



Queensland Government
Department of **Mines and Energy**

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 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 led 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