

Annual Report

Board of Examiners

Coal Mining Safety and Health Act 1999

1 July 2014 – 30 June 2015

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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* rationalized 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 23 coal and 18 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 to suitably qualified candidates under mutual recognition 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. During the current reporting period membership consisted of a chairperson and eight other members. Four members, including two inspector members (the Chief Inspector of Coal Mines and chairperson and one other Inspector of Mines) resigned during the reporting period. At the end of the current reporting period there were two Inspectors of Mines on the Board. An additional inspector member will be appointed after the position of Chief Inspector of Coal Mines is permanently filled.

Table 1 – Members as of 30 June 2015

Name	Details
Phillip Howard Goode (Chairperson)	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	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	Professor of Mining Engineering, University of Queensland and Site Senior Executive The University of Queensland Experimental Mine. Principal, Brian White Mining Services (consultants). Previously, Executive Director Mining Operations, Citigold Corporation Ltd and the Site Senior Executive at Citigold's gold mining and exploration complex at Charters Towers. He holds a First Class Mine Manager's Certificate of Competency (Underground Metalliferous Mines).
Michael Dempster Downs	Most recently Underground Mine Manager at Carborough Downs underground mine. He holds a First Class Mine Manager's Certificate of Competency (Underground Coal Mines) and is an experienced coal mine manager.

Name	Details
Robert Gavin Taylor	Gavin is the President of the Mine Managers' Association of Australia and Chair of the New Zealand Extractive Industries Advisory Group. He holds First and Second Class Mine Manager's (Underground Coal Mines) and Deputy's Certificates of Competency and is an experienced coal mine manager.
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	Underground Operations Manager, Grosvenor Mine, Anglo American. Brad 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.

3.1 Meetings held

Table 2 – Meetings held and Attendance by Members

Board Member	Number of Meetings	Number of Meetings Attended
Andrew Joseph Clough (term expired on ceasing to be a mines inspector on 10 April 2015)	4	4
Gregory Allan Dalliston	5	4
Dr Brian White	5	5
Michael Dempster Downs	5	5
Ian McDonell (term expired 8 December 2014)	2	2
Michael Westerman (resigned 24 September 2014)	1	0
John Sleigh (term expired on ceasing to be a mines inspector on 30 March 2015)	4	4

Board Member	Number of Meetings	Number of Meetings Attended
Phillip Howard Goode	5	4
Robert Gavin Taylor	5	4
Russell John Albury (appointed 1 May 2015)	1	1
Darren John Nicholls (appointed 1 May 2015)	1	1
David John Mackay (appointed 1 May 2015)	1	1
Bradley John Watson (appointed 1 May 2015)	1	1

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 Board issued 30 certificates of competency and 45 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*.

The downturn in the coal mining industry in Queensland and New South Wales continues to reflect in the low number of applicants for certificates of competency and the increased number of applicants for letters of registration by mutual recognition.

4.2 Site Senior Executive Mining Legislation Examination Notices Issued

In the current reporting period, the Board of Examiners received a total of 55 applications for assessment. The Board organised 99 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. The Board issued 48 notices to applicants who had successfully completed a mining legislation examination during 2014-2015. Appendix 1 details notices issued by examination.

4.3 Board Member Contribution to Examination Processes

Board members have continued to contribute to the certificate of competency and Site Senior Executive Mining Legislation Notice examination processes by voluntarily marking examination papers and as panel chairs and members in the oral examination of certificate of competency candidates. A total of 199 written legislation examination papers were marked by Board members during the reporting period and a total of 36 oral examinations conducted.

5 Outcomes and Issues throughout the reporting period

5.1 Operational Charter

A working group is being established with industry to develop an operational charter for the Board.

5.2 Board Appointments

To ensure transparency of appointments when a vacancy exists on the Board, either through a resignation or expiration of an appointment term, a process calling for expressions of interest has been introduced whereby individuals meeting the legislative criteria for appointment to the Board are invited to nominate for appointment. All nominations are then considered jointly by the Coal Mining Safety and Health Advisory Committee and the Mining Safety and Health Advisory Committee and recommendations for appointment are made by the 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. This process was used for appointments made during the current reporting year.

5.3 Review of Board Processes

- A project to streamline the application process via the introduction of electronic completion and lodgement of application forms commenced and will be finalised by the end of 2015.
- In January 2015 the Board introduced a new style of the written law examination for underground and surface coal candidates with the inclusion of situational questions to focus on application of the law rather than just knowledge of the law.
- With the prospect of the creation of additional statutory positions as a result of possible legislation changes, as proposed in the Queensland's Mine Safety Framework Consultation Regulatory Impact Statement which was issued for comment in September 2013, there could be a substantial increase in the examination assessment workload for both Board and oral examination panel members. Consequently a project to investigate alternative approaches to assessing competency of applicants without compromising assessment outcomes has commenced. In particular electronic multiple choice type law examinations are being considered where appropriate.
- The Board is adopting a flexible approach to assessment of candidates undertaking a written law exam who have a disability that impairs their ability to adequately complete the examination.

5.4 Legislation – Power to cancel or suspend certificates of competency

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 intends to explore the 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.

5.5 Consistency with other States of application criteria and continuing professional development/maintenance of competency for holders of certificates of competency

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. Other Australasian jurisdictions, including New Zealand, currently participate in AMCAC as observers.

Currently a draft Memorandum of Understanding (MOU) between Qld, NSW, WA and the Commonwealth is being circulated for approval. Once the draft MOU is finalised an opportunity for other Australasian jurisdictions to sign on to the MOU will be considered provided they are prepared to adopt the same competency approach to statutory positions.

The AMCAC terms of reference provide that Queensland is represented on the AMCAC by the Chief Inspector of Mines and the Chief Inspector of Coal Mines 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.

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.

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.

5.6 Information sessions / Road show

In 2011, the Board introduced information sessions in regional centres to explain its expectations in relation to certificate of competency application and examination requirements. In October 2014, information sessions were held in Moranbah, Emerald and Brisbane to discuss the examination format and the Board's expectations in relation to the introduction of a new two-part written examination format scheduled to commence on 1 January 2015. The sessions were attended by prospective candidates, their coaches and mine management. The Board will continue to meet with industry and prospective applicants as required.

5.7 Revision of Administrative Processes

The Department of Natural Resources and Mines conducted a performance review of the efficiency of Board of Examiners' operations. Board members were consulted in this process and provided input for the efficiency review.

Improvements made in the current reporting period include:

- Continued enhancement of the electronic recording and tracking database with additional reporting functions.
- Continued streamlining of internal processes to reduce the administrative burden and application assessment time including commencing the development of electronic application forms capable of online completion, payment and submission.
- Completion of electronic capture of historical paper records.

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 members from outside the public service was \$2496.65.

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 Registration
		Pass	Fail	Pass	Fail		
First Class Mine Manager (Underground Metalliferous Mines)	By examination	4	2	3	1	3	
	Under mutual recognition	2	2	N/A	N/A		3*
First Class Mine Manager (Underground Coal Mines)	By examination	3	0	1	3	1	
	Under mutual recognition	2	0	N/A	N/A		2
Second Class Mine Manager (Underground Coal Mines)	By examination	3	0	0	3	0	
	Under mutual recognition	5	7	N/A	N/A		5
Deputy	By examination	3	1	4	4	6	
	Under mutual recognition	36	21	N/A	N/A		34
Open Cut Examiner	By examination	5	2	10	7	20	
	Under mutual recognition	1	1	N/A	N/A		1
Total – Pass and Fail Examinations		64	36	18	18		
Total Examinations Held		Written 100		Oral 36 [#]			
Total number of certificates of competency issued						30	
Total number of letters of registration by mutual recognition issued							45

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

Oral examinations were held in June 2015 but had not been approved by the Board before 30 June 2015

Queensland Coal Mining Legislation Examination	Obtained ...	Written Examinations		Notices issued
		Pass	Fail	
Site Senior Executive	By SSE Examination	48	51	48

**Notices issued do not match examinations passed due to examinations held outside the reporting period*