



Department
of Industry
Resources & Energy

Mine Safety

DISCUSSION PAPER

Maintenance of competence scheme for practising certificates

Work Health and Safety (Mines) Regulation 2014



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Maintenance of competence system for Practising Certificates

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More information

Andrew Palmer / Mine Safety Advisory Council / Maitland

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Work Safe New Zealand

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (December 2015). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the NSW Department of Industry, Skills and Regional Development or the user's independent advisor.

What is the NSW Mining Competence Board?

The NSW Mining Competence Board (the board) is a statutory board that advises the Minister for Resources and Energy and the mine safety regulator on the:

- setting of competence standards
- standards for assessing competence
- requirements for the maintenance of competence

for exercising functions at a mine that impact on the health and safety of any person.

It is established under the *Work Health and Safety (Mines) Act 2013* and *Work Health and Safety (Mines) Regulation 2014*.

The board comprises people representing the interests of employers and employees, officers of NSW Department of Industry (the department) and independents with expertise in the development and assessment of competence standards for people performing functions at mines. The board is chaired by an independent chairperson.

Vision

To improve mine safety by contributing to the development of world-leading competence standards in the NSW mining and extractive industries.

Objectives

The board aims to ensure the competence of people performing safety critical roles in NSW mining operations, as part of an overall strategy to improve mine safety performance by:

- maintaining a strategic focus on significant competence issues
- undertaking consultation with all relevant stakeholders when progressing competence matters
- ensuring processes are put in place to quickly identify emerging issues and respond accordingly
- liaising with other jurisdictions, with an aim to promote consistency in competence standards
- ensuring that all key stakeholders have access to consistent and accurate information regarding competence standards.

How can I find out more information?

For comprehensive information on the board and its activities, see the webpage:

www.resourcesandenergy.nsw.gov.au/miners-and-explorers/safety-and-health/about-us/mining-competence-board

The role of the mine safety regulator

The Secretary of the department, as the mine safety regulator, takes advice from the board on how to carry out its functions under the WHS (Mines) legislation to:

- determine the requirements for certificates of competence and conduct examinations
- administer the issuing of certificates of competence and practising certificates, including requirements to maintain competence.

How can I contact the board?

Mining Competence Board c/- NSW Department of Industry
PO Box 344
Hunter Region Mail Centre NSW 2310
Ph: 02 4931 6636 Email: mcb.secretariat@industry.nsw.gov.au

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1. Introduction

1.1. Why is maintenance of competence (MOC) for practising certificate holders important?

Maintaining the competence of people holding a practising certificate to exercise a safety function under Schedule 10 of the Work Health and Safety (WHS) (Mines) Regulation is critical to achieving a safe and healthy mine workplace. The competency of workers is a known critical factor to workplace WHS, particularly in the areas of management, engineering and ventilation for mines. This is recognised in WHS (Mines) legislation. When people are issued with a practising certificate, they are certified to be competent at that time. Rapid change in the workplace means they now need to actively maintain their competencies through formal and informal learning. The scheme proposed in this discussion paper seeks to recognise and formalise the MOC activities already been undertaken by people but to also assure the competence of people possessing a certificate. In fact the scheme reflects the practices of continuing professional development in other high risk industries, including nursing and engineering, to regulate the competency levels of safety critical roles to a minimum required level.

1.2. The MOC scheme

The scheme requires practising certificate holders to undertake formal and informal learning across topics in each area of competence for a minimum number of hours per year and in total over 5 years. Holders will self manage and record their learning activities and renew their certificate with the Department of Industry every five years. The Department will also monitor and audit compliance.

A list of 13 practising certificates requiring people to comply under the proposed scheme as a condition of their practising certificate are listed in appendix A.

The proposed NSW scheme is similar to the New Zealand Continuing Professional Development Scheme for statutory positions by SafeWork New Zealand, which is legislated to commence from January 2016.

1.3. Certain certificate holders not included in the scheme at present

There are certain statutory functions requiring certificates under Schedule 10 in appendix A which will be considered for inclusion in the proposed scheme at a later date to be determined.

The statutory functions of Electrical Engineers at the following types of mines **do not** require a practising certificate and are not included in the proposed scheme:

- coal mines other than underground mines (note: a mechanical engineer statutory function is also exercised at this mine)
- underground mines other than coal mines (only required if total connected power at the mine is greater than 1,000 kilowatts or if high voltage is utilised)
- mines other than underground mines or coal mines (only required if total connected power at the mine is greater than 1,000 kilowatts or if high voltage is utilised)

A certificate of competence is required for the above functions or registration with Engineers Australia (amongst other requirements).

The following statutory functions do require a practising certificate but are not included in the proposed scheme at this point:

- Ventilation Auditor
- Dust Explosion Control Measures Auditor

Both functions have been transitioned over from licences under the former Coal Mine Health and Safety legislation for a period of 2 years from the commencement of the WHS (Mines) Regulations. The former licensing requirements involved auditor certification under a different scheme and so these auditor type practising certificates have not been included in the proposed scheme at this point.

2. Purpose

The Department of Industry and Mining Competence Board is seeking public comment on the proposed MOC scheme prior to finalising it. It is critical that stakeholders in the NSW mining industry input into the design and operation of the scheme so it best achieves its objectives of maintaining competence.

Throughout this paper, discussion points are presented for stakeholders to respond to. Responding to these points is not mandatory and they are not designed to restrict comments on any other issues that you consider relevant to the proposed scheme. However, providing a response to them in the templates provided may enable a cross section of responses on critical areas to be analysed to identify any improvements.

3. Timeframes for submissions

Responses to this discussion paper are welcome and should be directed to:

John Flint

Executive Officer,

Mining Competence Board

mcb.secretariat@industry.nsw.gov.au

FAX: 02 49316790

by no later than **5pm Monday 1 February 2016**.

A template in which to respond to the discussion points in this paper is included at the end of this discussion paper and is available for download from:

<http://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/safety-and-health/about-us/mining-competence-board>

It is intended that all submissions will be made publicly available, unless the author specifically requests confidentiality. Please note confidential submissions may still be subject to a request for release under the *Government Information (Public Access) Act 2009*.

4. Objectives of the scheme

The key objectives sought through the establishment of the scheme are:

- to refresh the competencies required to maintain the practising certificate
- to have the necessary level of knowledge on the latest technology in relation to the control of principal mining hazards and critical controls in mining operations
- to promote awareness of safety and health issues, problems and solutions experienced in mining operations so they may inform and support their application
- to maintain a working knowledge of the casual factors and controls in regard to the prevention of incidents.

5. Legislative background to scheme

The MOC scheme is proposed as a condition on the practising certificate for the holder to meet, under the WHS (Mines) legislation.

5.1. Legislation enabling scheme

The *Work Health and Safety (Mines) Regulation* clause 143(2) 'Conditions' enables the regulator to place conditions on practising certificate holders:

- 2) It is a condition of a practising certificate that the holder of the certificate must, if required by the regulator by notice in writing, do the following within the time (if any) specified in the notice:

- a) provide specified information relating to the individual's competence or any other matter relating to the practising certificate,
- b) satisfy the regulator that the individual has a knowledge of law and ethics to the level necessary to hold the particular practising certificate,
- c) undertake and successfully complete specified training courses or other specified forms of training.

(3) It is a condition of a practising certificate that the holder of the certificate must keep records that demonstrate the individual's eligibility to hold the certificate, including evidence of completion of courses and time sheets.'

5.2. Practising certificates

Practising certificates are required by individuals under clause 136 of the WHS (Mines) Regulation to exercise statutory functions under Schedule 10 as specified. Under the Regulation's transition arrangements, it was gazetted on 30 January 2015 for people who hold specified certificates of competence to be deemed to hold the equivalent practising certificate now.

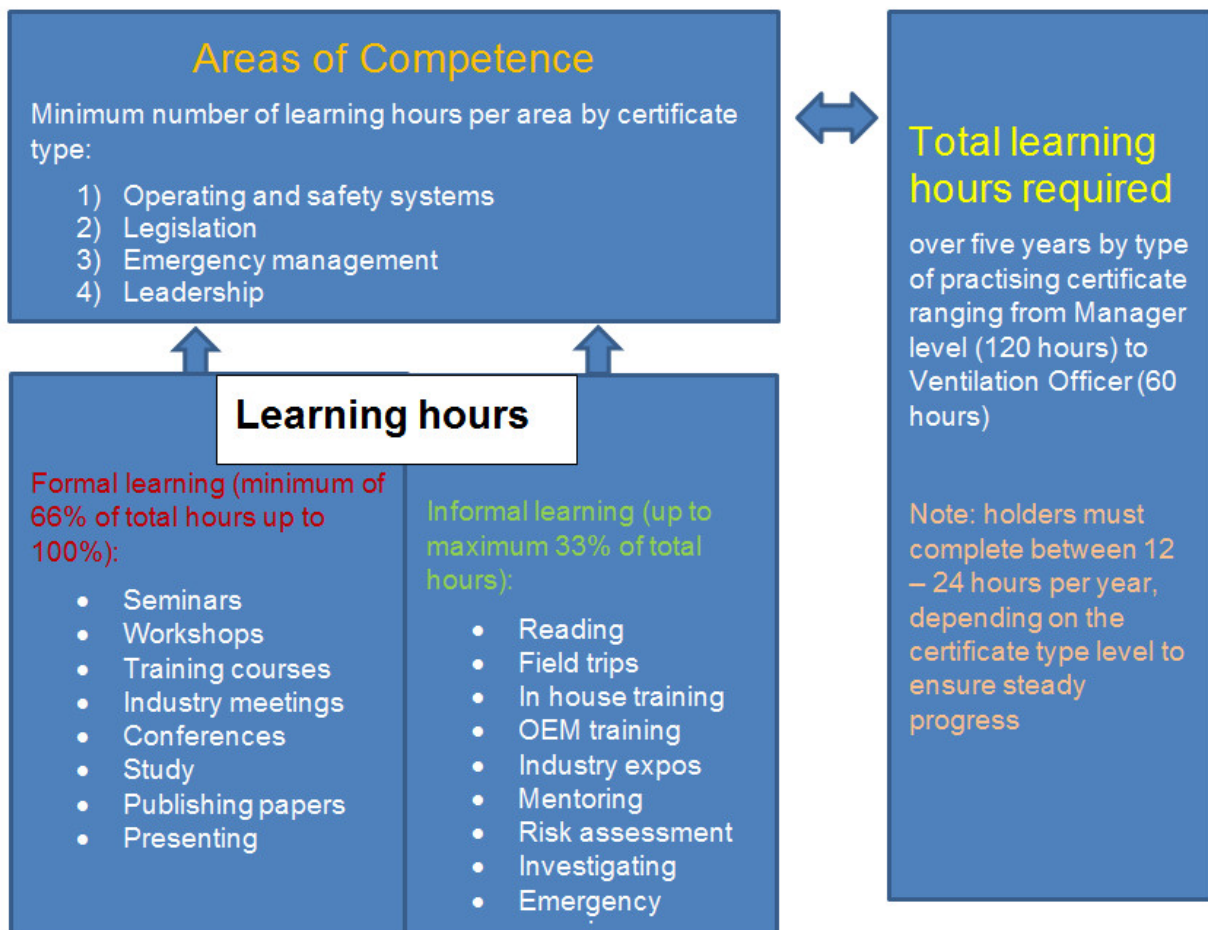
The department will provide details of a proposed system for issuing practising certificates, which the MOC scheme will operate under to require people to be complying in order to maintain their practising certificate.

6. Overview of scheme

6.1. Structure

There are two major components to the scheme, as depicted in figure 1:

Figure 1 - Proposed model of MOC scheme for practising certificates



6.1.1. Areas of competence

There are defined areas where each person must undertake learning to ensure they remain competent in the topics to carry out the statutory function. There are a minimum number of learning hours to be satisfied for each area of competence.

6.1.2. Total learning hours over five years

There will be a requirement to complete a specified amount of learning hours each year and in total over five years. For the purposes of this discussion paper it is assumed that it will be over a five year period to achieve the total hours required. This will coincide with the possible renewal of the practising certificate at the five year point.

6.1.3. Learning hours

Learning hours may be formal or informal:

Formal: training that is a structured activity or process that a person attends or completes. For example, seminars and training courses. Formal training courses of more than four hours must satisfy a criteria in order to be recognised under the scheme (refer to appendix A)

A minimum of two thirds or more (66%) of the total learning hours prescribed for each type of practising certificate must be formal and cover the areas of competence specified.

Informal: these are activities undertaken by the individual within the workplace or the industry eg. reading publications and participating in emergency response exercises.

Up to a maximum of one third (33%) of the total hours of learning prescribed may be informal and cover the areas of competence specified.

6.2. Principles for operating scheme

There are principles that underpin the scheme and assist in understanding it:

1. the higher the level of supervision/management required in the statutory function, the more hours of learning are required

For example the Manager must complete 120 hours over 5 years and 60 hours for Deputies.

2. Statutory functions requiring greater technical speciality will require certain topics to be covered in Areas of Competence

For example, the Electrical Engineering Manager practising certificate must complete a certain percentage of electrically related topics in the Area of Competence for Operating and Safety Systems.

Discussion point

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

7. Areas of competence requirements

There are four areas of competence, which the person must complete the minimum number of learning hours in each area for the topics listed. The person will determine for which topics they need to undertake training. Figure 2 below sets out the four competence areas and their topics:

Figure 2 – Areas of competence for training

Area of Competence	Topics
Operating and safety systems	<ol style="list-style-type: none"> 1. Exploration/Site investigation 2. Slope stability 3. Operational planning 4. Temporary works/Preparatory works 5. Methods 6. Processing 7. Services 8. Plant and equipment 9. Guarding 10. Maintenance 11. Instrumentation and monitoring 12. Ground or strata management 13. Roads and vehicle operations 14. Fire or explosion prevention 15. Mechanical engineering 16. Electrical engineering 17. Ventilation management 18. Worker Health Management 19. Gas management 20. Outburst management 21. High risk activity management and notifications 22. Principal Mining Hazard Management Plan 23. Principal Control Plans 24. Contractor management 25. Inrush and inundation management 26. Flammable dust management 27. Explosives 28. Spontaneous combustion 29. Emplacement stability 30. Ponds and dams 31. Stockpiling 32. Waste dumps 33. Hyperbarics 34. Mine shafts and winding systems 35. Segment management 36. Safety management 37. Risk management

Legislation	<p>Relevant Acts, regulations, approved codes of practice, instruments, standards, and guidelines, such as:</p> <ol style="list-style-type: none"> 1) Relevant Acts, regulations, approved codes of practice, standards, and guidelines, such as: <ul style="list-style-type: none"> • <i>NSW Work Health and Safety Act 2011 and Work Health and Safety Regulations 2011</i>; • <i>NSW Work Health and Safety (Mines) Act 2013 and Work Health and Safety (Mines) Regulations 2014</i> • <i>NSW Explosives Act 2003 and Explosives Regulation 2013</i> • <i>Coal Industry Act 2001</i> • <i>NSW Dangerous Goods (Road and Rail Transport) Act 2008 and Dangerous Goods (Road and Rail Transport) Regulation 2014</i> • approved codes of practice <i>under the NSW Work Health and Safety Act 2011</i>; 2) Any new, amended, or replacement Acts, regulations, approved codes of practice, standards, guidelines, or authority requirements or conditions to take precedence for MOC purposes.
Emergency management	<ol style="list-style-type: none"> 1) Emergency plans 2) Preparedness and response 3) First Aid
Leadership	<ol style="list-style-type: none"> 1) Health and well-being 2) People development and management 3) Contractor management 4) Worker participation 5) Planning and organising 6) Initiative 7) Human and organisational factors 8) Associated Non Technical Skills (ANTS) including: <ol style="list-style-type: none"> a) Communication b) Problem solving and decision making c) Teamwork d) Situational Awareness e) Leadership

Explanatory notes for table 2:

1: Topics set out in column 2 of this table are examples of the matters that may be covered by a competency for an area. Learning in other topics within these competencies will be treated as MOC as long as it is directly relevant to maintaining competence.

2: Subject to specific requirements set out in table 2, holders may complete MOC in any combination of topics within the competencies for an Area of Competence

Discussion point

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

8. Types of learning

The learning required falls into one of two categories.

8.1. Formal learning

A minimum of two thirds or more (66%) of the total learning hours prescribed for each type of practising certificate must be formal and cover the areas of competence specified.

Figure 3 – Types of formal learning recognised

Types of formal learning recognised	Claimable hours
1. Attending industry seminars/workshops, such as those run by industry or related organisations. such as IoQ, AusMM, C C A A , NSW Minerals Council, Coal Services Mines Rescue Department of Industry (Mine Safety) etc)	Actual hours up to a maximum of 6 hours per seminar/workshop.
2. Delivering industry seminars/workshops.	Actual hours up to a maximum of 8 hours per seminar/workshop.
3. Successfully completing formal training courses by fulfilling all course requirements. These must meet the criteria set out in Appendix A.	Actual hours.
4. Attending industry representative meetings, such as but not confined to advisory groups, industry or specialist boards, panels of examiners membership, technical committees.	Actual hours up to a maximum of 6 hours per year for each group.
5. Attending relevant industry conferences. These must be relevant to the Practising certificate holder.	Actual hours up to a maximum of 4 hours per conference. This is in addition to the hours claimed for attendance at conference workshops.
6. Study or training towards tertiary qualifications, including degrees and industry training qualifications.	Half of the required formal hours per year i.e. 8 hours for most certificate of competence holders; or 4 hours for holders of the following certificates of competence holders: Deputy, Open Cut Examiner
7. Presenting paper at a relevant industry conference (includes content preparation).	Actual hours up to a maximum of 8 hours for each presentation. Actual hours up to a maximum of 4 hours where the same content of a paper is subsequently presented or a previously published paper is presented.
8. Publication of learned/peer reviewed papers.	<p>Actual hours up to a maximum of 10 hours for papers that have not been presented.</p> <p>Actual hours up to a maximum of 5 hours for content/paper that has been previously presented at a conference or similar.</p> <p>Extra hours are not claimable if the paper is published in more than one publication</p>

<p>9. Publication of articles in relevant industry magazines or journals or similar.</p>	<p>Actual hours up to a maximum of 4 hours for content that has not previously been presented.</p> <p>Actual hours up to a maximum of 2 hours for content/paper that has been previously presented at a conference or similar.</p> <p>Extra hours are not claimable if the paper is published in more than one publication.</p>
<p>10. Written papers accompanied by a conference poster at a relevant industry conference (includes preparation).</p>	<p>Actual hours up to a maximum of 8 hours for papers that have not been presented.</p> <p>Actual hours up to a maximum of 4 hours for papers that have been previously presented at a conference or similar.</p>

8.2. Informal learning

Up to 33% of total hours each year per year for the practising certificate may come from the following types of informal learning. Learning must be directly relevant to mining operations.

Figure 4 – Types of informal learning recognised

Types of informal learning recognised	Maximum claimable hours
1. Publications: includes but not limited to reading learned or technical articles, technical publications, conference papers	Actual hours up to a maximum of 2 hours per year
2. Relevant field trips	Actual hours up to a maximum of 2 hours per field trip. Up to a maximum of 2 field trips (4 hours total) per year.
3. Delivering in-house training (that is not formal training)	Actual hours up to a maximum of 4 hours per year
4. Attending in-house training (that is not formal training)	Actual hours up to a maximum of 4 hours per year
5. Equipment manufacturer's training (that is not formal training)	Actual hours up to a maximum of 4 hours per year
6. Attending relevant industry expos	Actual hours up to a maximum of 2 hours per year
7. Workplace mentoring	Actual hours up to a maximum of 2 hours per year
8. Participation in high level risk assessments (ie this does not include day to day activities such as task focused risk assessment eg. Take 5 or JSA)	Actual hours up to a maximum of 2 hours per year

9. Review of principal mining hazard management plans	Actual hours up to a maximum of 4 hours per year
10. Participation in conducting reportable incident investigation(s)	Actual hours up to a maximum of 2 hours per year
12. Participation in emergency response exercises or drills	Actual hours up to a maximum of 2 hours per year

Discussion points

3. Are the types of formal and informal learning with their maximum claimable hours suitable? Is the percentage split between the minimum number of formal hours (66%) against a maximum of 33% for informal hours appropriate?

9. Hours requirements

The minimum number of hours required for the practising certificate every year and in total over the five years are set out below in figure 5 (any NZ scheme certificate of competence equivalent is indicated for comparison)

Figure 5 – Types of informal learning recognised

Practising certificate	Training hours required	Areas of competence and hours required	Learning type and hours
1. Mining Engineering Manager – underground mines other than coal mines (NZ First class mine manager)	5 year total: 120 hours 24 hours a year minimum	Minimum of 16 hours over 5 years for each area of competence	Formal: minimum of 16 hours per year Informal: up to a maximum of 8 hours per year

<p>2. Mining Engineering Manager – Underground Coal Mine (NZ First-class coal mine manager)</p>	<p>5 year total: 120 hours 24 hours a year minimum</p>	<p>Minimum of 16 hours over 5 years for each area of competence. In addition, a total of 30 hours over 5 years across all of the following topics from Operating & Safety Systems: electrical engineering; ventilation management; gas management; spontaneous combustion, flammable dust management.</p>	<p>Formal: minimum of 16 hours per year Informal: up to a maximum of 8 hours per year</p>
<p>3. Mining Engineering Manager – coal mines other than underground mines (A-grade opencast coal mine manager)</p>	<p>5 year total: 120 hours 24 hours a year minimum</p>	<p>Minimum of 16 hours over 5 years for each area of competence.</p>	<p>Formal: minimum of 16 hours per year Informal: up to a maximum of 8 hours per year</p>
<p>4. Quarry Manager – Mines other than underground mines or coal mines (NZ A-grade quarry manager)</p>	<p>5 year total: 120 hours 24 hours a year minimum</p>	<p>Minimum of 16 hours over 5 years for each area of competence.</p>	<p>Formal: minimum of 16 hours per year Informal: up to a maximum of 8 hours per year</p>
<p>5. Undermanager – Underground coal mines (NZ Coal mine Underviewer)</p>	<p>5 year total: 120 hours 24 hours a year minimum</p>	<p>Minimum of 16 hours over 5 years for each area of competence. In addition, a total of 30 hours over 5 years across all of the following topics from Operating & Safety Systems: electrical engineering; ventilation management; gas management; spontaneous combustion, flammable dust management.</p>	<p>Formal: minimum of 16 hours per year Informal: up to a maximum of 8 hours per year</p>

<p>6. Underground mine supervisor – Underground mines other than coal mines</p>	<p>5 year total: 120 hours</p> <p>24 hours a year minimum</p>	<p>Minimum of 16 hours over 5 years for each area of competence.</p> <p>In addition, a total of 30 hours over 5 years of the following topics from Operating & Safety Systems: ground management; ventilation management; principal mining hazard management plans and principal control plans.</p>	<p>Formal: minimum of 16 hours per year</p> <p>Informal: up to a maximum of 8 hours per year</p>
<p>7. Deputy – Underground coal mines (NZ Coal Mine Deputy)</p>	<p>5 year total: 60 hours</p> <p>12 hours a year minimum</p>	<p>Minimum of 8 hours over 5 years for each area of competence.</p> <p>In addition, a total of 15 hours over 5 years across all of the following topics from Operating & Safety Systems: strata management; ventilation management; gas management; spontaneous combustion, flammable dust management, outburst management; principal mining hazard management plans and principal control plans.</p>	<p>Formal: minimum of 8 hours per year</p> <p>Informal: up to a maximum of 4 hours per year</p>
<p>8. Open Cut Examiner – Coal mines other than underground mines</p>	<p>5 year total: 60 hours</p> <p>12 hours a year minimum</p>	<p>Minimum of 8 hours over 5 years for each area of competence.</p> <p>In addition, a total of 15 hours over 5 years of the following topics from Operating & Safety Systems: slope stability; roads and vehicle operations; emplacement stability; explosives; principal mining hazard management plans and principal control plans.</p>	<p>Formal: minimum of 8 hours per year</p> <p>Informal: up to a maximum of 4 hours per year</p>

9. Electrical Engineering Manager – underground coal mines (NZ Electrical Superintendent)	5 year total: 120 hours 24 hours a year minimum	Minimum of 16 hours over 5 years for each area of competence. A minimum of 25% of required hours must be earned from topics directly subject-related to the area of specialisation.	Formal: minimum of 16 hours per year Informal: up to a maximum of 8 hours per year
10. Mechanical Engineering Manager – underground coal mines (NZ Mechanical Superintendent)	5 year total: 120 hours 24 hours a year minimum	Minimum of 16 hours over 5 years for each area of competence. A minimum of 25% of required hours must be earned from topics directly subject-related to the area of specialisation.	Formal: minimum of 16 hours per year Informal: up to a maximum of 8 hours per year
11. Ventilation Officer – Underground coal mines	5 year total: 60 hours 12 hours a year minimum	A minimum of 8 hours over 5 years for relevant topics from the following areas of competence only: <ul style="list-style-type: none"> • Operating & Safety Systems • Legislation. A minimum of 25% of required hours must be earned from topics that are directly subject-related to the area of specialisation.	Formal: minimum of 8 hours per year Informal: up to a maximum of 4 hours per year

Discussion point

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?

10. Requirements for certificate holders for operation of scheme

All Practising Certificate holders choosing to renew their certificates must meet these MOC scheme ongoing requirements, regardless of whether or not they are working within mining workplaces throughout all of the renewal period (currently assumed to be 5 years like in New Zealand – refer to 6.1.2):

a) Hours are based on learning undertaken across the range of topics in each of the four areas of competence

b) Requirements are based on a five year cycle. This is because the practising certificate may be required to be renewed every five years and as an appropriate timeframe for the certificate to be checked for compliance with the conditions.

c) Hours are earned over a calendar year: where a practising certificate is issued or due to be renewed part way through a calendar year, total hours required will be on a pro-rata basis for each part year.

d) Learning must be undertaken across a relevant range of areas of competencies topics within the required competencies in each 5 year cycle. Carry over additional hours earned in any one year can be carried forward to be counted towards the next year's hours but not beyond.

e) Where a MOC scheme participant holds more than one practising certificate within the same sector/context, and wants to retain the relevant practising certificates, the holder must meet the MOC requirements for the practising certificate held with the highest level of requirements (eg. Mining Engineering Manager) and for any practising certificate that has specific MOC requirements (eg. Ventilation Officer). MOC completed for one certificate will be treated as completed for another, so long as it is relevant.

Persons who do not satisfy the requirements of the MOC scheme must undertake and pass the written and oral examinations for the relevant certificate of competence required for the practising certificate, before their practising certificate will be renewed.

Discussion point

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

11. Compliance and governance for the scheme

The critical requirements for practising certificate holders to comply with for record keeping under the proposed scheme and governance to ensure compliance are:

- All MOC learning and hours, formal or informal must be recorded by the practising certificate holder as evidence.
- Each practising certificate holder must maintain a log book (either electronically or manually) as evidence.
- Evidence of all MOC activities undertaken during a five- year period are to be retained while ever the person holds a practising certificate for the statutory function. Evidence may include but not limited to certificates, a list of results, records of attendance, employer reports and receipts.
- The NSW Department of Industry (Mine Safety) will audit log books and evidence for those individuals renewing their practising certificate by selecting 5% each year for auditing.
- Randomly selected verification of log books and evidence will be undertaken by the department.

Discussion point

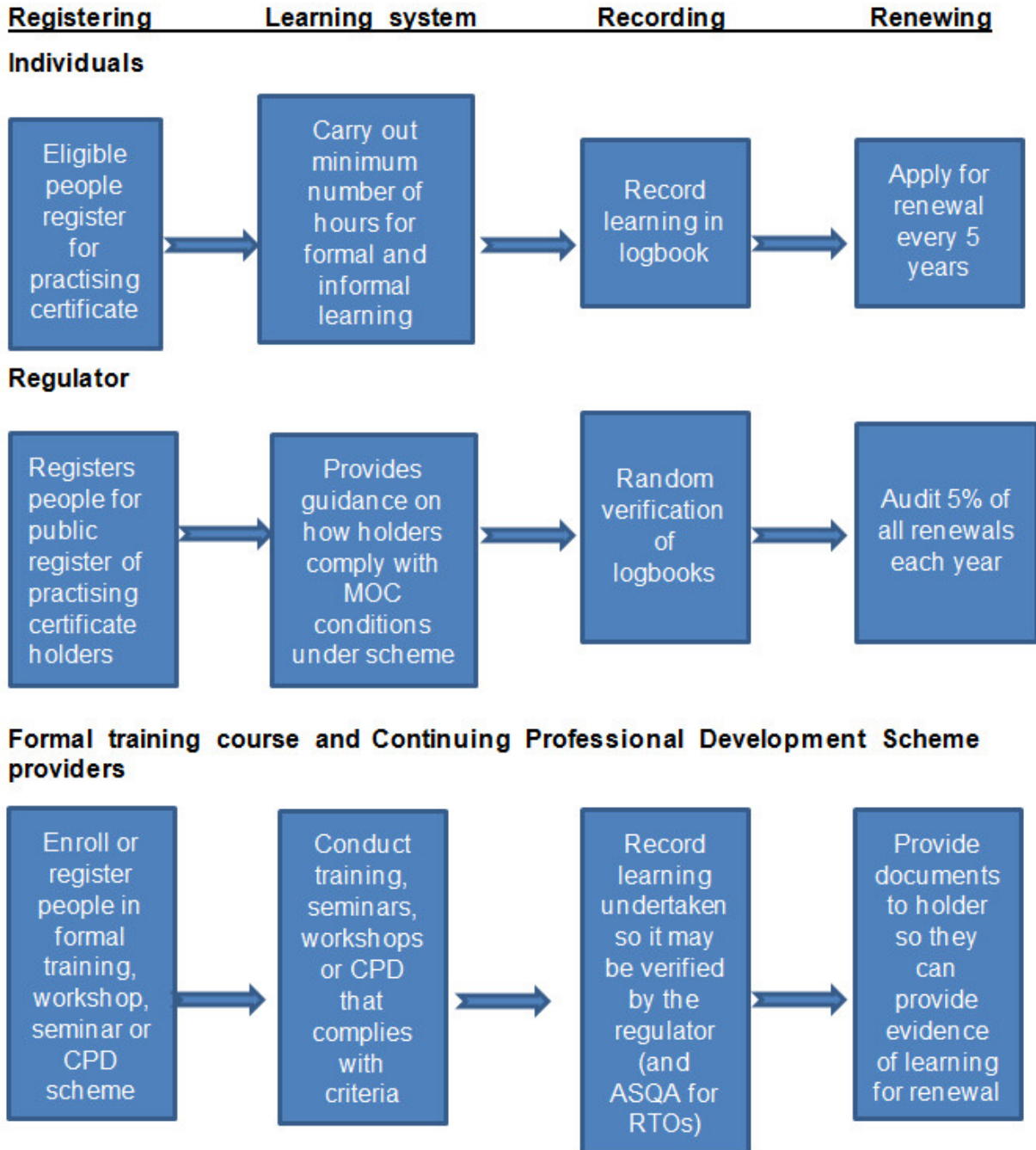
6. Are the record keeping requirements for certificate holders to meet in the MOC scheme reasonable and practical?

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

12. Scheme processes

The processes to be undertaken by various stakeholders in the scheme appear below:

Figure 6 - Processes for stakeholders in MOC for practising certificates holders



13. Review and conclusion

The MOC scheme represents a significant step to achieve the objectives of maintaining the competence of practising certificate holders to support a safe and healthy mine workplace.

A template is available from the department webpage for the Mining Competence Board to respond to the discussion points contained within this paper (refer to copy at the end of this discussion paper). At a later date to be determined, a separate discussion paper will be released to discuss the possible inclusion of certificates of competence for engineering and practising certificates for ventilation and dust explosion auditors.

Appendix A – Schedule 10 statutory functions requiring a practising certificate or a certificate of competence to exercise the function

No.	Statutory functions under Schedule 10 WHS (Mines) Regulation	Practising certificate	Certificate of competence nominated	Considered in proposed scheme (as at 9/12/15)?
	Part 2 Underground coal mines			
1	Mining engineering manager	Yes		Yes
2	Electrical engineering manager	Yes		Yes
3	Mechanical engineering manager	Yes		Yes
4	Undermanager	Yes		Yes
5	Ventilation auditor	Yes		No
6	Ventilation officer	Yes		Yes
7	Dust explosion control measures auditor	Yes		No
8	Deputy	Yes		Yes
	Part 3 Coal mines other than underground mines			
9	Mining engineering manager	Yes		Yes
10	Open cut examiner	Yes		Yes
11	Electrical engineer		Yes	No
12	Mechanical engineer		Yes	No
	Part 4 Underground mines other than coal mines			
13	Mining engineering manager	Yes		Yes
14	Underground mine supervisor	Yes		Yes
15	Electrical engineer (only required if total connected power at mine is greater than 1,000 kilowatts or if high voltage is utilised)		Yes	No
	Part 5 Mines other than underground mines or coal mines			
16	Quarry manager	Yes		Yes
17	Electrical engineer (only required if total connected power at mine is greater than 1,000 kilowatts or high voltage is utilised)		Yes	No
	Total (17 in total)	13	4	

Appendix B – Criteria for acceptable formal training courses for greater than 4 hrs duration

To be counted towards MOC requirements, formal training courses of more than 4 hours must also meet the following criteria:

1. The course must comply with current legislation, standards, and codes of practice.
2. The course content and deliverables must be current and relevant for those attending the course as part of maintaining their competence for mines.
3. The instructor(s) must have appropriate technical and educational knowledge and experience relevant to the course they are delivering.
4. The instructor(s) must hold relevant qualifications for the content of the course they are delivering.
5. The instructor(s) must hold recognised qualifications or credentials in adult education.
6. The learning environment is appropriate, safe, supportive and adequately resourced.
7. The course must provide measurable outcomes for the knowledge or skills covered.
8. The course must have a clearly defined structure with a statement of course goals and outcomes, including learning objectives.
9. The course programme must demonstrate information relevant to the mining and extractive industries.
10. The course must have clear and valid processes of assessment to determine whether course attendees are deemed to have successfully completed the course.

Appendix C – Template for public comment in response to discussion paper for Maintenance of Competence Scheme

Name:

Organisation:

Responses to discussion points

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

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

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

3b. Is the percentage split between the minimum number of formal hours (66%) against a maximum of 33% for informal hours appropriate?

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?

a) per year

b) over five years?

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

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

6b. Are the governance processes proposed by the department adequate to ensure compliance with the MOC scheme by practising certificate holders?
