

# **Annual Report**

**Board of Examiners**

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

**1 July 2015 – 30 June 2016**

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# 1 Background

The Board of Examiners (the Board) 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 mining roles 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*. The Board of Examiners was 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.

Subsequently the *Mines and Energy Legislation Amendment Act 2010* rationalised the establishment provisions of the two Acts such that the Board of Examiners is now established under Part 10 of the *Coal Mining Safety and Health Act 1999* but with applicability to the *Mining and Quarrying Safety and Health Act 1999*.

# 2 Role

The *Coal Mining Safety and Health Act 1999* and the *Mining and Quarrying Safety and Health Act 1999* set out the functions of the Board of Examiners.

- to decide the competencies necessary for holders of certificates of competency for persons who are appointed under the Acts;
- to assess applicants, or have applicants assessed, for certificates of competency;
- to grant certificates of competency to persons who have demonstrated to the Board's satisfaction the appropriate competencies necessary to hold the certificates;
- to ensure the competencies under the 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 Acts.

Certificates of competency are mandatory for statutory positions defined in these 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. There are 27 coal and 20 metalliferous industry management representatives approved as voluntary oral examination panel members.

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 grants mutual recognition of interstate certificates of competency under mutual recognition legislation to suitably qualified candidates who have passed a written examination on Queensland legislation.

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.

### 3 Membership

Appointment to the Board is by the Governor-in-Council. At the commencement of the current reporting period membership consisted of a chairperson and eight other members. The terms of appointment of four members (including one inspector, the Chief Inspector of Mines) expired during the reporting period. A call for nominations was conducted and six appointments (including the reappointment of four members, the appointment of one inspector to fill a vacant inspector position and one additional member) were made by the Governor-in-Council effective from gazettal on 4 December 2015.

**Table 1 – Members as of 30 June 2016**

Name	Details
Phillip Howard Goode (Chairperson) [reappointed 4 December 2015]	Chief Inspector of Mines (Metalliferous and Quarries), Department of Natural Resources and Mines and a member of the Mining Safety and Health Advisory Committee. He holds a First Class Mine Manager's (Underground Metalliferous Mines) Certificate of Competency.
Russell John Albury	Acting Chief Inspector of Coal Mines, Department of Natural Resources and Mines and a member of the Coal Mining Safety and Health Advisory Committee. He holds First and Second Class Mine Manager's (Underground Coal Mines) Certificates of Competency
Gregory Allan Dalliston [reappointed 4 December 2015]	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. He holds a Mine Deputy's Certificate of Competency.
Dr Brian White [reappointed 4 December 2015]	Professor of Mining Engineering, University of Queensland and Site Senior Executive The University of Queensland Experimental Mine. Principal, Brian White Mining Services (consultants). He is a Chartered Professional Mining Engineer and Registered Professional Engineer Queensland. He holds a First Class Mine Manager's Certificate of Competency (Underground Metalliferous Mines) and a New South Wales and United Kingdom First Class Mine Manager's Certificate of Competency relating to coal mining.

Name	Details
Michael Dempster Downs [reappointed 4 December 2015]	Site Senior Executive and consultant holding Queensland, New South Wales and United Kingdom First Class Mine Manager Certificates of Competency relating to coal mining. He is an experienced mine manager having managed mines in Queensland and New South Wales over many years.
Julie May Devine [appointed 4 December 2015]	Senior Inspector of Mines. (Metalliferous and Quarries), Department of Natural Resources Mines. She is a Chartered Professional Mining Engineer and a member of the Mining Safety and Health Advisory Committee. She holds a First Class Mine Manager's (Underground Metalliferous Mines) Certificate of Competency.
Darren John Nicholls	Director of Operations Queensland Undergrounds, Glencore Coal Assets Australia. He holds a Queensland First Class Mine Manager's (Underground Coal Mines) Certificate of Competency and New South Wales Second Class Mine Manager and Deputy Certificates of Competency. He is an experienced coal mine manager.
David John Mackay	Project Manager, Ravenswood Operations, Carpentaria Gold Pty Ltd (a wholly-owned subsidiary of Resolute Mining Ltd). He holds a Queensland First Class Mine Manager's (Underground Metalliferous Mines) Certificate of Competency and is an experienced metalliferous mine manager.
Bradley John Watson	He is Vice President of the Northern Region for the Mine Managers Association of Australia. He holds First and Second Class Mine Manager's and Deputy (Underground Coal Mines) Certificates of Competency and is an experienced coal mine manager.
Bryony Jane Andrew [appointed 4 December 2015]	Production Manager, Poitrel Mine BMC (BHP Billiton/Mitsui Coal). She is a Chartered Professional Mining Engineer and Registered Professional Engineer Queensland. She holds a First Class Mine Manager's (Underground Metalliferous Mines) Certificate of Competency.

### 3.1 Meetings held

**Table 2 – Meetings held and Attendance by**

Board Member	Number of Meetings	Number of Meetings Attended
Phillip Howard Goode	4	4
Gregory Allan Dalliston	4	4
Dr Brian White	4	4
Michael Dempster Downs	4	4

<b>Board Member</b>	<b>Number of Meetings</b>	<b>Number of Meetings Attended</b>
Russell John Albury (appointed 1 May 2015)	4	4
Darren John Nicholls (appointed 1 May 2015)	4	4
David John Mackay (appointed 1 May 2015)	4	3
Bradley John Watson (appointed 1 May 2015)	4	3
Julie May Devine (appointed 4 December 2015)	3	3
Bryony Andrew (appointed 4 December 2015)	3	3

## **4 Certificates of Competency and Registrations issued throughout the reporting period**

### **4.1 Certificates of Competency issued by examination and Registrations granted under the Mutual Recognition Act 1992**

The downturn in the mining industry in Queensland and New South Wales continues to reflect in the low number of applicants for certificates of competency and letters of registration by mutual recognition. A total of 34 applications for certificates of competency and 26 applications for letters of registration by mutual recognition were received in the current reporting period.

In the current reporting period a total of 35 written legislation examinations were undertaken by certificate of competency applicants. A total of 16 oral examinations of certificate of competency applicants were conducted resulting in the Board issuing 9 certificates of competency to successful candidates.

In the current reporting period a total of 26 written legislation examinations were undertaken by mutual recognition candidates resulting in 15 letters of registration by mutual recognition being issued to successful candidates.

This has resulted in a substantial decrease in the number of issued certificates and letters of registration from the 30 certificates of competency and 45 letters of registration by mutual recognition issued in the previous reporting period.

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*.

Appendix 2 Charts 1 and 2 provides details by class of applications received for the past 5 years.

Appendix 2 Chart 3 provides statistical data relating to examination results in the previous and current reporting periods.

Appendix 2 Chart 6 provides statistical data relating to issue of certificates and notices in the previous and current reporting periods.

## **4.2 Site Senior Executive Mining Legislation Examination Notices Issued**

In the current reporting period, the Board of Examiners received a total of 26 applications for assessment. The Board organised 44 Site Senior Executive examinations in Brisbane and at several regional venues. The difference in the number between applications received and the number of examinations held is due to some candidates requiring more than one examination attempt before passing the examination. While there were 44 written examinations conducted in the current reporting period, the Board only issued 9 notices (down from 48 issued in the previous reporting period) to applicants who had successfully completed the mining legislation examination during 2015-2016.

The Board, at paragraph 5.1.3, discusses its concerns about the number of written examination candidates who have presented for a written examination and failed to pass the examination at a first or second attempt. Appendix 2 Chart 4 demonstrates the low number of Site Senior Executive applicants passing the examination at a first attempt.

Appendix 1 details the examination results and number of notices issued.

## **4.3 Board Member Contribution to Examination Processes**

Board members have continued to contribute to the Board's examination activities by voluntarily marking examination papers. A total of 105 written legislation examination papers were marked by Board members during the reporting period.

# **5 Outcomes and Issues throughout the reporting period**

## **5.1 Subcommittees**

### **5.1.1 Board Operating Systems Subcommittee**

A Board Subcommittee was established and is progressing the development of an operational charter for the Board.

### **5.1.2 Practicing Certificate Scheme Subcommittee**

The Wardens Inquiry into the Moura No 2 Underground Mine Accident in 1994 recommended that a system needed to be developed and put into effect requiring certificate holders to demonstrate their fitness to retain certificates of competency on a regular basis and that the process should aim to ensure that certificate holders maintain a sound knowledge base on, and keep abreast of, technical developments in coal mining and most particularly those relevant to coal mine safety.

Work has commenced on a proposed Practicing Certificate Scheme. It is proposed that the scheme will include two elements – continuing professional development (CPD) and maintenance of competence (MOC). It is proposed that CPD would include more passive learning/training such as attending seminars; whereas MOC was considered a more “active” type of learning such as performing a task/function and undertaking training that includes assessment. In addition, CPD would include both formal and informal learning.

It is proposed that the scheme will also include a database to track and audit the training undertaken. It is also proposed that the Board would approve practicing certificate schemes. The reasons for introducing CPD requirements is to monitor appropriate competency to effectively administer their duties.

Relevant stakeholders will be consulted before the introduction of the proposed scheme.



### **5.1.3 Written Examination Subcommittee**

A Board Written Examination Subcommittee was established to review all written coal examination papers with a view to providing recommendations to improve the examination process.

The Subcommittee is also investigating the high failure rate of candidates undertaking the written legislation examination. A total of 105 written examinations across all classes of applicant were conducted in the current reporting period resulting in 36 pass results and 69 fail results. (Refer to Appendix 2 Charts 3 and 4 for a graphical representation of this data).

The Board allows candidates to undertake multiple attempts at a written examination. The Board is concerned at the number of attempts being undertaken by some candidates before passing the examination. The Subcommittee is working to identify the cause of the failure rate and to identify solutions.

### **5.1.4 Oral Examination Subcommittee**

A Board Oral Examination Subcommittee was established and continues to review the oral examination process and develop guidelines and rules for the conduct of oral examinations to ensure the consistency and transparency of the oral examination process and reporting.

## **5.2 Board Appointments**

To ensure transparency of appointments made during the current reporting period for vacant positions on the Board through the expiration of an appointment term, a process calling for expressions of interest was followed whereby individuals meeting the legislative criteria for appointment to the Board were invited to nominate for appointment.

All nominations were then considered jointly by the Coal Mining Safety and Health Advisory Committee and the Mining Safety and Health Advisory Committee and recommendations for appointment made by these Committees. Appointment of members to the Board is by the Governor-in-Council following the Premier's approval of the recommended nominees and consideration by Cabinet.

## **5.3 Legislation**

The powers for the Board to cancel or suspend certificates of competency issued by the Board and to subsequently have the option to lift such cancellation or suspension was removed from the current mining legislations.

The Board considers that the reinstatement of this power could provide the Board with an appropriate response mechanism in the event that statutory position holders fail to carry out their duties appropriately. The Board is exploring this matter further with a view to developing a reasoned argument and process for exercising the powers that would be acceptable to stakeholders so that the respective Acts could be amended to reinstate such powers.

## **5.4 Ageing demographic of certificate holders and availability of training courses**

The Board is concerned at the reduced number pool of applicants across all classes of certificates of competency coupled with the ageing demographic of existing certificate holders and the future consequences if this is not addressed. Appendix 2 Chart 7 demonstrates the age range of certificate holders by class of certificate. The graphs show the total number of certificates issued.

The Board is also concerned about the current inability for potential applicants for certificates of competency to access appropriate training courses. The downturn in industry generally has resulted in both universities and registered training organisations in Queensland and New South Wales offering a very limited number of mining industry training units of competency. The Board is investigating alternative providers and has commenced discussions with the Central Queensland University and the Safety in Mines Testing and Research Station (SIMTARS).

The Board will discuss these matters further with industry to raise the awareness of the issues and the implications if not addressed.

## **5.5 Consistency with other States**

One of the outcomes from the National Mine Safety Framework collaboration between the mining States was the decision to establish a Tri-State Competency Advisory Council (TCAC) to develop, as far as possible, nationally consistent competencies for statutory positions in mining. A paper to establish the Council was endorsed out-of-session by the Subcommittee of the Standing Council on Energy and Resources (now the COAG Energy Council) in February 2012.

When the State and Territory Chief Inspectors of Mines met at their annual conference in October 2014 they agreed to progress the establishment of TCAC. The first meeting was held on 13 November 2014.

At this meeting the Chief Inspectors decided the TCAC name was outdated and no longer appropriate, given the interest from Victoria, South Australia, Tasmania, New Zealand and potentially Papua New Guinea in being involved. It was agreed that TCAC be renamed the Australasian Mining Competency Advisory Council (AMCAC) which conveys the intent of encouraging broader membership beyond just the three major mining States of Qld, NSW and WA. Subsequently AMCAC establishment meetings were held in February and June of 2015 with the secretariat function provided by the Commonwealth Government Department of Industry.

A Memorandum of Understanding (MOU) between Qld, NSW, WA, the Commonwealth and New Zealand has been accepted by Queensland and is currently being circulated for signature.

The AMCAC terms of reference provide that Queensland is represented on the AMCAC by the Chief Inspector of Mines (Chair and member of the Board) and the Chief Inspector of Coal Mines (member of the Board) as well as two other members drawn from the Board of Examiners.

The AMCAC terms of reference include discussing, and endeavouring to reach agreement on:

- necessary competencies for statutory positions;
- appropriate processes for the assessment of competence;
- appropriate requirements for the maintenance of competence of people performing statutory positions;
- the provision of advice to state boards of examiners (or competence boards); and
- research undertaken in relation to competence issues.

AMCAC is now developing a schedule of equivalence for statutory positions for consideration by the relevant jurisdictions.

The establishment of AMCAC builds on the positive working relationship established between Qld and NSW with regard to maintaining consistency between coal mining application and examination criteria in each State and towards a common approach to establishing a continuing professional development/maintenance of competency process for statutory ticket holders.

## 5.6 Revision of Administrative Processes

The project to streamline the application process via the introduction of electronic completion and lodgement of application forms that commenced in 2014 has been delayed awaiting decisions by the Department of Natural Resources and Mines in relation to information technology platforms.

Improvements made in the current reporting period include:

- continued enhancement of the electronic recording and tracking database with additional reporting functions including provision of statistical data;
- continued streamlining of internal processes to reduce the administrative burden and application assessment time; and
- reducing the carbon footprint by the introduction of a fully electronic filing system.

## 6 Expenses incurred

Board members are eligible to claim meeting attendance fees and reimbursement of travel expenses in accordance with the *Remuneration Procedures for part time Chairs and members of Queensland Government bodies*. Members of the Board who are public servants are not entitled to remuneration. The *Coal Mining Safety and Health Act 1999* prescribes that the chair of the Board is an inspector member and therefore is not entitled to remuneration.

In late 2014, a remuneration assessment was undertaken in accordance with the revised remuneration matrix as set out in the *Remuneration procedures for Part-Time Chairs and Members of Queensland Government Bodies*. On 31 April 2015, Governor-in-Council approved determination of the Board as a 'Regulation, administration and advice' level 1 category board and approved Board member remuneration at the rate of \$500 per meeting.

The amount incurred by the Board for meeting attendance fees (including superannuation where applicable) and travel and accommodation for eligible members was \$11,217.94.

No special assignment fees were payable. All other administrative 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 Board's examining and registration activities

Certificate of Competency / Registration	Obtained	Written Examinations		Oral Examinations		Certificates Issued	Mutual Recognition
		Pass	Fail	Pass	Fail		
First Class Mine Manager (Underground Metalliferous Mines)	By examination	2	3	1	2	1	
	Under mutual recognition	1	1	N/A	N/A		1
First Class Mine Manager (Underground Coal Mines)	By examination	0	0	0	1*	0	
	Under mutual recognition	0	1	N/A	N/A		0
Second Class Mine Manager (Underground Coal Mines)	By examination	2	4	1	2	1	
	Under mutual recognition	0	3	N/A	N/A		0
Deputy	By examination	3	5	0	1	0	
	Under mutual recognition	12	8	N/A	N/A		14*
Open Cut Examiner	By examination	7	9	7	1	7	
	Under mutual recognition	0	0	N/A	N/A		0
Total – Pass and Fail Examinations		27	34	9	7		
Total Examinations Held		Written 61		Oral 16			
Total number of certificates of competency issued						9	
Total number of letters of registration by mutual recognition issued							15

\*Registrations by Mutual Recognition issued do not match examinations passed due to examinations held outside the reporting period.

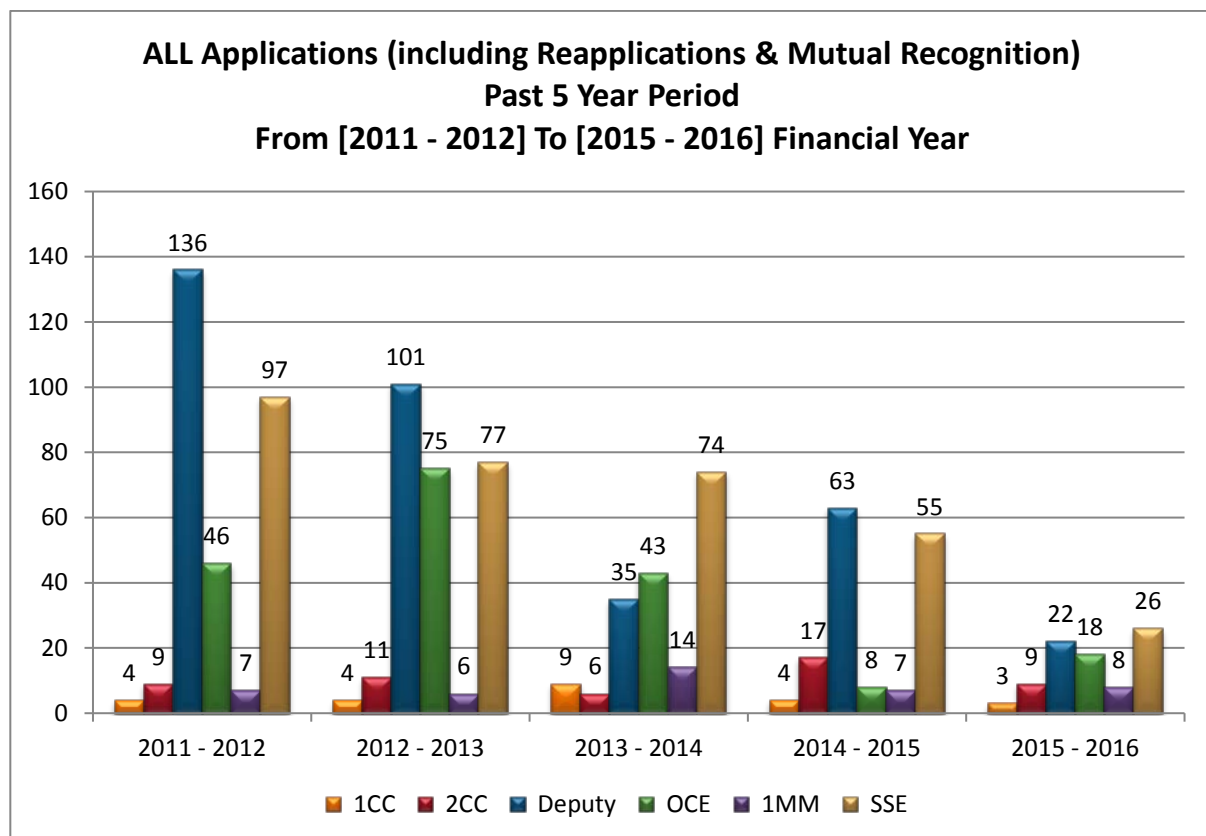
Queensland Coal Mining Legislation Examination	Obtained ...	Written Examinations		Notices issued
		Pass	Fail	
Site Senior Executive	By SSE Examination	9	35	9

## APPENDIX 2: Statistical Charts

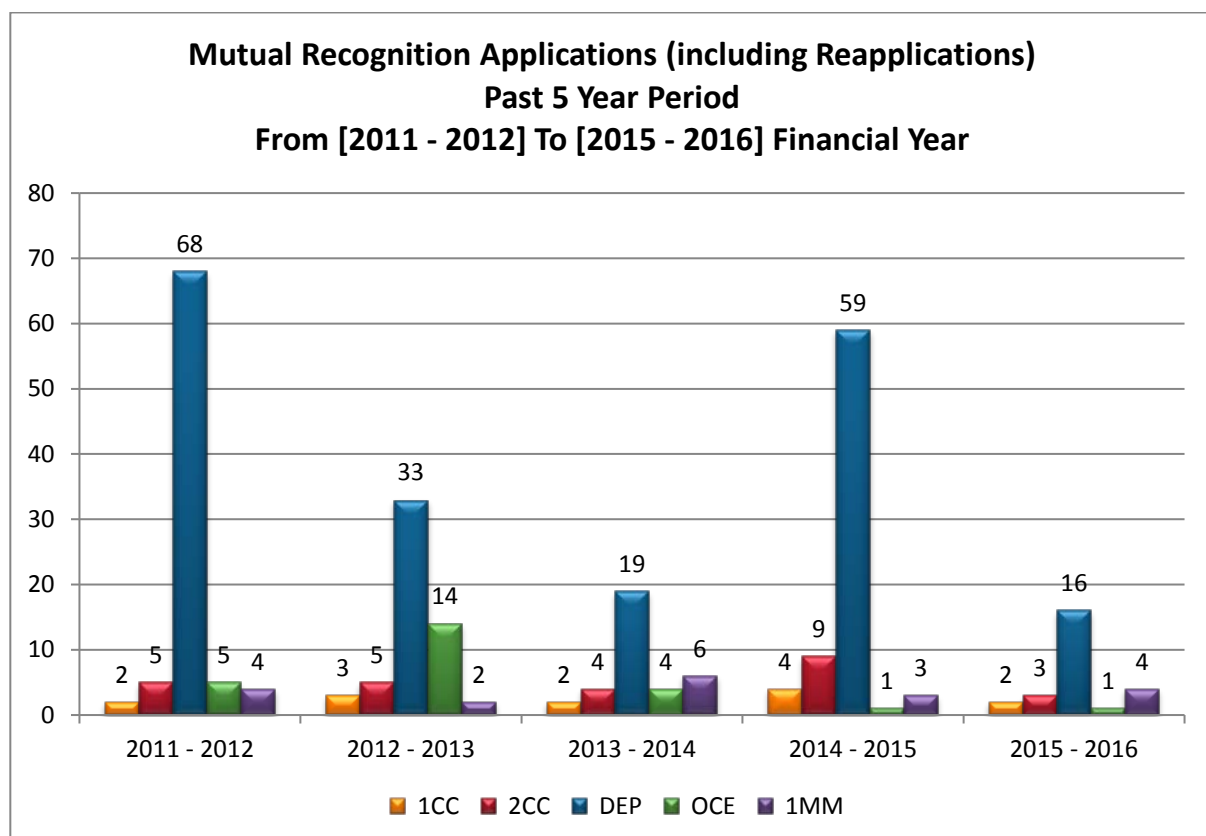
**Table of Abbreviations used in Appendix 2**

<b>Ref</b>	<b>Expansion</b>
1MM	First Class Mine Manager's Certificate of Competency (Underground Metalliferous Mines)
1CC	First Class Mine Manager's Certificate of Competency (Underground Coal Mines)
2CC	Second Class Mine Manager's Certificate of Competency (Underground Coal Mines)
DEP	Deputy Certificate of Competency (Underground Coal Mines)
OCE	Open Cut Examiner's Certificate of Competency (Surface Coal Mines)
MR	Mutual Recognition Applicants
Non-MR	Certificate of Competency and Site Senior Executive Notice Applicants

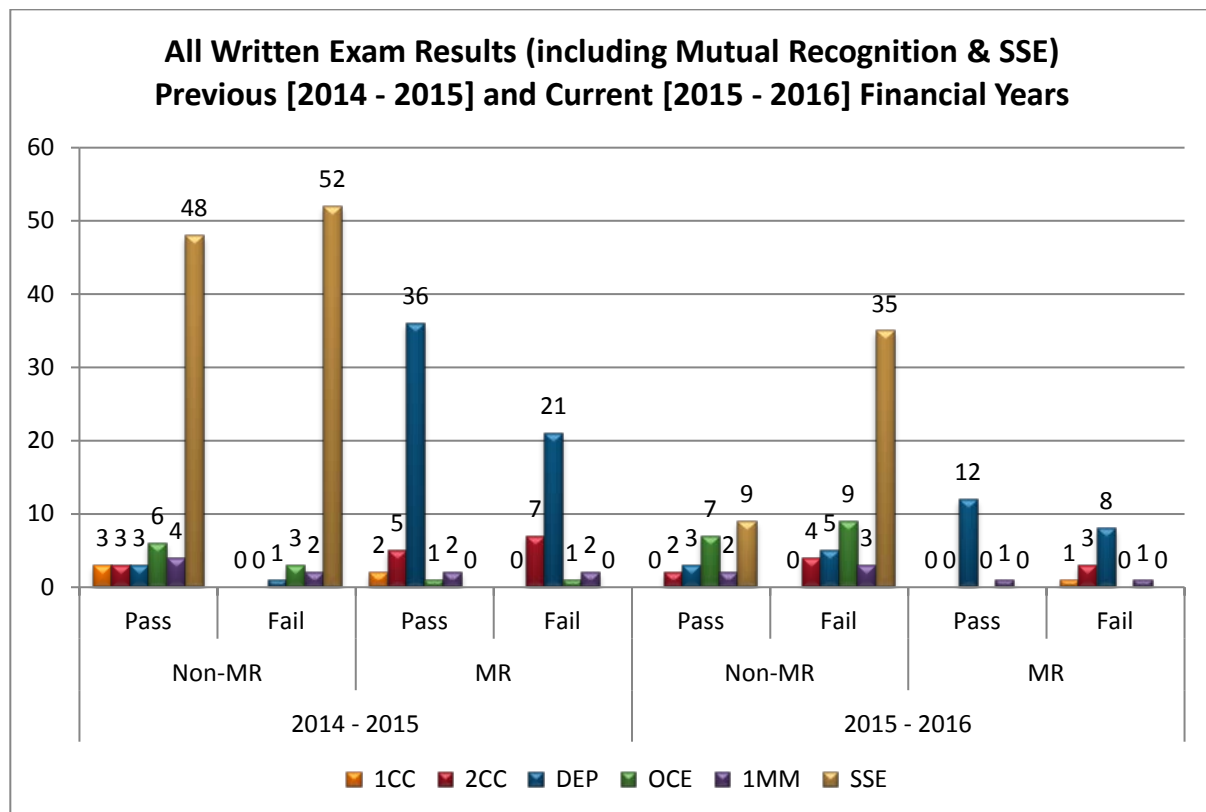
**Chart 1- All Applications Received**



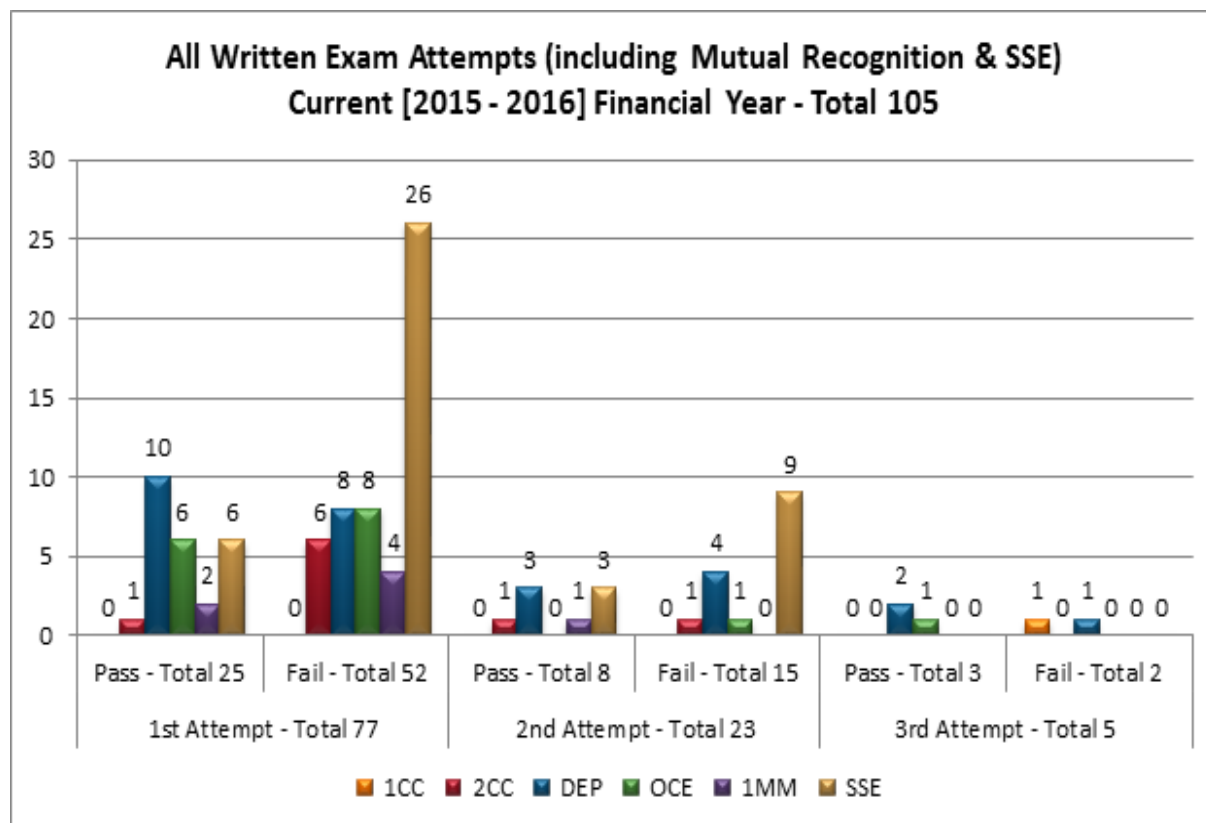
**Chart 2 – Mutual Recognition Applications received**



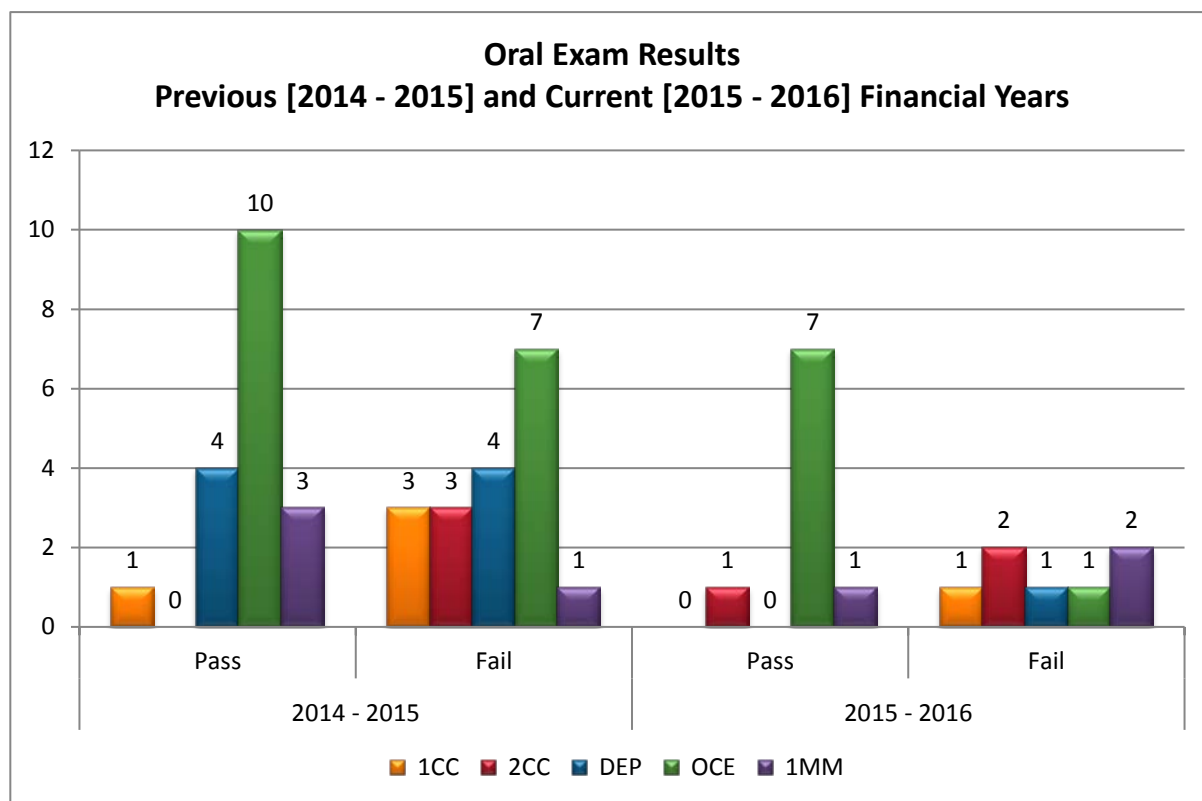
**Chart 3– All Written Examination Pass/Fail Results by Class for Previous and Current Reporting Period**



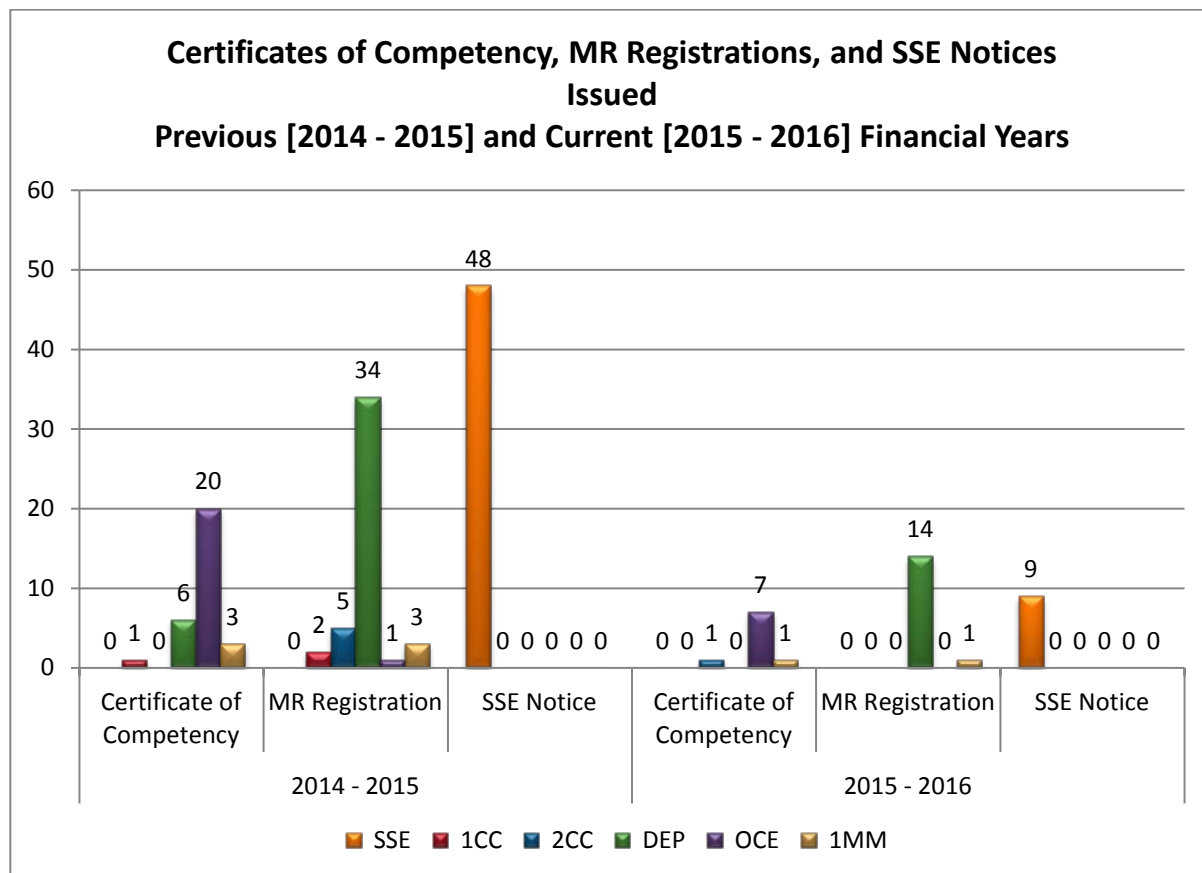
**Chart 4 – Written Examination – Attempt results by class (Refer to Paragraph 5.1.3)**



**Chart 5 – Oral Examination Results**



**Chart 6 – Issued Certificates, Letters of Registration by Mutual Recognition and SSE Notices**





**Chart 7 – Age of certificate of competency holders by class**

