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Dear Mr Flint

### **CCAA SUBMISSION – MAINTENANCE OF COMPETENCE SCHEME FOR PRACTISING CERTIFICATES**

Cement Concrete & Aggregates Australia (CCA) thanks the Mining Competence Board for the opportunity to provide comment on the discussion paper '*Maintenance of Competence Scheme for Practising Certificates*.' CCA acknowledges the work of the Mining Competence Board, of which CCA has representation, and the Department of Industry in the development of this paper.

CCA is the peak body for the heavy construction materials industry, with our members operating hard rock quarries, sand and gravel extraction sites, cement production and distribution facilities and concrete batching plants throughout Australia and New South Wales.

CCA members account for approximately 90% of the \$7 billion in revenues generated by the heavy construction materials industry which employs 18,000 Australians directly and a further 80,000 indirectly.

Heavy construction materials play a vital role in delivering the infrastructure required to support the State's population and economic growth. Approximately, 45 million tonnes of construction materials are extracted in NSW each year for use in pre mixed concrete and other construction processes, such as road base and pavements. Without these materials we would not have our roads, railways, bridges, airports, homes or hospitals.

CCA supports the concept of a maintenance of competence (MOC) scheme for those required to hold a Practising Certificate under Schedule 10 of the *Work Health and Safety (Mines) Regulation 2014*, provided there is flexibility.

CCA's responses to the questions raised in the discussion paper are provided below.

#### **1. *Is the proposed model for the MOC scheme suitable for application for practising certificate holders in NSW?***

Continuing professional development is a requirement of many professions and serves to ensure competency through up-to-date and relevant training, knowledge and skills development.

Given the safety-critical functions performed by those individuals for which the MOC scheme is proposed, we consider it justified that some form of continued professional development be introduced.



**2. Are the areas of competence and their topics suitable and cover the areas adequately?**

CCAA agrees with the four areas of competence listed. We also note that the topics listed under each area of competence are examples of the matters that may be covered within the relevant competence area and that other topics may also be relevant. This flexibility is important as topics of relevance can change over time and there may be other more relevant topics related to specific roles and industries.

**3. (a) Are the types of formal and informal learning with their maximum claimable hours suitable?**

Decisions around maximum claimable hours for various learning types appear to be quite arbitrary. Actual hours should be recognised for those learning activities that have defined start and end times, such as workshops, seminars, industry meetings and in-house training courses among others.

For example, claimable hours for attendance at industry seminars/workshops are actual hours up to a maximum of six hours per seminar/workshop. It is not unusual for seminars or workshops to take place over a full day or multiple days and certificate holders should be able to claim these hours in full. This issue also arises with caps on learning types per year, i.e. in-house training courses are only able to be claimed for a maximum of 4 hours per year when one training course alone could exceed that.

In both cases, participants will find they are being forced to complete more learning hours in order to achieve the required claimable hours given the caps in place. MOC scheme participants should be able to claim the full extent of hours for which they were present, rather than have hours capped. There is already enough breadth created through the areas of competence and split between to formal and informal learning types to ensure sufficient variation in training undertaken.

**(b) Is the percentage split between the minimum number of formal hours (66%) against a maximum of 33% for informal hours appropriate?**

The percentage split between formal and informal hours seems appropriate for most individuals. However, the 66% formal hours requirement may be difficult to achieve for practising certificate holders in remote areas, because formal training opportunities are less readily available. Flexibility in the scheme is required in such instances.

Equally, flexibility is needed in extenuating circumstances where the requirements of the scheme may not be able to be fulfilled, such as sickness, extended leave and relocation out of state. One would hope that good faith and common sense would prevail in these circumstances.

**4. Are the numbers of learning hours for each practising certificate and areas of competence appropriate to maintain competence a) per year b) over five years?**

CCAA considers the total hours over five years to be appropriate; however greater flexibility should be given to how they can be accrued each year within the five year cycle.

While the scheme allows for carry over of additional hours into the next year, it is quite on whether hours from a prior year can be "made up" in following years. For example, a Quarry Manager practising certificate would require 120 training hours over a five year period with a minimum of 24 hours each year. With the exception of the carry over provision, this means training cannot be split unequally over the five year period and 24 hours must be carried out each year.

CCAA recommends a 16 hour annual minimum, which will ensure that training is undertaken across the five year period, rather than in bulk in one year, while also providing flexibility for peaks and

troughs between years. Alternatively, and at the very least, similar to the carry over provision, hours should also be able to be made up in the subsequent year to any shortfall year.

**5. Are the requirements for certificate holders in the MOC scheme reasonable and practical?**

With the exception of the comments raised in this submission, CCAA considers the requirements on certificate holders in the MOC scheme to be reasonable and practical.

**6. (a) Are the record keeping requirements for certificate holders to satisfy in the MOC scheme reasonable and practical?**

Reporting requirements to satisfy the MOC scheme appear to be reasonable and practical. However, clarification is needed to ensure that evidence over and above the maintenance of a log book, such as a certificate of training, is considered preferable rather than a prerequisite as this is not always obtainable for some learning types.

**(b) Are the governance processes proposed by the department adequate to ensure compliance with the MOC scheme by practising certificate holders?**

Governance of the MOC scheme is paramount to ensure a level playing field is experienced by all. CCAA is concerned as to whether the Department is adequately resourced to facilitate the audit process uniformly across participants and meet the 5% annual audit target. CCAA would appreciate clarity from the Department on this. In addition, greater clarity and consideration needs to be given to how the audit process would operate, such as:

- How will certificate holders be notified when they are about to be audited? Are they given time to get their logbook in order or is this a spot check? – *CCAA prefers the former.*
- If a certificate holder is found not to be meeting the requirements of the MOC scheme, particularly in less serious cases, are they able to provide further evidence to rectify the matter? – *CCAA believes there should be provision for this.*

## CONCLUSION

To conclude, CCAA supports a MOC scheme for practising certificate holders that provides flexibility in the sense that variances in individual circumstances can be accommodated. There are improvements that can be made to the model to ensure that the operational realities of the scheme on practising certificate holders are not overly prescriptive or burdensome.

Once again, CCAA thanks the Department and the Mining Competence Board for the opportunity to comment on this paper and looks forward to further engagement on this matter.

Yours sincerely



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