

Public comment response template to Discussion Paper: Maintenance of Competence for Practising Certificates

Please send submissions by email to consult.minesafety@industry.nsw.gov.au
Submissions must be received by the due date of Monday 1 February 2016.

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Responses to discussion points

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

Response:

no comment on this issue

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

Response:

- In the "Areas of competence for training" under the heading "Operating and safety systems" there is a big list of topics, which don't appear to align with the WHSMR 2014. Shouldn't the list of topics reflect the main components in Part 2 Managing risks in the WHSMR 2014? This is a well-structured and critical part of the WHSMR 2014, and the MOC scheme does not seem to reflect this.
- On a similar point to the one above, the key components Part 2 of the WHSMR 2014 are Principal Mining Hazard Mgt Plans (PMHMPs) and Principal Control Plans (PCPs). These are dealt with as 2 line items (# 22 & 23) in the list of "Areas of competence for training". The management plans in these 2 areas are the key components of a mine's SMS and, under the proposed MOC scheme, may not be addressed in meeting an individual's hours in the MOC scheme requirements.
- In the "Areas of competence for training" under the heading "Leadership" there is a list of topics. The issues are:
 - o Some of the topics are vague – e.g. "initiative"
 - o ANTS is at the bottom of the list. If ANTS is such an importance driver of WHS performance in the mining industry, (1) why is it bottom of the list?, and (2) why is it not the only topic under the "Leadership" heading?

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

Response:

- The suitability of some of the types of formal and informal learning are questionable, for example:
 - o How can attendance at industry seminars / workshops be considered as formal learning? Certain components within a seminar / workshop may be relevant learning, but a lot of content in these workshops is not relevant for the purposes of MOC.
 - o Why is the Mine Managers Association (MMA) not mentioned as an example of industry seminars / workshops? I would have thought that the types of papers presented at these meetings and the links to the MMA CPD scheme is the type of learning that is a good example of quality MOC via seminars / workshops.
 - o In the formal training list (#6), do Cert IV and Diploma qual's leading to meeting the prerequisites to sit for Certificate of Competence examinations qualify as "tertiary qualifications"?
 - o In the formal training list (#6), does any degree meet the requirements – e.g. would a degree in anthropology be able to be claimed for MOC hours?
 - o In informal learning, who is going to make the judgement of whether something is a "Relevant field trip"?
 - o In informal learning, how can attending an industry expo be considered as a learning activity for MOC purposes?
 - o In informal learning, how can "Workplace mentoring" be considered as a learning activity for MOC purposes? "Workplace mentoring" of a person who is studying to become a holder of a Certificate of Competence to perform a statutory function may be relevant, but is mentoring a person on other areas may not be so relevant.
- **Appendix B – Criteria for acceptable formal training courses for courses for greater than 4 hours duration** is of concern in a number of areas:
 - o Not recognising RTOs and their quality requirements under ASQA as an acceptable criteria in its own right – not the only criteria, but one that should be recognised
 - o The general vagueness of the criteria – this will lead to all sorts of shonky "training courses" being marketed and completed by participants in the MOC scheme
 - o The use of the term "instructor" instead of the term used in industry – "trainer"
 - o The requirement that "instructors" hold qualifications or "credentials" in adult education. What does this mean? Would it would be better to define this as something like "a recognised qualification under the AQF, as a minimum AQF 4 (i.e. Certificate IV)"
 - o The failure to mention the qualifications, experience and competence of assessors. Assessors are key to a quality learning outcome and has not been addressed at all.

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

no comment on this issue

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 - response

- * The number of learning hours for each practising certificate appear to be "light". As a comparison (have not done any wider research, so it is only 1 example), nurses require 20 hrs per year, and nurse/midwives (dual reg'n) require 40 hours per year.
- The number of learning hours and the specific requirements for certain PC holders (e.g. #2, #5, # 6, #7, #8) are confusing, and therefore:
 - o will not be understood by PC holders, and
 - o may be subject to "roting" and badly targeted learning activities (including by the shonky end of the RTO market)

b) over five years? - response

as above

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

Response:

The statement that "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." (p.13) appears to be unnecessarily onerous. Is this the only option? It appears too black-and-white and there needs to be appeals and other processes around this area.

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

Response:

no comment on this issue

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

Response:

Will there be random checks conducted by Mines Inspectors on the PC holders at mines? Shouldn't this form part of ensuring compliance? Doing this will also put some of the onus for ensuring compliance (and allowing PC holders to complete their MOC obligations) on the mine operator.