

Annual Report

Board of Examiners

Coal Mining Safety and Health Act 1999

1 July 2016 – 30 June 2017

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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 surface and underground mines and supporting facilities by endeavouring to ensure 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 a range of statutory 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. These functions are:

- 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 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
- to perform other functions given to the Board under the Acts.

Certificates of competency are mandatory for statutory positions defined in these Acts. The Board of Examiners only issues certificates 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 25 coal and 24 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 nine other members. Two members resigned during the reporting period. Bryony Andrew resigned on 13 December 2016 and a process to fill this vacancy has commenced. Julie May Devine, an inspector member, resigned on 19 May 2017. This vacancy has not yet been filled.

The Board would like to thank Julie Devine for her hard work and dedication to establishing a database of examination questions for use in generating examination papers.

Table 1: Members as of 30 June 2017

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	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). 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	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.
Darren John Nicholls	General Manager Oaky Creek Coal, 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	Manager Underground Production, Kestrel Mine. He holds First and Second Class Mine Manager's and Deputy (Underground Coal Mines) Certificates of Competency and is an experienced coal mine manager.

3.1 Meetings held

Table 2: Meetings held and Attendance by

Board Member	Number of Meetings	Number of Meetings Attended
Phillip Howard Goode	5	4
Gregory Allan Dalliston	5	5
Dr Brian White	5	5
Michael Dempster Downs	5	4
Russell John Albury	5	4
Darren John Nicholls	5	3
David John Mackay	5	4
Bradley John Watson	5	5
Julie May Devine (resigned 19/5/2017)	5	5
Bryony Andrew (resigned 13/12/2016)	2	2

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*

A total of 21 applications for certificates of competency and 25 applications for letters of registration by mutual recognition were received in the current reporting period. These figures are lower than the comparable statistics for the previous period (2015-2016).

In the current reporting period, a total of 64 written legislation examinations were undertaken by certificate of competency applicants. A total of 23 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 21 written legislation examinations were undertaken by mutual recognition candidates resulting in 6 letters of registration by mutual recognition being issued to successful candidates.

While the number of issued certificates of competency remained the same being 9 certificates, there was a substantial decrease in the number of letters of registration from the 15 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 provide details by class of applications received for the past five 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 32 applications for assessment. The Board organised 36 Site Senior Executive examinations in Brisbane and at several regional venues. The difference between the number of applications received and the number of examinations held is due to some candidates requiring more than one examination attempt before passing the examination. In the current reporting period, the Board issued 16 Site Senior Executive notices (up from 9 issued in the previous reporting period) to applicants who had successfully completed the mining legislation examination during 2016-2017.

The Board, at paragraph 5.1.3, discusses its concerns about the number of 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 Executives 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 100 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 Operating Systems Subcommittee was established which, by the end of the reporting period, had completed the development of an operational charter for the Board. The operational charter will be published on the Department of Natural Resources and Mines' (the Department) website when finalised. The finalisation meeting is scheduled for 24 August 2017.

5.1.2 Practising Certificate Scheme Subcommittee

Work continued during the reporting period on the development of a proposed Practising Certificate Scheme consistent with the recommendations of the Moura No.2 Accident Warden's Inquiry. 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 to be 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 the Practising Certificate Scheme requirements is in response to the identified issue of people re-entering the industry after long absences, as is currently possible with the present 'certificate for life', as well as lifting all certificate holders to a higher standard of competency.

Relevant stakeholders will be consulted before the introduction of the proposed scheme. The finalisation meeting for the document is scheduled for 24 August 2017.

5.1.3 Written Examination Subcommittee

A Board Written Examination Subcommittee was established to review all written examination papers with a view to providing recommendations to improve the examination process. The Subcommittee continues to investigate the high failure rate of candidates undertaking the written legislation examination. A total of 100 written examinations across all classes of applicant were conducted in the current reporting period resulting in 40 pass results and 60 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 recommend possible solutions.

The Board has prepared guidelines to reflect agreed changes with regards to the re-sit approval process. Time frames between candidates being advised of exam failures and being eligible to re-sit exams have been identified and will be included in the guidelines prior to publication.

5.1.4 Oral Examination Subcommittee

A Board Oral Examination Subcommittee was established in 2015 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.

The scope of work undertaken by this Subcommittee was expanded in the 2016-2017 reporting period to review and document the qualifications and practical work experience requirements and, the preparation of guidelines for the written legislation and practical oral examinations for applicants for all coal certificates of competency. A series of industry consultation sessions are scheduled to commence in early July 2017 in Brisbane, Emerald and Moranbah to discuss the proposed changes and seek feedback before adoption of the final guidelines.

5.2 Board Appointments

Two members of the Board resigned during the 2016-2017 reporting period. To ensure transparency of appointments to fill vacant positions a call for expressions of interest was commenced in May 2017 whereby individuals meeting the legislative criteria for appointment to the Board were invited to nominate for appointment. At the end of the reporting period, nominations were being considered jointly by the Coal Mining Safety and Health Advisory Committee and the Mining Safety and Health Advisory Committee in order to make recommendations for appointment. The Queensland Government's Women on Boards initiative to ensure gender parity on government boards by 2020 is being considered in determining the new appointees.

Appointment of members to the Board is by the Governor in Council following the Premier's endorsement 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 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 (2015-2016 and 2016-2017 charts are provided for comparison.) The charts 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 the 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.

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

A Memorandum of Understanding between Queensland, New South Wales, Western Australia, the Australian Government and New Zealand has been finalised.

The Australasian Mining Competency Advisory Council (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 Board of Examiners representatives have attended three AMCAC meetings during the current reporting period.

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)
- 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 Queensland and New South Wales with regard to maintaining consistency between coal mining applications 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 Mutual Recognition of Interstate and New Zealand Certificates of Competency

Towards the end of the current reporting period, the Board instigated a re-establishment of the cooperative discussions with the New South Wales Board of Competence with a view to recommencing discussions on matters of mutual interest, including mutual recognition of holders of certificates of competency.

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, accommodation and out-of-pocket expenses for eligible members for Board business was \$11,280.91.

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 examination 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	3	3	2	1	1	
	Under mutual recognition	0	2	N/A	N/A		0
First Class Mine Manager (Underground Coal Mines)	By examination	0	0	0	0	0	
	Under mutual recognition	0	1	N/A	N/A		0
Second Class Mine Manager (Underground Coal Mines)	By examination	1	2	0	5	0	
	Under mutual recognition	0	3	N/A	N/A		0
Deputy	By examination	6	7	4	1	3	
	Under mutual recognition	6	8	N/A	N/A		5
Open Cut Examiner	By examination	8	13	7	3	5	
	Under mutual recognition	1	0	N/A	N/A		1
Total – Pass and Fail Examinations		25	39	13	10		
Total Examinations Held		Written 64		Oral 23			
Total number of certificates of competency issued						9	
Total number of letters of registration by mutual recognition issued							6

Queensland Coal Mining Legislation Examination	Obtained	Written Examinations		Notices issued
		Pass	Fail	
Site Senior Executive	By SSE Examination	15	21	16

Appendix 2: Statistical Charts

Table of abbreviations used in Charts

Ref	Expansion
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

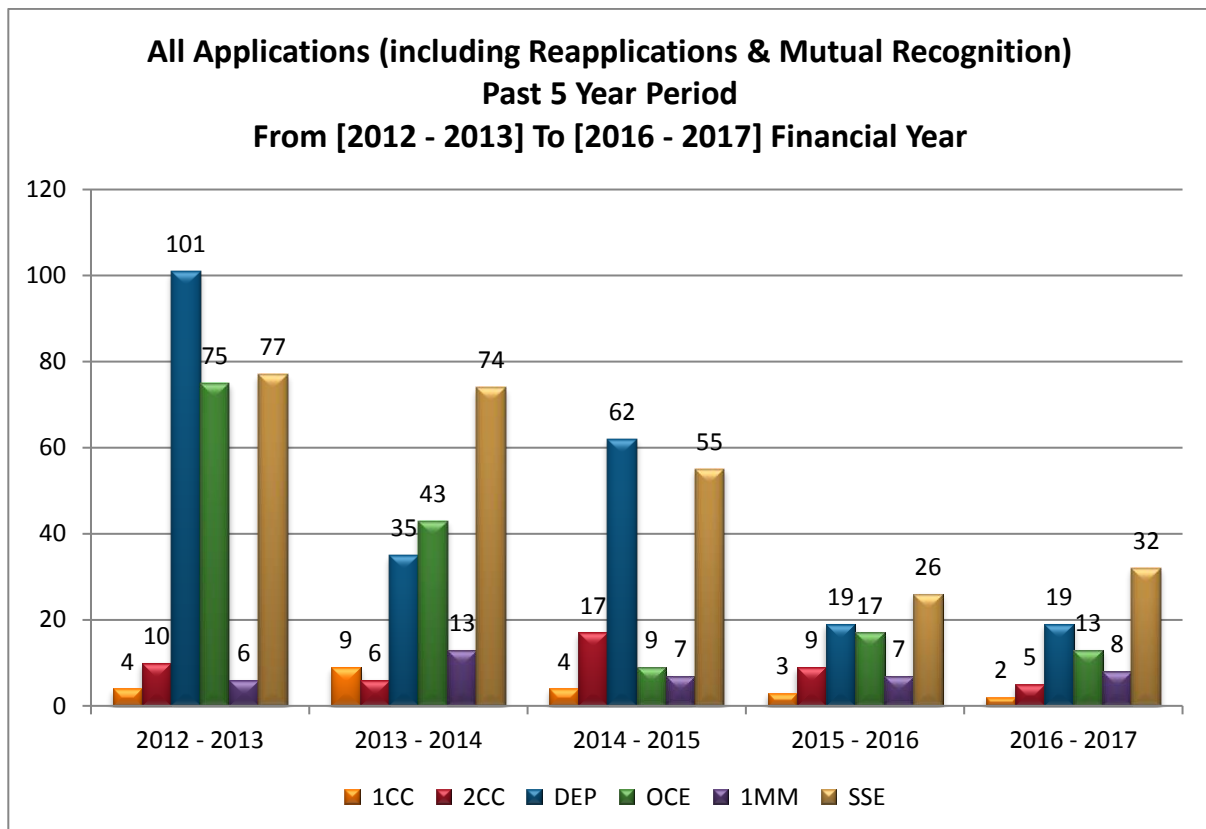


Chart 2 – Mutual Recognition Applications Received

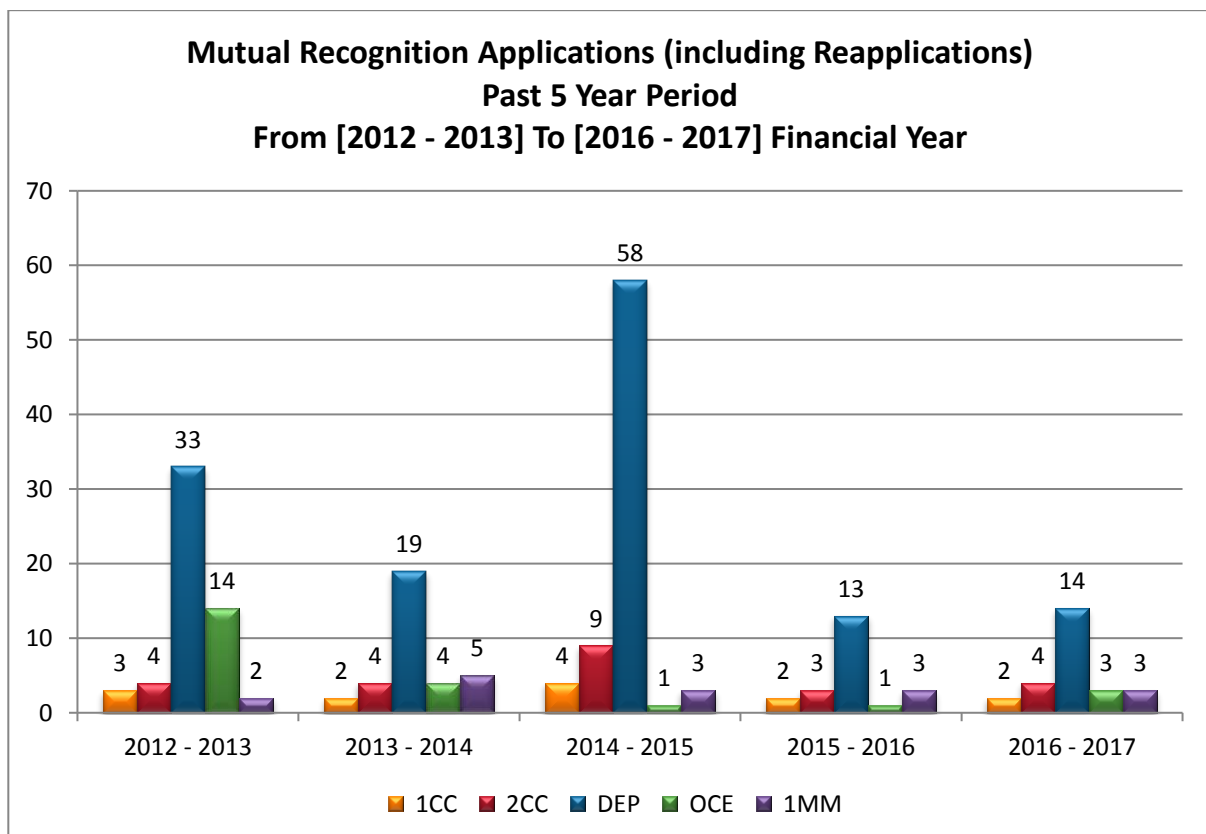


Chart 3 – All Written Examination Pass/Fail Results by Class for Previous and Current Reporting Period

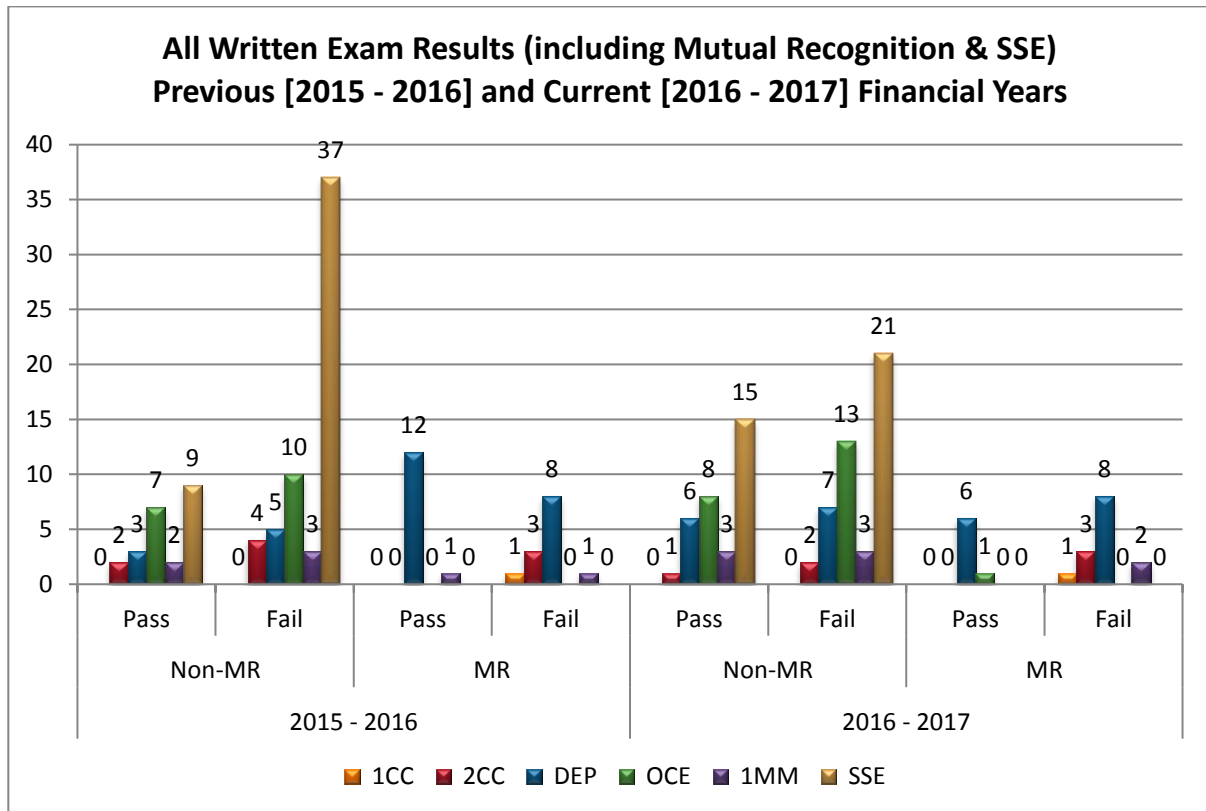


Chart 4 – Written Examination – Attempt results by class (Refer to Paragraph 5.1.3)

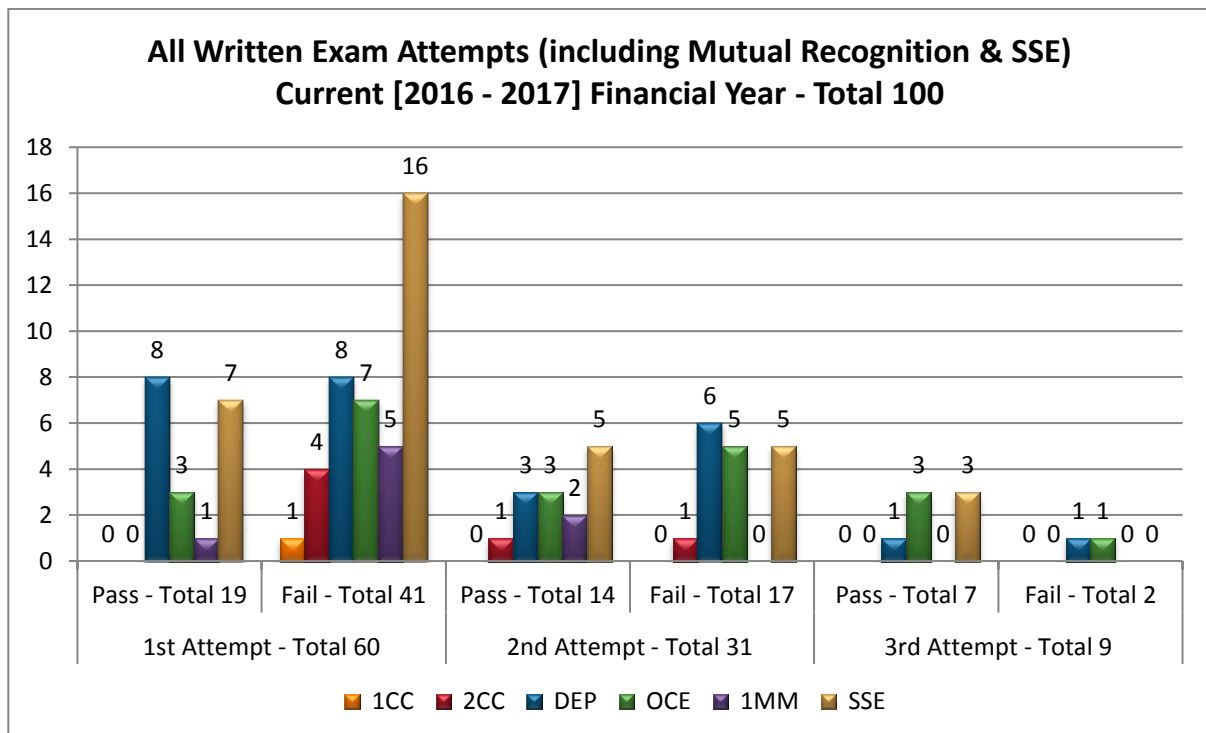


Chart 5 – Oral Examination Results

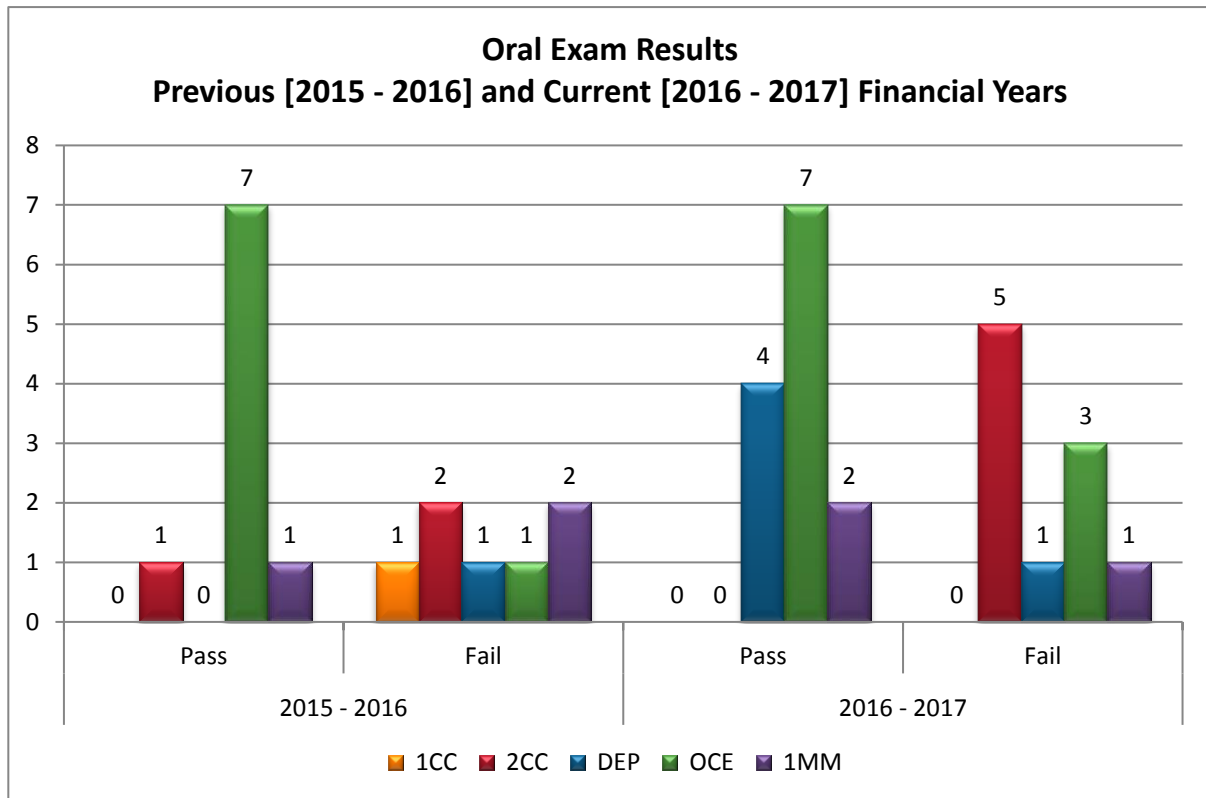


Chart 6 – Issued Certificates, Letters of Registration by Mutual Recognition and SSE Notices

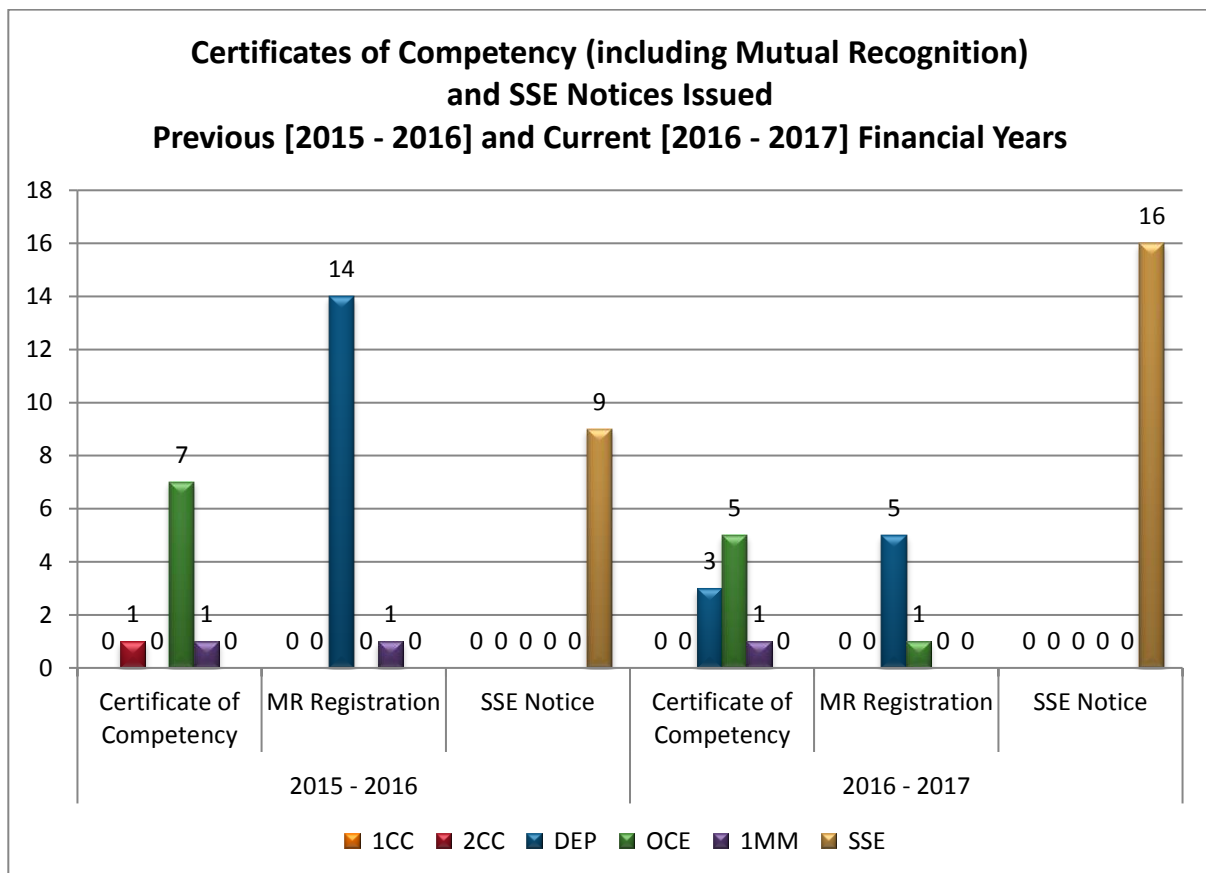
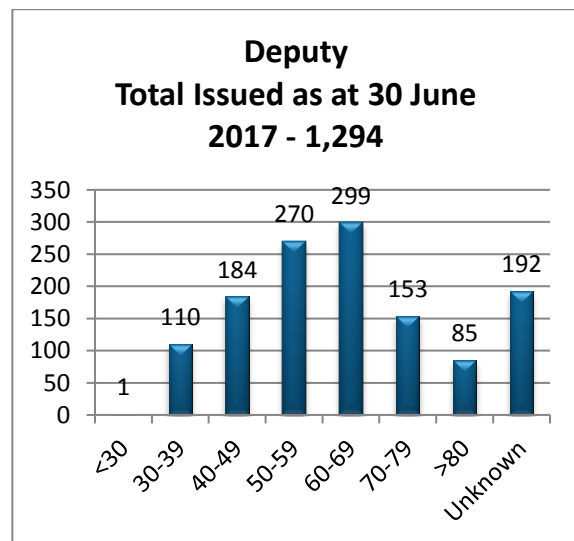
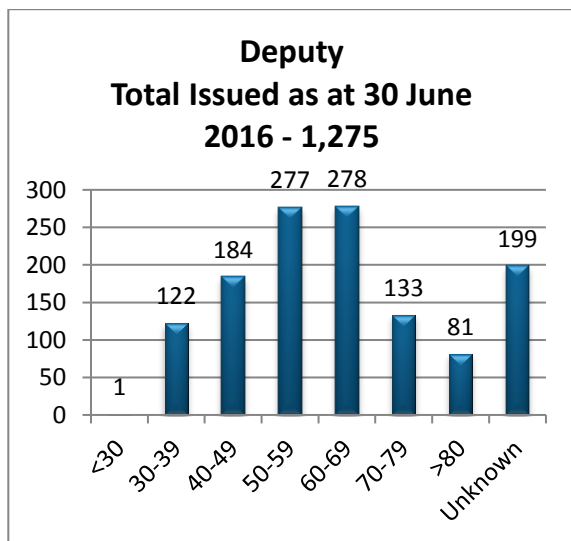
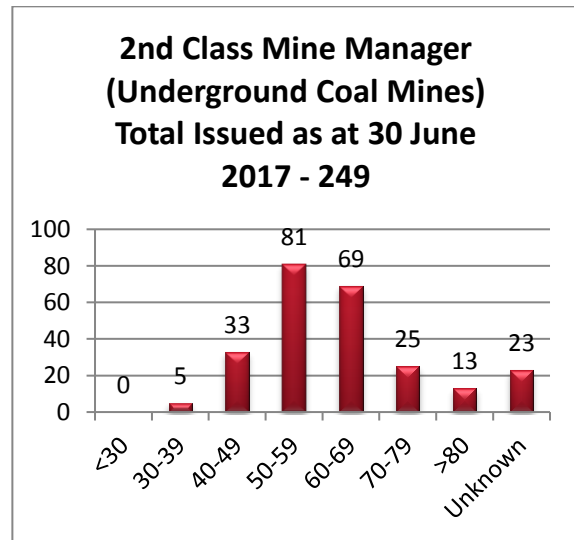
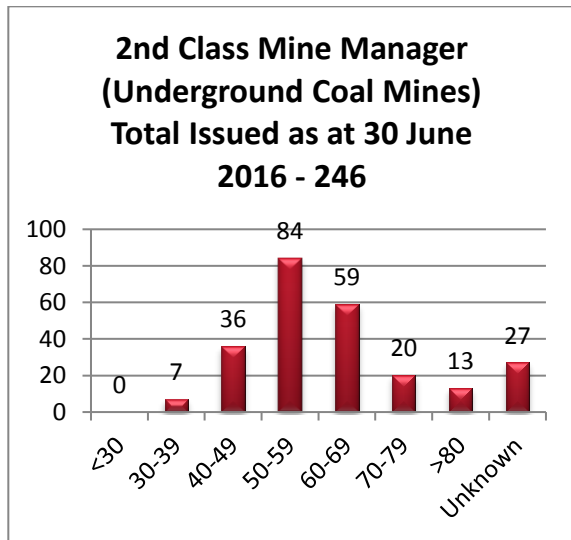
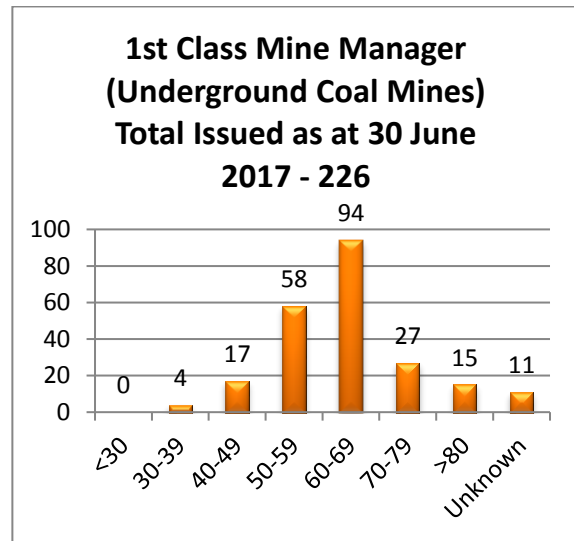
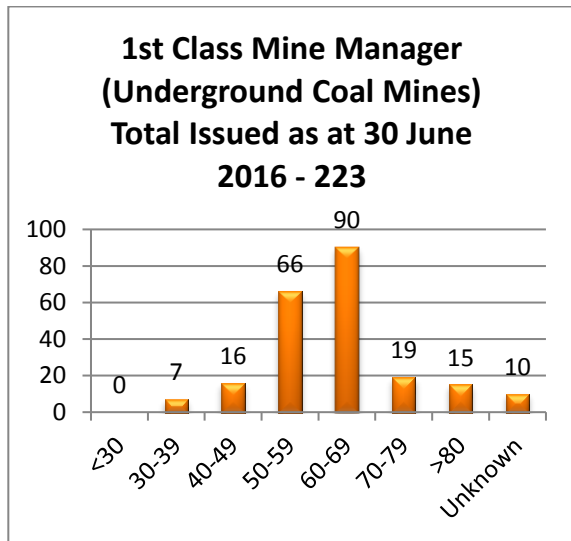
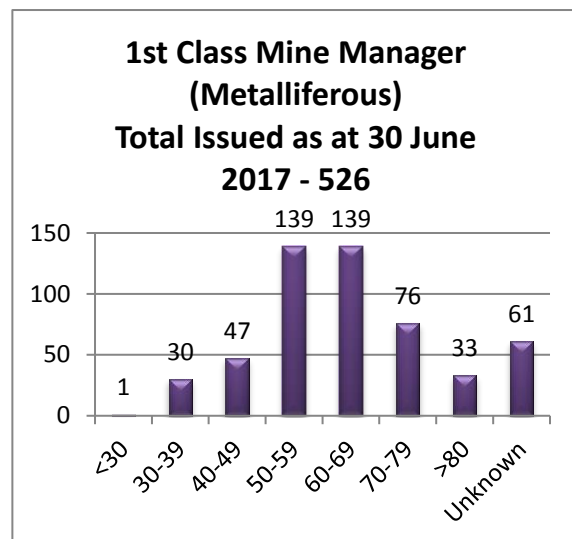
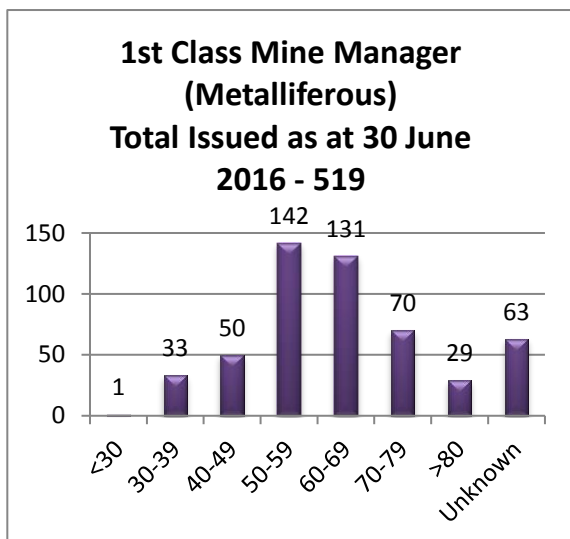
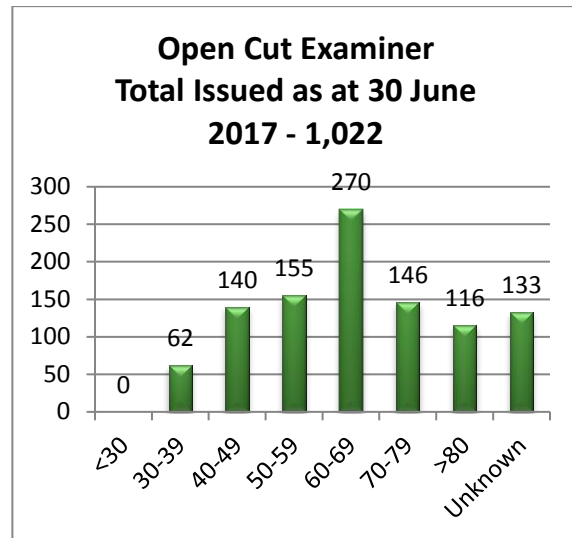
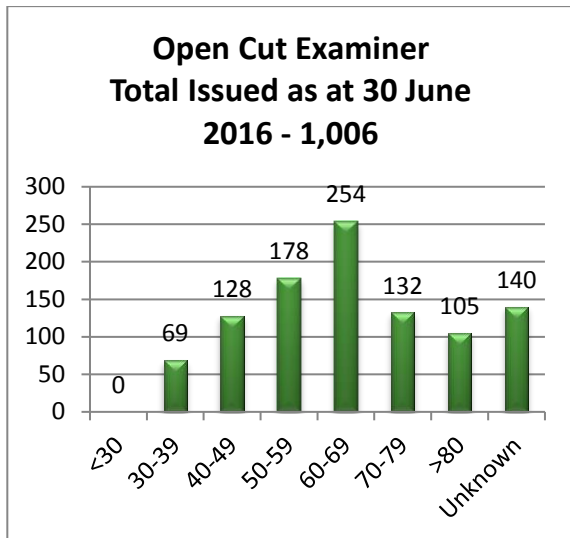


Chart 7 – Age of Certificate of Competency Holders by Class

2015-2016 and 2016-2017 charts are provided for comparison.





Explanatory Notes:

1. An increase or decrease in numbers of holders in each age group does not reflect only new certificates or mutual recognition letters of registration issued. These increases and decreases are a combination of new certificates issued and the age of individual certificate holders. Chart 6 above shows that 9 new certificates were issued in the current reporting period and 6 new mutual recognition registrations were effected.
2. The total number of certificates issued does not reflect the number of certificate holders currently working in the industry. Certificates of competency are issued for life and there is no requirement for ceasing to work in the industry or the death of holder to be advised to the Board of Examiners.