring only qualified and competent people are entrusted with key roles in mines which, if mishandled, could contribute to injury and loss of life, potentially on a large scale. The Board grants certificates of competency to persons assessed as being appropriately qualified to fill statutory safety and health mine management positions in the metalliferous and coal mining industries.

Before proclamation of the comprehensive new mining safety and health legislation on 16 March 2001, the former mining Board of Examiners was constituted under the *Mines Regulation Act 1964*, and recognised by the *Coal Mining Act 1925*. The Board of Examiners is now established under Part 10 of the *Coal Mining Safety and Health Act 1999*.

FUNCTIONS OF THE BOARD OF EXAMINERS:

- to decide the competencies necessary for holders of certificates of competency for persons who are appointed under the mining Acts;
- to assess applicants, or have applicants assessed, for certificates of competency;
- to grant certificates of competency to persons who have demonstrated to the Boards' satisfaction the appropriate competencies necessary to hold the certificates;
- to ensure the competencies under the above Acts are consistent with the competencies required by other States for the holders of certificates of competency; and
- to perform other functions given to the board under the *Coal Mining Safety and Health Act 1999*.

Certificates of competency are mandatory for statutory positions defined in the respective Acts. Certificates are only issued by the Board of Examiners to persons who meet appropriate eligibility criteria, pass a written examination in Queensland mining law and an oral examination in mining practice. The oral examination panels are chaired by a Mines Inspector and include two experienced qualified peers from the mining industry.

Certificates issued by the Board are:

- First Class Mine Manager's Certificate of Competency (Underground Metalliferous Mines)
- First Class Mine Manager's Certificate of Competency (Underground Coal Mines)
- Second Class Mine Manager's Certificate of Competency (Underground Coal Mines)
- Deputy's Certificate of Competency
- Open Cut Examiner's Certificate of Competency.

The Board also issues Site Senior Executive Mining Legislation Examination Notices to persons who have demonstrated their knowledge of the *Coal Mining and Safety Health Act 1999* by undertaking a written mining law examination.

MEMBERS OF THE BOARDS OF EXAMINERS AS AT 30 JUNE 2011 WERE:

- Robert Gavin Taylor, Chair of the Board and Chief Inspector of Coal Mines, Queensland Mines and Energy, Department of Employment, Economic Development and Innovation, a member of the Coal Mining Safety and Health Advisory Committee and an experienced coal mine manager holding First and Second Class Mine Manager's and Deputy's Certificates of Competency.
- Roger Billingham, Former Chief Inspector of Mines, Queensland Mines and Energy, Department of Employment, Economic Development and Innovation, a member of the Mining Safety and Health Advisory Committee and holder of First Class Mine Manager's (Underground Metalliferous Mines) Certificates from Queensland, Tasmania and South Africa.
- Gregory Allan Dalliston, holder of a Mine Deputy's Certificate of Competency, Industry Safety and Health Representative, a member of the Coal Mining Safety and Health Advisory Committee, a member of the Coal Sector Committee of the Resources and Infrastructure Industry Skills Council and Chair of the Coal Sector Working Party.
- Dr Brian White, holder of a First Class Mine Manager's Certificate of Competency (Metalliferous Mines), Professor of Mining Engineering University of Queensland 1998 - December 2001, Adjunct Professor of Mining Engineering WA School of Mines (Curtin University) 2002-04, and currently Adjunct Professor of Mining Engineering University of Queensland from July 2004.
- Michael Dempster Downs, Underground Mine Manager with Anglo Coal and holder of a First Class Mine Manager's (Underground Coal Mines) Certificate of Competency.
- Ian McDonell, currently engaged in a consultancy role after many years as a practising colliery manager and holder of a First Class Mine Manager's (Underground Coal Mines) Certificate of Competency.
- Michael Rhodes Westerman, General Manager Mount Isa Copper Operations with Xstrata Copper and holder of First Class Mine Manager's (Underground Metalliferous Mines) Certificates from Queensland and Northern Territory.
- John Bernard Sleigh, Inspector of Mines, Queensland Mines and Energy, Department of Employment, Economic Development and Innovation, holding First Class Mine Manager's Certificates of Competency.
- Robert Bruce O'Sullivan, Chief Inspector of Mines, Queensland Mines and Energy, Department of Employment, Economic Development and Innovation, a member of the Mining Safety and Health Advisory Committee and holder of First Class Mine Manager's (Underground Metalliferous Mines) Certificate.

Michael Rhodes Westerman, John Bernard Sleigh and Robert Bruce O'Sullivan were appointed on 9 December 2010 for a period of five years.

Annual Report of the Board of Examiners
July 2010 – June 2011

Board Meeting Attendance:

Board Member	Number of Meetings	Number of Meetings Attended
Robert Gavin Taylor	8	8
Roger Billingham	5	3
Gregory Allan Dalliston	8	5
Dr Brian White	8	5
Michael Dempster Downs	8	6
Ian McDonell	8	7
Michael Westerman	3	2
John Sleigh	5	5
Robert O'Sullivan	3	3

CERTIFICATES OF COMPETENCY ISSUED BY EXAMINATION, AND REGISTRATIONS GRANTED UNDER THE *MUTUAL RECOGNITION ACT 1992*:

The Board issued 63 certificates of competency and 33 letters of registration by mutual recognition. Appendix 1 details the number and class of certificates of competency issued by examination, success rates in examinations, and the number and class of registrations granted under the *Mutual Recognition Act 1992*.

SITE SENIOR EXECUTIVE MINING LEGISLATION EXAMINATION NOTICES ISSUED

In the current reporting period, the Board of Examiners received a total of 155 applications for assessment. The Board organised 191 SSE examinations in Brisbane and at several regional venues. In the current reporting period the Board issued 119 notices to applicants who had successfully completed a mining legislation examination during 2010-2011. Appendix 1 details notices issued by examination and exemption.

ISSUES THROUGHOUT THE REPORTING PERIOD:

Meetings with the New South Wales Coal Competence Board

The Board has established bi-annual meetings with the New South Wales Coal Competence Board to discuss matters of mutual interest, in particular maintenance of competency and ensuring harmonisation of qualifications and work history required to obtain certificates of competency across Queensland and New South Wales.

The Queensland and New South Wales Boards have appointed a working group consisting of Board members and industry representatives to develop common eligibility criteria for the issue of certificates of competency across the two States. This working group is also investigating and developing guidelines to ensure quality assurance of registered training organisations.

Competence of Site Senior Executives (SSE) and the Introduction of a Mining Legislation Examination for SSEs

As reported in 2007-2008, the Board of Examiners referred to the Advisory Committee the issue of the development of a competency for the position of SSE as being essential to the management of risk and the discharge of safety and health obligations.

The Coal Mining Safety and Health Advisory Committee meeting of 5 February 2009 decided to introduce an SSE Queensland Coal Mining Legislation Examination as a requirement for site senior executives at Queensland coal mines. Applicants are required to achieve a pass in a written examination on Queensland coal mining safety legislation before appointment to an SSE position.

The Coal Mining Safety and Health Advisory Committee tasked the Board of Examiners with developing and conducting the examination process. The SSE examination regime commenced in July 2009. At 30 June 2011, 587 applications had been received, since the examinations inception, from current and potential SSEs and 271 applicants had been issued with a Site Senior Executive Mining Legislation Examination Notice having successfully completed an examination on the legislation. On 10 March 2011 the Coal Mining Safety and Health Advisory Committee unanimously voted to discontinue any exemption from the SSE examination effective immediately.

The Mining and Quarrying Safety and Health Advisory Committee have postponed determining an appropriate mechanism to address the SSE issue in the metalliferous and quarrying industry until the National Mine Safety Framework project is completed.

Information sessions / Road show

Information sessions with industry stakeholders regarding the application process (written/oral examinations) were held Mackay, Rockhampton, Emerald, Dysart and Brisbane in April/May 2011. Over 250 interested parties attended with very positive feedback. A greater understanding of the process has resulted in an increase in the pass rate in subsequent examinations.

Revision of Administrative Processes

The review of the Board's administrative processes commenced previously has continued. Improvements in the current reporting period include:

- Continual improvement and enhancement of the electronic recording and tracking database. Additional reporting functions have been developed.
- Extensive research and entry of historical data from paper records continued.
- The review of application forms has continued.
- New written examination papers drafted for 1st and 2nd Class certificates. These papers have undergone testing and will be commenced in 2011-2012.

Web Upgrade

The Board of Examiners' website at <http://mines.industry.qld.gov.au/safety-and-health/board-of-examiners.htm> continued to be upgraded as administrative processes were reviewed and implemented. Increases in application fees in line with the approved annual Consumer Price Index increase were included on the website.

Annual Report of the Board of Examiners
July 2010 – June 2011

Expenses

The amount incurred by the Board for the statutory attendance fees for members from outside the public service was \$1336. No special assignment fees were payable. All other costs associated with running the examination and certification processes were incurred by the Department and are not reported in this Annual Report.

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Certificate of Competency / Registration as....	Obtained.....	Written Examinations		Oral Examinations		Certificates Issued	Mutual Recognition Registration
		Pass	Fail	Pass	Fail		
First Class Mine Manager (Underground Metalliferous Mines)	By examination	10	0	10	4	10	
	Under mutual recognition	1	1	N/A	N/A		1
First Class Mine Manager (Underground Coal Mines)	By examination	2	0	2	5	2	
	Under mutual recognition	0	0	N/A	N/A		0
Second Class Mine Manager (Underground Coal Mines)	By examination	0	0	0	0	0	
	Under mutual recognition	6	0	N/A	N/A		6
Deputy	By examination	57	0	28	22	28	
	Under mutual recognition	21	4	N/A	N/A		23
Open Cut Examiner	By examination	25	4	23	12	23	
	Under mutual recognition	2	0	N/A	N/A		3
Total number of certificates of competency issued						63	
Total number of letters of registration by mutual recognition issued							33
Queensland Coal Mining Legislation Examination	Obtained ...	Written Examinations			Notices issued		
		Pass	Fail				
Site Senior Executive	By SSE Examination	85	106			86	
	By Previous Legislation Examination	N/A	N/A			33	
Total number of notices issued						119	



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INTRODUCTION:

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Before proclamation of the comprehensive new mining safety and health legislation on 16 March 2001, the former mining Board of Examiners was constituted under the *Mines Regulation Act 1964*, and recognised by the *Coal Mining Act 1925*. Two Boards of Examiners were constituted under identical provisions in Parts 10 of both the *Mining and Quarrying Safety and Health Act 1999* and the *Coal Mining Safety and Health Act 1999*. In 2008 the Premier announced a review of Queensland Government boards, committees and statutory authorities. The Government response to Part A: An *Independent Review of Queensland Government Boards, Committees and Statutory Authorities* supported recommendation 73 to merge the Board of Examiners (*Coal Mining Safety and Health Act 1999*) and the Board of Examiners (*Mining and Quarrying Safety and Health Act 1999*). The recommendation was implemented on 21 April 2010 in the *Mines and Energy Legislation Amendment Act 2010*. The Board of Examiners is now constituted under Part 10 of the *Coal Mining Safety and Health Act 1999*.

Prior to the merger of the two Boards, meetings of the Boards were held concurrently – i.e. two Boards meeting for all intents and purposes as one.

FUNCTIONS OF THE BOARD OF EXAMINERS:

- to decide the competencies necessary for holders of certificates of competency for persons who are appointed under the mining Acts;
- to assess applicants, or have applicants assessed, for certificates of competency;
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- to ensure the competencies under the above Acts are consistent with the competencies required by other States for the holders of certificates of competency; and
- to perform other functions given to the board under the *Coal Mining Safety and Health Act 1999* and the *Mining and Quarrying Safety and Health Act 1999*.

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- First Class Mine Manager's Certificate of Competency (Underground Coal Mines)
- Second Class Mine Manager's Certificate of Competency (Underground Coal Mines)
- Deputy's Certificate of Competency
- Open Cut Examiner's Certificate of Competency.

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- Roger Billingham, Chief Inspector of Mines, Queensland Mines and Energy, Department of Employment, Economic Development and Innovation, a member of the Mining Safety and Health Advisory Committee and holder of First Class Mine Manager's (Underground Metalliferous Mines) Certificates from Queensland, Tasmania and South Africa.
- Gregory Allan Dalliston, holder of a Mine Deputy's Certificate of Competency, Industry Safety and Health Representative, a member of the Coal Mining Safety and Health Advisory Committee, a member of the Coal Sector Committee of the Resources and Infrastructure Industry Skills Council and Chair of the Coal Sector Working Party.
- Dr Brian White, holder of a First Class Mine Manager's Certificate of Competency (Metalliferous Mines), Professor of Mining Engineering University of Queensland 1998 - December 2001, Adjunct Professor of Mining Engineering WA School of Mines (Curtin University) 2002-04, and currently Adjunct Professor of Mining Engineering University of Queensland from July 2004.
- Michael Dempster Downs, Underground Mine Manager with Anglo Coal and holder of a First Class Mine Manager (Underground Coal Mines) Certificate of Competency.
- Ian McDonell, currently engaged in a consultancy role after many years as a practising colliery manager and holder of a First Class Mine Manager's, (Underground Coal Mines) Certificate of Competency.

Current members of the Board of Examiners were appointed by the Governor in Council on 14 December 2006 for a period of five years with the exception of:

- Robert Gavin Taylor who was appointed by the Governor in Council on 17 July 2008 for a period expiring on 12 December 2011;
- Ian McDonell who was appointed by the Governor in Council on 9 December 2009 for a period expiring on 12 December 2011

The following members resigned during the reporting period:

- Guy Wilton Mitchell effective from 9 December 2009;
- Douglas Hutton Kirkwood White effective from 13 January 2010; and
- Michael Harvey Lou Holmes effective from 16 April 2010.

Replacement members for Mr White and Mr Holmes are in the process of being submitted to Government in Council for approval.

Gayle Mason was appointed as Secretary of the Board on 18 September 2008.

The Board met 8 times during the reporting period on 25 September 2009, 11 December 2009, 14 December 2009, 3 February 2010, 22 March 2010, 6 April 2010, 20 April 2010 and 25 June 2010. Joint meetings were held with the New South Wales Coal Competence Board on

14 December 2009 and 20 April 2010 to discuss matters of mutual interest in particular maintenance of competency and ensuring harmonisation of qualifications and work history required to obtain certificates of competency across Queensland and New South Wales. The Queensland and New South Wales Boards have appointed a working group consisting of Board members and industry representatives to develop common criteria across the two States.

Board Meeting Attendance:

Board Member	Number of Meetings	Number of Meetings Attended
Robert Gavin Taylor	8	8
Roger Billingham	8	5
Guy Wilton Mitchell	1	1
Michael Harvy Lou Holmes	3	2
Gregory Allan Dalliston	8	8
Dr Brian White	8	8
Michael Dempster Downs	8	8
Douglas Hutton Kirkwood White	1	1
Ian McDonell	7	7

CERTIFICATES OF COMPETENCY ISSUED BY EXAMINATION, AND REGISTRATIONS GRANTED UNDER THE *MUTUAL RECOGNITION ACT 1992*:

The Boards issued 41 certificates of competency and 18 letters of registration by mutual recognition. Appendix 1 details the number and class of certificates of competency issued by examination, success rates in examinations, and the number and class of registrations granted under the *Mutual Recognition Act 1992*.

SITE SENIOR EXECUTIVE MINING LEGISLATION EXAMINATION NOTICES ISSUED

In the current reporting period, the Board of Examiners received a total of 432 applications for assessment. The Board has organised 351 SSE examinations in Brisbane and at a wide variety of regional venues. At 30 June 2010 the Board had issued 243 notices to applicants who had successfully completed a mining legislation examination. Appendix 1 details notices issued by examination and exemption.

ISSUES THROUGHOUT THE REPORTING PERIOD:

Maintenance of Competency – Life of Certificate

Certificates of Competency are currently issued for life without any legislated requirement for maintaining relevant skills and abilities. Maintenance of competencies is an ongoing issue of concern as mining takes place within dynamic environments, using various methods and new, changing technology. This concern was highlighted by the Mining Warden after the Moura Number 2 Inquiry.

Statutory officials need to have a greater capacity to deal with a range of mining safety problems and this underpins the need for certificate holders to maintain their competence. In addition to this, Site Senior Executives have a legislated responsibility to ensure that those they employ to fill statutory positions are competent.

As the Coal Mining Safety and Health Advisory Committee and the Mining Safety and Health Advisory Committee both have the legislated responsibility of recognising, establishing and publishing the safety and health competencies required to perform the duties of a person under the legislation, the matter was referred to the Advisory Committees. Workshops and discussions have continued with the Advisory Committees and the New South Wales Coal Competence Board to determine an appropriate course of action.

Review of Number and Type of Statutory Certificates issued by the Board and Competencies required to obtain Statutory Certificates

Communication continued between the Coal Mining Safety and Health Advisory Committee and industry bodies to review the number and type of statutory certificates of competency. The Board agreed that the statutory position of Ventilation Officer under the CMSHA should become a position requiring a statutory certificate of competency issued by the Board and this has been referred to the Coal Mining Safety and Health Advisory Committee for determination.

Meetings with the New South Wales Coal Competence Board

The Board has established bi-annual meetings with the New South Wales Coal Competence Board to discuss matters of mutual interest, in particular maintenance of competency and ensuring harmonisation of qualifications and work history required to obtain certificates of competency across Queensland and New South Wales.

The Queensland and New South Wales Boards have appointed a working group consisting of Board members and industry representatives to develop common eligibility criteria for the issue of certificates of competency across the two States. This working group is also investigating and developing guidelines to ensure quality assurance of registered training organisations.

Competence of Site Senior Executives (SSE) and the Introduction of a Mining Legislation Examination for SSEs

As reported in the 2007-2008, the Boards of Examiners referred to the Advisory Committee the issue of the development of a competency for the position of SSE as being essential to the management of risk and the discharge of safety and health obligations.

The Coal Mining Safety and Health Advisory Committee meeting of 5 February 2009 decided to introduce an SSE Queensland Coal Mining Legislation Examination as a requirement for site senior executives at Queensland coal mines. Applicants are required to achieve a pass in a written examination on Queensland coal mining safety legislation before appointment to an SSE position.

The Coal Mining Safety and Health Advisory Committee tasked the Board of Examiners with developing and conducting the examination process. Examinations commenced in July 2010. At 30 June 2010, 432 applications had been received from current and potential SSEs and 243 applicants had been issued with a Site Senior Executive Mining Legislation Examination Notice having successfully completed an examination on the legislation.

As at 30 June 2010, the Mining and Quarrying Safety and Health Advisory Committee were still determining an appropriate mechanism to address the SSE issue in the metalliferous and quarrying industry.

Registered Training Organisations – Quality of Training

The quality of training provided for the attaining of nationally recognised mining competencies is linked to the Boards of Examiners' assessment of candidates for the statutory certificates.

Registered Training Organisations go through a third party certification process to gain and maintain their accreditation to deliver nationally recognised courses and qualifications. However, there is concern that commercial imperatives and pressure from client organisations lead to shortcuts and hurried delivery of training at the expense of ensuring that the trainee is competent. The regulatory and certification framework for Registered Training Organisations is rigorous. Counter to this is first hand experience and anecdotal evidence suggesting that a number of persons granted competencies have received abbreviated training with the result that their competence is questionable.

This matter has been referred to the Advisory Committees and the Mines Inspectorate is now exploring legislative change to provide the Inspectorate with powers to investigate and deal with Registered Training Organisations whose service delivery is not to nationally accredited standards of competence.

Revision of Administrative Processes

A review of the Board's administrative processes commenced in the previous reporting period has continued. Improvements in the current reporting period include:

- Continual improvement and enhancement of the electronic recording and tracking database developed and implemented in the preceding reporting period. This database provides consistent and up-to-date reports to the Board and ensures that the Board meets its obligations in relation to information standards and privacy obligations. It has streamlined processes to ensure that applicants are assessed and examined in a timely manner.
- Extensive research and entry of historical data from paper records.
- The review of application forms and examination processes has continued.
- The database and the improved application and examination processes introduced during the current reporting period ensure:
 - maintenance of integrity of records;
 - timely retrieval of data and ease of access to historical data;
 - instant response to examiners and applicants on status;
 - applicants provide the Board with relevant work history and educational qualifications;
 - oral examination panel members hold qualifications relevant to the competency being examined; and
 - the oral examination process and guidelines are rigorous and they achieve consistent examining and reporting to the Board by oral examination panels across the State.
- Examination and marking timelines posted on the website ensure applicants are progressed through the examination and approval process in a timely manner meeting industry expectations.
- Guidelines have continued to be developed for assessing applicants with interstate and overseas qualifications in both the coal and metalliferous sectors.
- A review of examination style and format commenced in the previous reporting period and has continued during the current reporting period with improved examination styles to be implemented in the 2010-2011 reporting period.

Web Upgrade

The Boards of Examiners' website at http://www.dme.qld.gov.au/mines/board_examiners.cfm continued to be upgraded as administrative processes were reviewed and implemented. Increases in application fees in line with the approved annual Consumer Price Index increase were included on the website.

Annual Report of the Boards of Examiners
July 2009 – June 2010

Expenses

The amount incurred by the Board for the statutory attendance fees for members from outside the public service was \$5344. No special assignment fees were payable. All other costs associated with running the examination and certification processes were incurred by the Department and are not reported in this Annual Report.

APPENDIX 1
OUTCOMES OF THE BOARDS' EXAMINING AND REGISTRATION ACTIVITIES

Certificate of Competency / Registration as....	Obtained.....	Written Examinations		Oral Examinations		Certificates Issued	Mutual Recognition Registration
		Pass	Fail	Pass	Fail		
First Class Mine Manager (Underground Metalliferous Mines)	By examination	18	0	8	7	8	
	Under mutual recognition	1	0	N/A	N/A		1
First Class Mine Manager (Underground Coal Mines)	By examination	5	0	1	6	1	
	Under mutual recognition	3	0	N/A	N/A		6
Second Class Mine Manager (Underground Coal Mines)	By examination	3	0	1	2	1	
	Under mutual recognition	0	1	N/A	N/A		1
Deputy	By examination	23	4	19	12	19	
	Under mutual recognition	6	1	N/A	N/A		6
Open Cut Examiner	By examination	20	2	12	6	12	
	Under mutual recognition	4	0	N/A	N/A		3
Total number of certificates of competency issued						41	
Total number of letters of registration by mutual recognition issued							17
Queensland Coal Mining Legislation Examination	Obtained ...	Written Examinations			Notices issued		
		Pass	Fail				
Site Senior Executive	By SSE Examination	184	167		181		
	By Previous Legislation Examination	N/A	N/A		62		
Total number of notices issued						243	



ANNUAL REPORT

of the

BOARDS OF EXAMINERS

(Statutory certificates of competency
for safe mine management)

*Mining and Quarrying Safety and Health Act 1999
Coal Mining Safety and Health Act 1999*

July 2008 - June 2009

INTRODUCTION:

The Boards of Examiners trace their origin in *The Mining Act of 1898 (Queensland)*. Their activities contribute to securing the safety and health of workers in mines by ensuring only qualified and competent people are entrusted with key roles in mines which, if mishandled, could contribute to injury and loss of life, perhaps on a large scale. The Boards grant certificates of competency to persons assessed as being appropriately qualified to fill statutory safety and health mine management positions in the metalliferous and coal mining industries.

Before proclamation of the comprehensive new mining safety and health legislation on 16 March 2001, the former mining Board of Examiners was constituted under the *Mines Regulation Act 1964*, and recognised by the *Coal Mining Act 1925*. Two Boards of Examiners are now constituted under identical provisions in Parts 10 of both the *Mining and Quarrying Safety and Health Act 1999* and the *Coal Mining Safety and Health Act 1999*.

Meetings of the Boards are held concurrently – i.e. two Boards meeting for all intents and purposes as one. In 2008 the Premier announced a review of Queensland Government boards, committees and statutory authorities. The Government response to Part A: An *Independent Review of Queensland Government Boards, Committees and Statutory Authorities* supported recommendation 73 to merge the Board of Examiners (*Coal Mining Safety and Health Act 1999*) and the Board of Examiners (*Mining and Quarrying Safety and Health Act 1999*). This recommendation had not been implemented as at 30 June 2009.

FUNCTIONS OF THE BOARDS OF EXAMINERS:

- to decide the competencies necessary for holders of certificates of competency for persons who are appointed under the mining Acts;
- to assess applicants, or have applicants assessed, for certificates of competency;
- to grant certificates of competency to persons who have demonstrated to the Boards' satisfaction the appropriate competencies necessary to hold the certificates; and
- to ensure the competencies under the above Acts are consistent with the competencies required by other States for the holders of certificates of competency.

Certificates of competency are mandatory for statutory positions defined in the respective Acts. Certificates are only issued by the Boards of Examiners to persons who meet appropriate eligibility criteria, pass a written examination in Queensland mining law and an oral examination in mining practice. The oral examination panel is chaired by a Mines Inspectorate representative and includes experienced qualified peers from the mining industry.

Certificates issued by the Boards are:

- First Class Mine Manager's Certificate of Competency (Underground Metalliferous Mines)
- First Class Mine Manager's Certificate of Competency (Underground Coal Mines)
- Second Class Mine Manager's Certificate of Competency (Underground Coal Mines)
- Deputy's Certificate of Competency
- Open Cut Examiner's Certificate of Competency.

Current members of the Board of Examiners were appointed by the Governor in Council on 14 December 2006 for a period of five years with the exception of Robert Gavin Taylor and Douglas Hutton Kirkwood White who were appointed by the Governor in Council on 17 July 2008 for a period expiring on 12 December 2011.

MEMBERS OF THE BOARDS OF EXAMINERS AS AT 30 JUNE 2009 WERE:

- Robert Gavin Taylor, Chair of the Boards and Chief Inspector of Coal Mines, Queensland Mines and Energy, Department of Employment, Economic Development and Innovation, a member of the Coal Mining Safety and Health Advisory Council and an experienced coal mine manager holding First and Second Class Mine Manager's and Deputy's Certificates of Competency.
- Roger Billingham, Chief Inspector of Mines, Queensland Mines and Energy, Department of Employment, Economic Development and Innovation, a member of the Mining Safety and Health Advisory Council and holder of First Class Mine Manager (Underground Metalliferous Mines) Certificates from Queensland, Tasmania and South Africa.
- Guy Wilton Mitchell, Manager Underground Strategy and Development, Resource Development Group, BHP Billiton Mitsubishi Alliance. Qualified and experienced mine manager and holder of a First and Second Class Mine Manager's Certificates of Competency (Coal Mines), a Deputy's Certificate of Competency (Coal Mines) and an Open Cut Examiner's Certificate of Competency
- Michael Harvy Lou Holmes, General Manager Mount Isa Copper Operations, a member of the Mining Safety and Health Advisory Council and the holder of a First Class Certificate of Competency (Metalliferous Mines).
- Gregory Allan Dalliston, holder of a Mine Deputy's Certificate of Competency, Industry Safety and Health Representative, a member of the Coal Mining Safety and Health Advisory Council, a member of the Coal Sector Committee of the Resources and Infrastructure Industry Skills Council and Chair of the Coal Sector Working Party.
- Dr Brian White, holder of a First Class Mine Manager's Certificate of Competency (Metalliferous Mines), Professor of Mining Engineering University of Queensland 1998 - December 2001, Adjunct Professor of Mining Engineering WA School of Mines (Curtin University) 2002-04, and currently Adjunct Professor of Mining Engineering University of Queensland from July 2004.
- Michael Dempster Downs, Underground Mine Manager, Bundoora Mine with Anglo Coal and holder of a First Class Mine Manager (Underground Coal Mines) Certificate of Competency.
- Douglas Hutton Kirkwood White, Deputy Chief Inspector of Coal Mines, Queensland Mines and Energy, Department of Employment, Economic Development and Innovation, a member of the Coal Mining Safety and Health Advisory Council and an experienced coal mine manager and holder of Queensland First and Second Class Mine Manager's and Deputy's Certificates of Competency.
- Following the retirement of Brian Lyne, Roger Billingham, Chief Inspector of Mines acted as Chair until the appointment of Robert Gavin Taylor on 17 July 2008.
- Gayle Mason was appointed as Secretary of the Board on 18 September 2008.

The Boards met six (6) times during the reporting period, on 24 July 2008, 18 September 2008, 14 November 2008, 27 March 2009, 8 May 2009 and 28 June 2009. During the reporting year a joint meeting was also held with the New South Wales Coal Competence Board to discuss matters of mutual interest and it is planned to hold a similar meeting at least once each year.

Board Meeting Attendance:

Board Member	Number of Meetings	Number of Meetings Attended
Robert Gavin Taylor	6	6
Roger Billingham	6	5
Guy Wilton Mitchell	6	4
Michael Harvey Lou Holmes	6	3
Gregory Allan Dalliston	6	6
Dr Brian White	6	5
Michael Dempster Downs	6	6
Douglas Hutton Kirkwood White	6	5

CERTIFICATES OF COMPETENCY ISSUED BY EXAMINATION, AND REGISTRATIONS GRANTED UNDER THE *MUTUAL RECOGNITION ACT 1992*:

In the current reporting period, the Boards of Examiners received a total of 73 applications for assessment. The Boards issued 62 certificates of competency and 13 letters of registration by mutual recognition. Appendix 1 details the number and class of certificates of competency issued by examination; success rates in examinations, and the number and class of registrations granted under the *Mutual Recognition Act 1992*.

ISSUES THROUGHOUT THE REPORTING PERIOD:

Information Privacy

The Board members attended a presentation outlining their obligations under the Information Standard 42 (Information Privacy).

Maintenance of Competency – Life of Certificate

Certificates of Competency are issued for life without any legislated requirement for maintaining relevant skills and abilities. Maintenance of competencies is an issue of concern as mining takes place within dynamic environments, using various methods and new, changing technology. This concern was highlighted by the Mining Warden after the Moura Number 2 Inquiry.

Statutory officials need to have a greater capacity to deal with a range of mining safety problems and this underpins the need for certificate holders to maintain their competence. In addition to this, Site Senior Executives have a legislated responsibility to ensure that those they employ to fill statutory positions are competent.

As the Coal Mining Safety and Health Advisory Council and the Mining Safety and Health Advisory Council both have the legislated responsibility of recognising, establishing and publishing the safety and health competencies required to perform the duties of a person under the legislation, the matter was referred to the Advisory Councils. Workshops and discussions have continued with the Advisory Councils, industry and union representatives and the New South Wales Coal Competence Board to determine an appropriate course of action.

Competence of Site Senior Executives (SSE) and the Introduction of a Mining Legislation Examination for Site Senior Executives

As reported in the 2007-2008, the Boards of Examiners referred to the Advisory Councils the issue of the development of a competency for the position of SSE as being essential to the management of risk and the discharge of safety and health obligations.

The Coal Mining Safety and Health Advisory Council meeting of 5 February 2009 decided to introduce a Site Senior Executive Queensland Coal Mining Legislation Examination as a requirement for SSEs at Queensland coal mines. Applicants are required to achieve a pass in a written examination on Queensland coal mining safety legislation before appointment to an SSE position.

The Coal Mining Safety and Health Advisory Council tasked the Board of Examiners with developing and conducting the examination process. At 30 June 2009, 200 applications had been received from current and potential SSEs with examinations to commence in July 2009.

As at 30 June 2009, the Mining and Quarrying Safety and Health Advisory Council had not yet determined an appropriate mechanism to address the SSE issue in the metalliferous and quarrying industry.

Registered Training Organisations – Quality of Training

The quality of training provided for the attaining of nationally recognised mining competencies is linked to the Boards of Examiners' assessment of candidates for the statutory certificates.

Registered Training Organisations go through a third party certification process to gain and maintain their accreditation to deliver nationally recognised courses and qualifications. However, there is concern that commercial imperatives and pressure from client organisations lead to shortcuts and hurried delivery of training at the expense of ensuring that the trainee is competent. The regulatory and certification framework for Registered Training Organisations is rigorous. Counter to this is first hand experience and anecdotal evidence suggesting that a number of persons granted competencies have received abbreviated training with the result that their competence is questionable.

This matter has been referred to the Advisory Councils and the Mines Inspectorate is now exploring legislative change to provide the Inspectorate with powers to investigate and deal with Registered Training Organisations whose service delivery is not to nationally accredited standards of competence.

Revision of Administrative Processes

A review of administrative processes commenced in June 2008. Improvements in the current reporting period include:

- An electronic recording and tracking database has been developed and implemented to provide consistent up-to-date quarterly reports to the Board and to streamline processes to ensure that applicants are assessed and examined in a timely manner.
- Application forms and examinations processes have been reviewed and improved to comply with information standards and privacy obligations. The improved processes introduced during the current reporting period ensure:
 - maintenance of integrity of records;
 - timely retrieval of data and ease of access to historical data;
 - instant response to examiners and applicants on status;
 - applicants provide the Board with relevant work history and educational qualifications; and
 - the oral examination process and guidelines are rigorous and they achieve consistent examining and reporting to the Board by oral examination panels across the State.
- Examination timelines have been developed and posted on the website to ensure applicants are progressed through the examination and approval process in a timely manner meeting industry expectations.
- Guidelines have been developed for assessing applicants with overseas qualifications.
- A review of examination style and format has commenced.
- The chair of each oral examination panel holds a relevant First Class Mine Manager's Certificate of Competency and all other panel members hold qualifications relevant to the competency being examined.
- Credit card payment of application fees has been introduced.

Web Upgrade

The Boards of Examiners' website at http://www.dme.qld.gov.au/mines/board_examiners.cfm continued to be upgraded as administrative processes were reviewed and implemented. Increases in application fees in line with the approved annual Consumer Price Index increase were included on the website.

Expenses

The amount incurred by the Board for the statutory attendance fees for members from outside the public service was \$2,338. No special assignment fees were payable.

APPENDIX 1
OUTCOMES OF THE BOARDS' EXAMINING AND REGISTRATION ACTIVITIES

Certificate of Competency / Registration as....	Obtained.....	Written Examinations		Oral Examinations		Certificates Issued	Mutual Recognition Registration
		Pass	Fail	Pass	Fail		
First Class Mine Manager (Underground Metalliferous Mines)	By examination	5	1	6	1	6	
	Under mutual recognition	5	0	N/A	N/A		5
First Class Mine Manager (Underground Coal Mines)	By examination	1	0	1	3	1	
	Under mutual recognition	1	1	N/A	N/A		1
Second Class Mine Manager (Underground Coal Mines)	By examination	1	0	1	4	1	
	Under mutual recognition	0	1	N/A	N/A		0
Deputy	By examination	17	7	28	15	27	
	Under mutual recognition	4	4	N/A	N/A		4
Open Cut Examiner	By examination	25	6	29	7	27	
	Under mutual recognition	3	2	N/A	N/A		3
Total number of certificates of competency issued						62	
Total number of letters of registration by mutual recognition issued							13

ANNUAL REPORT

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BOARDS OF EXAMINERS

(Statutory certificates of competency
for safe mine management)

*Mining and Quarrying Safety and Health Act 1999
Coal Mining Safety and Health Act 1999*

July 2007 - June 2008

Introduction:

The Boards of Examiners trace their origin in *The Mining Act of 1898 (Queensland)*. Their activities contribute to securing the safety and health of workers in mines by ensuring only qualified and competent people are entrusted with key roles in mines which, if mishandled, could contribute to injury and loss of life, perhaps on a large scale. The Boards grant certificates of competency to persons assessed as being appropriately qualified to fill statutory safety and health mine management positions in the metalliferous and coal mining industries.

Before proclamation of the comprehensive new mining safety and health legislation on 16 March 2001 the former mining Board of Examiners was constituted under the *Mines Regulation Act 1964*, and recognised by the *Coal Mining Act 1925*. Two Boards of Examiners are now constituted under identical provisions in Parts 10 of both the *Mining and Quarrying Safety and Health Act 1999* and the *Coal Mining Safety and Health Act 1999*.

Meetings of the Boards are held concurrently – i.e. two Boards meeting for all intents and purposes as one.

Functions of the Boards of Examiners:

- to decide the competencies necessary for holders of certificates of competency for persons who are appointed under the mining Acts;
- to assess applicants, or have applicants assessed, for certificates of competency;
- to grant certificates of competency to persons who have demonstrated to the Boards' satisfaction the appropriate competencies necessary to hold the certificates;
- to ensure the competencies under the above Acts are consistent with the competencies required by other States for the holders of certificates of competency;

Certificates of competency are mandatory for statutory positions defined in the respective Acts. Certificates are only issued by the Boards of Examiners to persons who meet appropriate eligibility criteria and pass a written examination in Queensland mining law and an oral examination in mining practice. The oral examination panel is chaired by an inspectorate representative and includes experienced qualified peers from the mining industry.

Certificates issued by the Boards are:

- First Class Mine Manager's Certificate of Competency (Underground Metalliferous Mines)
- First Class Mine Manager's Certificate of Competency (Underground Coal Mines)
- Second Class Mine Manager's Certificate of Competency (Underground Coal Mines)
- Deputy's Certificate of Competency
- Open Cut Examiner's Certificate of Competency.

Current members of the Board of Examiners were appointed by the Governor in Council on 14 December 2006 for a period of 5 years.

Members of the Boards of Examiners as at 1 July 2007 were:

Mr B J Lyne, Chief Inspector of Coal Mines and Chairman from 8 July 2006,
Department of Mines and Energy

Mr R Billingham, Chief Inspector of Mines, Department of Mines and Energy

Mr G W Mitchell, Manager Underground Strategy and Development, Resource Development Group, BHP Billiton Mitsubishi Alliance. Qualified and experienced mine manager holder of a First and Second Class Mine Manager's Certificates of Competency (Coal Mines), a Third Class Certificate of Competency (Coal Mines) and an Open Cut Examiner's Certificate of Competency

Michael Harvy Lou Holmes, General Manager Mount Isa Copper Operations, member of the Mining Safety and Health Advisory Council and holder of a First Class Certificate of Competency (Metalliferous Mines).

Mr G A Dalliston, holder of a Mine Deputy's Certificate of Competency, Industry Safety and Health Representative, member of the Coal Mining Safety and Health Advisory Council, member Coal Sector Committee of the Resources and Infrastructure Industry Skills Council and member Queensland Mining Industry Training Advisory Body Board

Dr B White, holder of a First Class Mine Manager's Certificate of Competency (Metalliferous Mines), Professor of Mining Engineering University of Queensland 1998 - December 2001, Adjunct Professor of Mining Engineering WA School of Mines (Curtin University) 2002-04, and currently Adjunct Professor of Mining Engineering University of Queensland from July 2004

Mr M D Downs, holder of a First Class Mine Manager's Certificate of Competency (Coal Mines), resigned from the Department of Mines and Energy on 24 August 2007 to take up the position of Underground Mine Manager Aquila Mine with Anglo Coal. He retained his position as a member of the Board of Examiners.

Mr B J Lyne went on extended leave commencing on 15 October 2007 with the intention of retiring in mid 2008. Mr R Billingham, Chief Inspector of Mines, acted as Chair in the absence of Mr Lyne.

The Secretary of the Board of Examiners, Mr Lovely, retired on 15 February 2008 and was subsequently replaced by Mr M Buckingham. Mr Buckingham left the position of Secretary on 25 June 2008 to take up other duties in the Department.

The Boards met four times during the reporting period, on 17 August and 23 November 2007, and on 8 February and 9 May 2008.

Certificates of Competency issued by examination, and registrations granted under the *Mutual Recognition Act 1992*:

Appendix 1 shows the numbers of certificates of competency issued by examination, candidates' success rates in examinations, and the numbers of registrations granted under the *Mutual Recognition Act 1992*.

Issues throughout the reporting period:

Web Upgrade

The Boards of Examiners' website at http://www.dme.qld.gov.au/mines/board_examiners.cfm continues to be upgraded. Application forms have been reviewed and amended to include increases in application fees in line with the approved annual Consumer Price Index increase.

Fee Structure

The Queensland application fees are about 10% of the equivalent fees in New South Wales and the Board sought to increase the fees to a comparable level. Ultimately this was not approved and fees increased in line with the Consumer Price Index.

Markers for written papers

A number of papers in mining law recently have been marked by a sole examiner. The Boards decided on a policy of referring papers to a Second Marker when –

- the outcome lies within 65 – 75 per cent, or
- at the recommendation of the first marker.

Maintenance of Competency – Life of Certificate

Currently Certificates of Competency are issued for life without any requirement for maintaining relevant skills and abilities. An issue of central concern is the maintenance of competency as mining takes place within dynamic environments, using various methods and new, changing technology. Statutory officials need to have a greater capacity to deal with a range of mining safety problems and this underpins the need for certificate holders to maintain their competence. In addition to this, Site Senior Executives have a legislated responsibility to ensure that those they employ to fill statutory positions are competent.

Discussion by the Board centred on:

- how competency should be defined and regulated
- key issues relating to competency evaluation and maintenance
- approaches to monitoring competency
- roadblocks to effective monitoring
- incentives for maintaining competency

As the Coal Mining Safety and Health Advisory Council and the Mining Safety and Health Advisory Council both have the legislated responsibility of recognising, establishing and publishing the safety and health competencies required to perform the duties of a person under the legislation it was decided to refer the matter to the Advisory Councils.

Registered Training Organisations – Quality of Training

Registered Training Organisations go through a third party certification process to gain and maintain their accreditation to deliver nationally recognised courses and qualifications. -

However there is concern that commercial imperatives and pressure from client organisations lead to shortcuts and hurried delivery of training at the expense of ensuring that the trainee is competent. The regulatory and certification framework for Registered Training Organisations is rigorous. Counter to this is first hand experience and anecdotal evidence suggesting that a number of persons granted competencies have received abbreviated training with the result that their competence is questionable.

The Department is in the process of entering into a Memorandum of Understanding with the Department of Education, Training and the Arts to participate in technical audits of Registered Training Organisations with the objective of lifting the standard for training where shortcomings are evident. The Board will alert the Department to any matters which could warrant audit attention.

Competence of Site Senior Executives (SSE)

Mine operators are appointing SSEs who in certain cases are not mining professionals or do not have a mining background. The occurrence of non-mining SSEs is of concern because of the weighty statutory responsibilities attached to the appointment. The Board of Examiners is of the opinion that the development of a competency for the position of SSE is essential to the management of risk and the discharge of safety and health obligations. This matter will be progressed in consultation with the Advisory Councils.

Work Experience for Applicants

The increase in mining industry activity has lead to a diminution of mining experience across industry and the promotion of individuals with limited experience into higher levels of responsibility. This has led the Board to closely scrutinise the work experience history of applicants for certificates of competency. Changes to application forms now include a requirement for applicants to have their claims about their experience verified under the signature of a supervisor who can attest to the fact that the applicant has the experience claimed.

Revision of Administrative Processes

An overhaul of administrative processes employed by the Secretary and associated administrative support commenced in June 2008 with the objective of:

- revising application forms
- introducing credit card payment for application fees
- ensuring mutual recognition processes are legally compliant
- developing a computer based document and workflow management system
- providing processing status reports in a consistent format to the Board

Expenses:

The Boards' membership is at its minimum statutory complement, and costs incurred were only the statutory attendance fees for members from outside the public service. The total budgeted remuneration was \$4776. No special assignment fees were payable.

APPENDIX 1

OUTCOMES OF THE BOARDS' EXAMINING AND REGISTRATION ACTIVITIES

LEGEND

1M = First Class Mine Manager's Certificate of Competency (Underground Metalliferous Mines)

1C = First Class Mine Manager's Certificate of Competency (Underground Coal Mines)

2C = Second Class Mine Manager's Certificate of Competency (Underground Coal Mines)

Deputy = Deputy's certificate of competency

OCE = Open Cut Examiner's certificate of competency.

Certificate / Registration as....		Written Examinations		Oral Examinations	
		Pass	Fail	Pass	Fail
1M	By examination	3	1	2	1
	Under mutual recognition	Nil	1		
1C	By examination	2	3	2	1
	Under mutual recognition	1	Nil		
2C	By examination	Nil	Nil	Nil	Nil
	Under mutual recognition	1	Nil		
Deputy	By examination	19	5	17	1
	Under mutual recognition	1	3		
OCE	By examination	22	4	23	1
	Under mutual recognition	3	2		

Certificate / Registration as....	Applications for examination		Applications under mutual recognition	
	Number of new applications	Number of certificates issued	Number of new applications	Number of registrations granted
1M	3	1	2	1
1C	3	2	2	1
2C	Nil	Nil	Nil	Nil
Deputy	36*	22	15*	Nil
OCE	42*	20	21*	3

*A high number of the new applications were received in the last quarter of the reporting period

ANNUAL REPORT

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BOARDS OF EXAMINERS

(Statutory certificates of competency
for safe mine management)

July 2006 - June 2007

Introduction:

The Boards of Examiners trace their origin in *The Mining Act of 1898 (Queensland)*. Their activities contribute to securing the safety and health of workers in mines by ensuring only qualified and competent people are entrusted with key roles in mines which, if mishandled, could contribute to injury and loss of life, perhaps on a large scale. The Boards grant certificates of competency to persons assessed as being appropriately qualified to fill statutory safety and health mine management positions in the metalliferous and coal mining industries.

Before proclamation of the comprehensive new mining safety and health legislation on 16 March 2001 the former mining Board of Examiners was constituted under the *Mines Regulation Act* 1964, and recognised by the *Coal Mining Act* 1925. Two Boards of Examiners are now constituted under identical provisions in Parts 10 of both the *Mining and Quarrying Safety and Health Act* 1999 and the *Coal Mining Safety and Health Act* 1999.

Meetings of the Boards are held concurrently – i.e. two Boards meeting for all intents and purposes as one.

Functions of the Boards of Examiners:

- To decide the competencies necessary for holders of certificates of competency for persons who are appointed under the mining Acts;
- To assess applicants, or have applicants assessed, for certificates of competency;
- To grant certificates of competency to persons who have demonstrated to the Boards' satisfaction the appropriate competencies necessary to hold the certificates;
- To ensure the competencies under the above Acts are consistent with the competencies required by other States for the holders of certificates of competency;
- To cancel certificates of competency obtained by use of false information.

Certificates of competency are mandatory for statutory positions defined in the respective Acts. They attest to their holders' knowledge of the hazards and science associated with work in mines and a practical ability to apply that knowledge in a manner that secures their own safety and that of all others affected by their activities. Certificates are only issued by the Boards of Examiners to persons who meet appropriate eligibility criteria and pass a written examination in Queensland mining law and an oral examination in mining practice. The oral examination panel is chaired by an inspectorate representative and includes experienced qualified peers from the mining industry.

Certificates issued by the Boards are:

- First Class Mine Manager's Certificate of Competency (Underground Metalliferous Mines)
- First Class Mine Manager's Certificate of Competency (Underground Coal Mines)
- Second Class Mine Manager's Certificate of Competency (Underground Coal Mines)
- Deputy's Certificate of Competency

- Open Cut Examiner's Certificate of Competency.

Members of the Boards of Examiners until expiry of their terms of appointment on 28 November 2006:

Mr P J Minahan, Chairman and Chief Inspector of Mines, Department of Natural Resources, Mines and Water (retired as Chairman 7 July 2006, but remained a member)

Mr B J Lyne, statutory Chief Inspector of Coal Mines and Acting Chairman from 8 July 2006, Department of Natural Resources, Mines and Water

Mr R Billingham, statutory Chief Inspector of Mines, Department of Natural Resources, Mines and Water

Mr G W Mitchell, Manager Underground Strategy and Development, Resource Development Group, BHP Billiton Mitsubishi Alliance. Qualified and experienced mine manager holding First and Second Class Mine Manager's Certificates of Competency (Coal Mines), a Third Class Certificate of Competency (Coal Mines) and an Open Cut Examiner's Certificate of Competency (Open-cut Coal Mines)

Mr G A Dalliston, certificated mine Deputy, Industry Safety and Health Representative, member Coal Mining Safety and Health Advisory Council, member Coal Sector Committee of the Resources and Infrastructure Industry Skills Council and member Queensland Mining Industry Training Advisory Body Board

Dr B White, holding a First Class Mine Manager's Certificate of Competency (Metalliferous Mines), Professor of Mining Engineering University of Queensland 1998 - December 2001, Adjunct Professor of Mining Engineering WA School of Mines (Curtin University) 2002-04, and currently Adjunct Professor of Mining Engineering University of Queensland from July 2004

Mr N V Jansen, qualified and experienced mine manager holding a First Class Mine Manager's Certificate of Competency (Metalliferous Mines).

Members of the Boards of Examiners since appointments were made for another five year term on 14 December 2006:

Mr B J Lyne, Chairman and Chief Inspector of Coal Mines, Department of Mines and Energy

Mr R Billingham, Chief Inspector of Mines, Department of Mines and Energy

Mr M D Downs, Manager Safety and Health, Central Region, Department of Mines and Energy

Mr M H L Holmes, General Manager – Mount Isa Copper Operations, Xstrata Copper, Mount Isa Mines, and holder of First Class Mine Manager's Certificates of Competency (Metalliferous Mines) (Queensland and Western Australia)

Dr B White and Messrs G W Mitchell and G A Dalliston as formerly (above).

The newly appointed Boards then appointed Mr B G Lovely as statutory Secretary.

The Boards met four times during the reporting period, on 12 October and 24 November 2006, and on 23 February and 18 May 2007.

Certificates of Competency issued by examination, and registrations granted under the *Mutual Recognition Act 1992*:

Appendix 1 shows the numbers of certificates of competency issued by examination, candidates' success rates in examinations, and the numbers of registrations granted under the *Mutual Recognition Act 1992*.

Main developments:

1. The Boards of Examiners' website at http://www.dme.qld.gov.au/mines/board_examiners.cfm continues to be upgraded. All application forms and information sheets for all certificates of competency are now accessible on the web. New policies affecting applicants are notified initially on the website home page.
2. The Boards of Examiners invited Mr John Maitland, Chairman of the newly constituted New South Wales Coal Competence Board and Ms Helen Parker, NSW's Manager Competency and Secretary Examination Board to attend their meeting on 18 May 2007, in order to promote common cross-border competency standards – a goal personally supported by the responsible Ministers in both States.
3. New and amended policies:
 - Candidates for Deputy's and Open Cut Examiner's Certificates of Competency are now required to sit a written examination in mining law prior to sitting the oral examination. The exams are for three hours, and are "closed book" with a pass mark of 70%. Examination occasions are held quarterly, with oral examinations for successful candidates approximately two months later. To assist in their preparation applicants are sent a replica of the exam paper as soon as their application is received, which includes reference to the sections in the legislation where the answers are to be found. To further assist, applicants successful in the written examination are returned an abbreviated mark sheet showing where their answers received half or less of the allocated mark, as questions answered poorly will be pursued in the subsequent oral examination. (Candidates for First and Second Class Mine Manager's Certificates also sit a preliminary written exam in mining law, but may do so whenever they feel ready.)
 - The Boards detailed eleven subcategories of work experience in underground coal mining (including face mining) to be eligible to sit for any of the three underground coal mining certificates of competency.
 - In response to strong representations from the industry and intending applicants, in light of the current prevalence of contractors providing blasting services to open cut coal mines, the eligibility requirements for Open Cut Examiner's Certificates of Competency were amended to replace the need for "at least six months' aggregate experience in drilling and blasting" with "active involvement in at least ten separate blasting events, including the personal handling and use of explosives".

4. The Boards are pursuing the following objectives:

- Encouraging Site Senior Executives (“SSEs”) to provide support to applicants for statutory qualifications, including mentoring and conducting trial oral examinations. Every applicant needs to supply a letter in support from his or her SSE. Where an applicant has failed an oral examination, the SSE is furnished with a copy of the examiners’ report. Applicants reapplying have to supply another letter in their support from their SSE indicating measures that were taken to improve the applicant’s preparedness and how they have addressed deficiencies perceived in the previous examination.
- Clarifying and publicising eligibility requirements in applicants presenting with statutory qualifications obtained overseas.
- Deciding on core issues where applicants found to be marginally not yet competent as a result of their oral examination will not be permitted to re-sit in the very short term.
- Reviewing areas where the constitution of the Boards should be amended to improve their operational efficiency.
- Maintaining a watching brief over the quality of Registered Training Organisations, which can become apparent as a result of trends in the performance of holders of their Statements of Attainment in the Boards’ oral examinations.

5. The Boards’ secretariat was strengthened by addition of the services of an assistant.

Ms K Hilliger served from 12 July 06 to 22 February 07 and Mr M Buckingham thereafter.

Expenses:

The Boards’ membership is at its minimum statutory complement, and costs incurred were only the statutory attendance fees for members from outside the public service and the statutory travel allowance for one member. No special assignment fees were payable.

APPENDIX 1

OUTCOMES OF THE BOARDS’ EXAMINING AND REGISTRATION ACTIVITIES

LEGEND

“1M” = First Class Mine Manager’s Certificate of Competency (Underground Metalliferous Mines)

“1C” = First Class Mine Manager’s Certificate of Competency (Underground Coal Mines)

“2C” = Second Classditto.....

“Deputy” = Deputy’s certificate of competency

“OCE” = Open Cut Examiner’s certificate of competency.

Certificate / Registration as....	Obtained.....	Written Examinations		Oral Examinations	
		Pass	Fail	Pass	Fail
1M	By examination	2	1	3	1
	Under mutual recognition	4	Nil		
1C	By examination	Nil	Nil	Nil	1
	Under mutual recognition	1	Nil		
2C	By examination	1	Nil	Nil	Nil
	Under mutual recognition	Nil	Nil		
Deputy	By exam, but no written exam (end of old regime)			26	4
	By exam, including a written exam (start of new regime)	4	1	2	Nil
	Under mutual recognition	1	Nil		
OCE	By exam, but no written exam (end of old regime)			26	8
	By exam, including a written exam (start of new regime)	7	Nil	2	Nil
	Under mutual recognition	3	1		

Certificate / Registration as....	Applications for examination		Applications under mutual recognition	
	Number of new applications	Number of certificates issued	Number of new applications	Number of registrations granted
1M	4	2	4	4
1C	1	Nil	1	1
2C	Nil	1	Nil	Nil
Deputy	25	26	5	2
OCE	36	29	3	2

– END –

ANNUAL REPORT

of the

BOARDS OF EXAMINERS

(Statutory certificates of competency
for safe mine management)

July 2005 - June 2006

Introduction:

The Boards of Examiners trace their origin in *The Mining Act of 1898 (Queensland)*. Their activities contribute to securing the safety and health of workers in mines by ensuring only qualified and competent people are entrusted with key roles in mines which, if mishandled, could contribute to injury and loss of life, perhaps on a large scale. The Boards grant certificates of competency to persons assessed as being appropriately qualified to fill statutory safety and health mine management positions in the metalliferous and coal mining industries.

Before proclamation of the comprehensive new mining safety and health legislation on 16 March 2001 the former mining Board of Examiners was constituted under the *Mines Regulation Act 1964*, and recognised by the *Coal Mining Act 1925*. Two Boards of Examiners are now constituted under identical provisions in Parts 10 of both the *Mining and Quarrying Safety and Health Act 1999* and the *Coal Mining Safety and Health Act 1999*.

Meetings of the Boards are held concurrently – i.e. two Boards meeting for all intents and purposes as one.

Functions of the Boards of Examiners:

- To decide the competencies necessary for holders of certificates of competency for persons who are appointed under the mining Acts;
- To assess applicants, or have applicants assessed, for certificates of competency;
- To grant certificates of competency to persons who have demonstrated to the Boards' satisfaction the appropriate competencies necessary to hold the certificates;
- To ensure the competencies under the above Acts are consistent with the competencies required by other States for the holders of certificates of competency;
- To cancel certificates of competency obtained by use of false information.

Certificates of competency are mandatory for statutory positions defined in the respective Acts. They attest to their holders' knowledge of the hazards and science associated with work in mines and a practical ability to apply that knowledge in a manner that secures their own safety and that of all others affected by their activities. Certificates are only issued by the Boards of Examiners to persons who meet appropriate eligibility criteria and pass a written examination in Queensland mining law and an oral examination in mining practice. The oral examination panel is chaired by an inspectorate representative and includes experienced qualified peers from the mining industry.

Certificates issued by the Boards are:

- First Class Mine Manager's Certificate of Competency (Underground Metalliferous Mines)
- First Class Mine Manager's Certificate of Competency (Underground Coal Mines)
- Second Class Mine Manager's Certificate of Competency (Underground Coal Mines)

- Deputy's Certificate of Competency
- Open Cut Examiner's Certificate of Competency.

Members of the Boards of Examiners for 2005-06:

Mr P J Minahan, Chairman and Chief Inspector of Mines, Department of Natural Resources, Mines and Water

Mr R Billingham, Deputy Chief Inspector of Mines (Metalliferous), Department of Natural Resources, Mines and Water

Mr B J Lyne, Deputy Chief Inspector of Mines (Coal), Department of Natural Resources, Mines and Water

Mr G W Mitchell, Manager Underground Strategy and Development, Resource Development Group, BHP Billiton Mitsubishi Alliance. Qualified and experienced mine manager holding First and Second Class Mine Manager's Certificates of Competency and a Third Class Certificate of Competency in coal mining, and an Open Cut Examiner's Certificate of Competency

Mr G A Dalliston, certificated mine Deputy, Industry Safety and Health Representative, member Coal Mining Safety and Health Advisory Council, and member Coal Sector Committee of the Resources and Infrastructure Industry Skills Council and member of the Queensland Mining Industry Training Advisory Body Board

Dr B White, holding a First Class Mine Manager's Certificate of Competency (Metalliferous Mines), Professor of Mining Engineering at the University of Queensland 1998 - December 2001, Adjunct Professor of Mining Engineering at the WA School of Mines (Curtin University) 2002-04, and currently Adjunct Professor of Mining Engineering at the University of Queensland from July 2004

Mr N V Jansen, qualified and experienced mine manager holding a First Class Mine Manager's Certificate of Competency (Metalliferous Mines), member of the Mining Safety and Health Advisory Council until 20 February 2006, member of the Queensland Resources Council's Metalliferous Operators' Forum.

The Boards met once during the reporting period, on 6 December 2005.

Achievements during 2005-06:

Appendix 1 shows the numbers of certificates of competency issued, candidates' success rates in examinations, and the numbers of registrations issued under the *Mutual Recognition Act*.

Main developments:

1. On 31 January 2006 a new policy was implemented to require applicants for mutual recognition of interstate statutory qualifications to undertake and pass a written examination in mining law and to possess a prescribed competency in risk management. These new requirements are consistent with new applicants for examination. Applicants

under mutual recognition will still be significantly advantaged over new applicants for examination in that –

- they will not have to fulfill all the prerequisites for applicants for examination, so their application documentation is negligible compared to that for applicants for examination and,
- they will not be required to sit an oral examination.

The industry was given five months' advance notice of this new policy coming into effect.

2. An application for mutual recognition based on a New Zealand statutory qualification, and another based on a New South Wales statutory qualification were deemed to be not directly equivalent to the certificate sought in Queensland. Both were officially postponed pending the applicants supplying further information. When no responses were received within the statutory 6 months' window of opportunity, the Boards had no alternative but to refuse the applications. A third applicant was granted a Queensland registration after satisfactorily complying with the Boards' request for further information. None of these decisions of the Boards of Examiners was appealed at the Administrative Appeals Tribunal.
3. Another change initiated during this reporting period was to allow written examinations in mining law to be undertaken on an as required basis and not biannually scheduled.
4. Application forms and information documents for the Boards' five certificates of competency are being progressively placed on the Boards of Examiners' website at http://www.nrm.qld.gov.au/mines/inspectorate/board_examiners.html. Documents for the First Class Mine Manager's Certificate of Competency (Underground Coal Mines) were made available in April 2006, and those for the Deputy's Certificate of Competency were in the final stage of being posted on the web at the end of this reporting period.
5. A comprehensive Excel spreadsheet database has been developed and implemented, showing key dates in applicants' progress towards obtaining a certificate, in order to facilitate managing the process by promoting timely action by the participants in the examining process. The spreadsheet also logs deficiencies in applicants' documentation.

Expenses:

Members' attendance fees paid amounted to \$1400.00.

– END –

APPENDIX 1

OUTCOMES OF THE BOARDS' EXAMINING AND REGISTRATION ACTIVITIES

Certificate of Competency	Written examinations June and October 2005		Oral examinations 2005-06		Certificates issued 2005-06	Registrations under Mutual Recognition 2005-06
	Passed	Failed	Passed	Failed		
First Class Mine Manager's Certificate of Competency (Underground Metalliferous Mines)	6	2	4	Nil	3	9
First Class Mine Manager's Certificate of Competency (Underground Coal Mines)	6	Nil	3	9	4	9
Second Class Mine Manager's Certificate of Competency (Underground Coal Mines)	Nil	Nil	3	2	2	10
Deputy's Certificate of Competency			38	5	46	39
Open Cut Examiner's Certificate of Competency			17	6	14	14

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(Statutory certificates of competency
for safe mine management)

July 2004 - June 2005

Introduction:

The Boards of Examiners trace their origin in *The Mining Act of 1898 (Queensland)*. Their activities contribute to securing the safety and health of workers in mines by ensuring only qualified and competent people are entrusted with key roles in mines which, if mishandled, could contribute to injury and loss of life, perhaps on a large scale. The Boards grant certificates of competency to persons assessed as being appropriately qualified to fill statutory safety and health mine management positions in the metalliferous and coal mining industries.

Before proclamation of the comprehensive new mining safety and health legislation on 16 March 2001 the former mining Board of Examiners was constituted under the *Mines Regulation Act 1964*, and recognised by the *Coal Mining Act 1925*. Two Boards of Examiners are now constituted under identical provisions in Parts 10 of both the *Mining and Quarrying Safety and Health Act 1999* and the *Coal Mining Safety and Health Act 1999*.

Meetings of the Boards are held concurrently – i.e. two Boards meeting for all intents and purposes as one.

Functions of the Boards of Examiners:

- To decide the competencies necessary for holders of certificates of competency for persons who are appointed under the mining Acts;
- To assess applicants, or have applicants assessed, for certificates of competency;
- To grant certificates of competency to persons who have demonstrated to the Boards' satisfaction the appropriate competencies necessary to hold the certificates;
- To ensure the competencies under the above Acts are consistent with the competencies required by other States for the holders of certificates of competency;
- To withdraw certificates of competency under defined circumstances.

Certificates of competency are mandatory for statutory positions defined in the respective Acts. They attest to their holders' ability to work in mines in a manner that secures their own safety and that of all others affected by their activities. Certificates are only issued by the Boards of Examiners to persons who meet appropriate eligibility criteria and pass examinations in Queensland mining law and mining practice.

Certificates issued by the Boards are:

- First Class Mine Manager's Certificate of Competency (Underground Metalliferous Mines)
- First Class Mine Manager's Certificate of Competency (Underground Coal Mines)
- Second Class Mine Manager's Certificate of Competency (Underground Coal Mines)
- Deputy's Certificate of Competency
- Open Cut Examiner's Certificate of Competency.

Members of the Boards of Examiners:

Mr P J Minahan, Chairman and Chief Inspector of Mines, Department of Natural Resources and Mines

Mr R Billingham, Deputy Chief Inspector of Mines (Metalliferous), Department of Natural Resources and Mines

Mr B J Lyne, Deputy Chief Inspector of Mines (Coal), Department of Natural Resources and Mines

Mr G W Mitchell, Manager Underground Strategy and Development, BHP Billiton Mitsubishi Alliance, qualified and experienced mine manager holding First and Second Class Mine Manager's Certificates of Competency and a Third Class Certificate of Competency in coal mining, and an Open Cut Examiner's Certificate of Competency

Mr G A Dalliston, certificated mine Deputy, Industry Safety and Health Representative, member Coal Mining Safety and Health Advisory Council, and member Coal Sector Committee of the Resources and Infrastructure Industry Skills Council and member of the Queensland Mining Industry Training Advisory Body Board

Mr L A Davis, holder of management positions in training and development for the mining industry, and formerly Chairman, Queensland Mining Industry Training Advisory Body (membership ceased 16 December 04 owing to his inability to continue participation)

Dr B White, holding a First Class Mine Manager's Certificate of Competency (Metalliferous Mines), Professor of Mining Engineering at the University of Queensland 1998 - December 2001, Adjunct Professor of Mining Engineering at the W.A. School of Mines (Curtin University) 2002-04, and currently Adjunct Professor of Mining Engineering at the University of Queensland from July 2004

Mr A W Lennox, holding First Class Mine Manager's Certificates of Competency in both metalliferous and coal mining, Asset Leader for Cannington Mine at the time of appointment, and member Mining Safety and Health Advisory Council (membership ceased 16 December 04 owing to his inability to continue participation)

Mr N V Jansen, qualified and experienced mine manager holding a First Class Mine Manager's Certificate of Competency (Metalliferous Mines), member of the Mining Safety and Health Advisory Council, member of the Queensland Resources Council's Metalliferous Operators' Forum (appointed 16 December 04).

The Boards met three times during the reporting period: 16 November 04, 10 March 05 and 27 June 05.

Achievements during 2004-05:

Appendix 1 shows the numbers of certificates of competency issued, candidates' success rates in examinations, and the numbers of registrations under the *Mutual Recognition Act*.

Major Boards decisions and business conducted:

1. The Boards have continued upgrading the eligibility requirements for obtaining permission to sit examinations.
2. The Boards have begun systematically recording the identity of Registered Training Organisations (“RTO’s”) who have provided competencies’ Statements of Attainment for applicants for the Boards’ examinations. This information is being compared with the performance of candidates in the Boards’ examinations, with a view to monitoring the quality of training and assessments provided by RTO’s.
3. The Boards have retained and continue to review the work experience requirements for all certificates.
4. The Boards benefited from an increased understanding of the training and examining regime in the Republic of South Africa for their certificate holders. Senior Inspector of Mines (Coal) Mr D Reece provided the Board his report of a study tour to South Africa in May 2005.
5. Mr Reece and Senior Inspector of Mines (Metalliferous) Mr T H Fisher were invited by the Board to regularly provide specialist advice on competencies, training and mining education at Boards meetings.
6. The Boards decided to bring forward by two months the customary biannual occasions for holding the written examinations in mining law, in order to enable the subsequent oral examinations to be held and certificates issued to successful candidates before the Christmas period and before the end of the Boards’ annual reporting period in June.
7. The Boards determined that applicants with statutory qualifications gained interstate will no longer be able to automatically obtain immediate registration in Queensland under the *Mutual Recognition Act*. Commencing 31 January 2006 such persons will have to pass an examination in mining law and show they have acquired an appropriate prescribed competency in risk management.
8. The Boards have begun arranging for all their application forms and requirements for their certificates, including the examining program to be expected, to be placed on the Boards’ website at
http://nrm.dnr.qld.gov.au/mines/inspectorate/board_examiners.html.
9. The Boards have embarked on a program of electronically recording the salient details of applicants as well as the key stages in their progress towards a certificate of competency. Access to this database will be limited to Boards members, the secretariat and examining inspectors. A facility will be provided for electronically searching this database for the information currently used to manage the examining regime and for other statistical information.

Managing ongoing major changes in the Boards' operations:

In this current climate of major changes to the Boards' eligibility requirements for certificates and changes in examination arrangements, in the interests of procedural fairness to applicants new policies and requirements of the Boards are not made to apply to clients retrospectively, i.e. to applicants whose application date antecedes the policy change (especially policies affecting their eligibility to sit). Applications made according to policies in force at the time of application will be entitled to progress normally to the issuing of their certificate for the next two years notwithstanding any new requirements being made subsequently. Deferrals must be for credible and reputable reasons.

The Boards have alerted intending applicants and industry stakeholders to the following issues –

1. Applicants need to use a current application form and meet the latest eligibility requirements for the certificate. In this respect reapplications are made on the same basis as new applications.
2. All applicants and persons reapplying after having failed an examination are to –
 - a. supply a letter in their support from their Site Senior Executive in cases where their employer has a Site Senior Executive;
 - b. show their Site Senior Executive the examiner's report in the case of a failed oral examination, in order that they may receive further mentoring and assistance in making good the deficiencies revealed by the Boards' examination; and
 - c. provide a letter from the Site Senior Executive confirming renewed support for a candidate after having demonstrated his or her improved likelihood of passing the Boards' examination.
3. Candidates applying to re-sit examination need to ensure any of their credentials bearing an expiry date remain current at the date of reapplication.
4. A pass in the written examination in mining law may only be credited for a maximum of two years.
5. The biannual written examinations in mining law are to be routinely held in October and April instead of December and June. Closing dates are about six weeks earlier.
6. Applicants under the *Mutual Recognition Act* and their prospective employers need to be aware that the new requirements after 31 January 2006 must inevitably introduce delays in their achieving recognition in Queensland of their interstate statutory qualifications, owing to the need for them to first undertake and pass an examination in Queensland mining law and show evidence of their possessing an appropriate prescribed competency in risk management.

Refusal of an application under the *Mutual Recognition Act*:

An application was received under mutual recognition seeking registration in Queensland of a person holding a Second Class Mine Manager's Certificate of Competency (Coal Mines) issued in Western Australia in 1992. The Boards refused this application and the applicant has declined to pursue the matter.

Expenses:

Costs incurred by the Boards amounted to five attendance fees for members.

– END –

APPENDIX 1
OUTCOMES OF THE BOARDS' EXAMINING AND REGISTRATION ACTIVITIES

Certificate of competency	Written examinations June and December 2004		Oral examinations 2004-05		Certificates issued 2004-05	Registrations under Mutual Recognition 2004-05
	No. sat	No. failed	No. sat	No. failed		
First Class Mine Manager's Certificate of Competency (Underground Metalliferous Mines)	8	1	8	2	7	8
First Class Mine Manager's Certificate of Competency (Underground Coal Mines)	5	Nil	6	3	3	3
Second Class Mine Manager's Certificate of Competency (Underground Coal Mines)	4	Nil	5	3	2	3
Deputy's Certificate of Competency			31	7	19	14
Open Cut Examiner's Certificate of Competency			18	3	16	5

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July 2003 - June 2004

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Before proclamation of the comprehensive new mining safety and health legislation on 16 March 2001 the former mining Board of Examiners was constituted under the *Mines Regulation Act 1964*, and recognised by the *Coal Mining Act 1925*. Two Boards of Examiners are now constituted under identical provisions in Parts 10 of both the *Mining and Quarrying Safety and Health Act 1999* and the *Coal Mining Safety and Health Act 1999*.

Meetings of the Boards are held concurrently – i.e. two Boards meeting for all intents and purposes as one.

Functions of the Boards of Examiners:

- To decide the competencies necessary for holders of certificates of competency;
- To assess applicants, or have applicants assessed, for certificates of competency;
- To grant certificates of competency to persons who have demonstrated to the Boards' satisfaction the appropriate competencies necessary to hold the certificates; and
- To ensure the competencies under the above Acts are consistent with the competencies required by other States for the holders of certificates of competency.

Certificates of competency are mandatory for statutory positions defined in the respective Acts. They attest to their holders' ability to work in mines in a manner that secures their own safety and that of all others affected by their activities. Certificates are only issued by the Boards of Examiners to persons who meet appropriate eligibility criteria and pass examinations in Queensland mining law and mining practice.

Certificates issued by the Boards are:

- First Class Mine Manager's Certificate of Competency (Underground Metalliferous Mines)
- First Class Mine Manager's Certificate of Competency (Underground Coal Mines)
- Second Class Mine Manager's Certificate of Competency (Underground Coal Mines)
- Deputy's Certificate of Competency
- Open Cut Examiner's Certificate of Competency.

Members of the Boards of Examiners are unchanged from 2002-03, being:

Mr P J Minahan, Chairman and Chief Inspector of Mines, Department of Natural Resources and Mines

Mr R Billingham, Deputy Chief Inspector of Mines (Metalliferous), Department of Natural Resources and Mines

Mr B J Lyne, Deputy Chief Inspector of Mines (Coal), Department of Natural Resources and Mines

Mr G W Mitchell, qualified and experienced mine manager holding First and Second Class Mine Manager's Certificates of Competency and a Third Class Certificate of Competency in coal mining, and an Open Cut Examiner's Certificate of Competency

Mr G A Dalliston, certificated Deputy, Industry Safety and Health Representative, member Coal Mining Safety and Health Advisory Council, and member Coal Sector Project Steering Committee of the National Mining Industry Training Advisory Body

Mr L A Davis, holder of management positions in training and development for the mining industry, and formerly Chairman, Queensland Mining Industry Training Advisory Body

Dr B White, Professor of Mining Engineering at the University of Queensland 1998 - December 2001, Adjunct Professor of Mining Engineering at the W.A. School of Mines (Curtin University) 2002-04, and currently Adjunct Professor of Mining Engineering at the University of Queensland from July 2004

Mr A W Lennox, holding First Class Mine Manager's Certificates of Competency in both metalliferous and coal mining, Asset Leader for Cannington Mine at the time of appointment, and member Mining Safety and Health Advisory Council.

The Boards met twice during 2003-04.

Achievements during 2003-04:

The following 64 certificates of competency were issued:

7	First Class Mine Manager's Certificates of Competency	(Underground Metalliferous Mines)
0	First Class Mine Manager's Certificates of Competency	(Underground Coal Mines)
4	Second Class Mine Manager's Certificates of Competency	(Underground Coal Mines)
26	Deputy's Certificates of Competency	(Underground Coal Mines)
27	Open Cut Examiner's Certificates of Competency	(Open-cut Coal Mines)

The Boards have continued to review the educational and experience prerequisites, and examining programs, for these certificates of competency in the light of competencies necessary to or removed from occupations requiring persons to hold statutory qualifications under the new legislation. This has been undertaken in the light of new training courses becoming available. The Boards' eligibility standards have been upgraded in several instances.

With a view to improving candidates' pass rates in the Boards' examinations, the Boards have continued to encourage mining companies to assume a greater measure of responsibility for the examination-readiness of applicants. The Boards have now included applicants for Open Cut Examiner's Certificates of Competency within the earlier requirement for applicants to furnish a statement from their Site Senior Executive attesting to their fitness to be awarded the certificate. To assist these candidates in their preparation, the Boards are preparing a self-assessment checklist for issue to all applicants for Open Cut Examiner's Certificates covering in some detail the topics which the Boards' examiners will pursue during oral examinations. Further, Site Senior Executives have recently requested that they be provided with feedback in the event of their candidates failing the Boards' examinations.

Mine Surveyor Certificates were deleted from the Boards' portfolios on 16 March 01. The Surveyors Board of Queensland subsequently offered immediate registration to holders of mine surveying qualifications (issued by the former Board of Examiners) in their new categories of Surveyor – Mining ("All Mines", and "Open-cut Mines"). Over 60 mine surveyors became registered with the Surveyors Board of Queensland before the offer closed on 1 January 04.

There were 31 registrations under the *Mutual Recognition Act 1992* of persons holding certificates of competency issued interstate. They were for the following certificates:

9	First Class Mine Manager's Certificates of Competency	(Underground Metalliferous Mines)
5	First Class Mine Manager's Certificates of Competency	(Underground Coal Mines)
4	Second Class Mine Manager's Certificates of Competency	(Underground Coal Mines)
9	Deputy's Certificates of Competency	(Underground Coal Mines)
4	Open Cut Examiner's Certificates of Competency	(Open-cut Coal Mines)

Mutual Recognition Act:

In 2005 from a date to be decided all intending applicants will be required to pass an examination in Queensland mining safety and health law, and – if deemed necessary in individual cases – meet other requirements to the Boards' established standards.

The *Mutual Recognition Act 1992* facilitates immediate registration in one Australian State of the holder of a statutory qualification issued by a Board of Examiners in another State, for an occupation deemed to be equivalent. Special care needs to be taken to accurately apply the principle of mutual recognition because –

- not all States possess the full range of underground and open-cut domains of metalliferous and coal mining,
- there may be important differences in the actual job descriptions represented by similarly worded statutory certificates of competency, and
- there has been a lack of standardised wording (and sometimes even a lack of clarity in the wording) on statutory certificates Australia-wide.

Different types and domains of mining are often associated with unique hazards which need special skills to manage. To protect the safety and health of mine workers in Queensland it is important to check that a mutual recognition applicant might be reasonably expected to possess the appropriate safety and health management competencies for effectively dealing

with the mining hazards associated with the occupation in Queensland (to which he or she would become eligible for appointment, if registered).

As regulatory authorities, the constitutions of the Boards of Examiners require them to register only those persons who have demonstrated to their satisfaction the level of competence in safe mine management appropriate to the statutory mine management role these persons may subsequently enter upon in Queensland. The Boards have long been concerned that the provisions of the *Mutual Recognition Act* appear to preclude them from applying any kind of a test to applicants seeking employment here on a basis of statutory qualifications gained interstate. This concern has been accentuated since proclamation of Queensland's new mining safety and health legislation in 2001, creating an even more serious disparity between the mining safety and health legislation of Queensland and the legislation in the other States.

On 3 March 04 the Federal Minister responsible for administering the *Mutual Recognition Act* advised the Queensland Minister for Natural Resources and Mines that State regulatory agencies - charged with licensing operators in areas seriously impacting on public safety - are in fact empowered to require applicants to demonstrate their competency as safe practitioners to the State's usual standards before granting them registration under mutual recognition. The relevant provisions are Sections 20(5) and 29(2) of the Commonwealth *Mutual Recognition Act 1992* and Sections 19(5) and 28(2) of the *Trans-Tasman Mutual Recognition Act 1997*.

Accordingly the Boards of Examiners have decided to require all intending applicants under the *Mutual Recognition Act* to pass an examination in Queensland mining safety and health law, and meet any other requirements in individual cases as the Boards may determine, prior to registering their applications under mutual recognition.

Mutual Recognition Act – Conclusion to an appeal in the Federal Court:

The Board continued legal action during the reporting period to resist an improper application for registration under mutual recognition. In July 1999 an applicant appealed a Board decision which was contrary to his wishes at the Administrative Appeals Tribunal. This necessitated two joint Ministerial Declarations between the responsible Ministers in South Australia and Queensland to legally define the true equivalence between certain mine management occupations in the two States which require statutory certificates of competency. The Administrative Appeals Tribunal ruled that these joint Ministerial Declarations effectively disposed of the applicant's case, setting national legal precedent in mutual recognition matters.

The applicant's subsequent appeal to the Federal Court was dismissed.

Crown Law's and Senior Counsel's costs for assisting with this action, and other minor legal costs, were approximately \$12 740 for the reporting period. There were negligible extra expenses incurred by the Board during the financial year.

The Coal Mining Safety and Health Advisory Council's annual review of the Boards of Examiners:

The constitution of the Coal Mining Safety and Health Advisory Council requires it to regularly review the role and effectiveness of the Boards of Examiners. The Council's current annual report makes the following observations:

1. Pursuant to its constitutional mandate the Council again conducted its annual review of the effectiveness of the coal mining Board of Examiners and the need for the continuation of its functions. At its meeting on 27 August 04 it affirmed the continuing need for the Board of Examiners until convincing evidence is available of a consistent, very high success rate for candidates in the Board's examinations.
2. Council again noted with concern the paucity of applicants for a First Class Mine Manager's Certificate of Competency (Underground Coal Mines), and their continued low success rates in the Board's examinations. Further, there continues to be a severe shortage of Registered Training Organisations in Queensland capable of delivering Australian Qualifications Framework Level 6 competencies for mine managers.
3. Council noted with approval the Board's decision to require all intending applicants for registration in Queensland under the *Mutual Recognition Act 1992* to pass an examination in Queensland's mining safety and health law.
4. The Council is pursuing clarification of its legal role *vis-a-vis* the Board of Examiners and of the interaction legally provided for between these bodies, in particular the powers of each body to determine the competencies for persons to occupy statutory positions. One of the functions of the Council is to make recommendations to the Minister on changes to legislation whereby it may be considered beneficial for the Council to recommend amendments clarifying this issue.

In arriving at these views, the Advisory Council noted the following most recent annually based statistics concerning the Boards' examining and registration activities:

Statutory Certificate of Competency	Written exams		Oral exams		Registrations under mutual recognition
	No. sat	No. failed	No. sat	No. failed	
First Class (Metalliferous)	12	6	9	2	9

Statutory Certificate of Competency	Written exams		Oral exams		Registrations under mutual recognition
	No. sat	No. failed	No. sat	No. failed	
First Class (Coal)	2	0	6	6	5
Second Class (Coal)	2	0	4	1	4
Deputy			26	7	9
Open Cut Examiner			31	11	4

Amending the *Mining and Quarrying Safety and Health Act* and the *Coal Mining Safety and Health Act* to facilitate the operations of the Boards of Examiners:

The former Board of Examiners was constituted under the *Mines Regulation Act 1964*, and recognised by the *Coal Mining Act 1925*. It would promote efficiency and effectiveness in the Boards' operations if the following earlier provisions were restored to their constitutions under the new legislation:

- the Chairman's status as the executive member of the Boards;
- the Chairman's power to delegate any or all of his responsibilities;
- the Boards' power to employ committees to facilitate their operations;
- the Boards' power to issue certificates of competency with limitations and conditions; and
- the Boards' former disciplinary powers in regard to certificate holders who have demonstrated they are no longer fit and proper persons to continue to hold the certificates.

These matters are being recommended to Legislation Amendment and Review Committees for their consideration.

There is a need for the Boards' constitutions to contain provisions similar to those of the Advisory Councils in respect of enabling members to resign and including a power for the Governor-in-Council to remove a member. This will be pursued in 2004-05.

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