

## **Response to discussion paper for Maintenance of Competence Scheme**

**Name:**

**Organisation: MMAA (Mine Managers Association of Australia)**

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

No. The scheme is not considered suitable in its present form.

- As the scheme currently stands, it is possible to satisfy its requirements without undertaking any learning in a number of mining systems and major hazards. A MOC scheme should encourage learning in the various mining systems and control of major hazards. This is fundamental to statutory competence. It should encourage innovation and up to date knowledge of hazards and controls.

For underground coal mine managers and undermanagers the scheme requires an additional 30 hours for 5 specified subjects which only goes part way to addressing the focus on core competencies and highlights a problem with the structure of the scheme. For open cut mine managers, there is no mechanism to encourage learning in mining systems and major hazards.

Four of the five specified matters for underground coal mine managers and undermanagers are underlined in the following list of generally accepted major hazards in Australian underground coal mines. Electrical engineering seems inappropriate given that in NSW a Manager of Electrical Engineering is appointed and the exclusion of strata control is surprising.

The 5 matters for underground coal mine deputies does include outburst (why?) and excludes electrical engineering. (understandable)

- *Strata failure*
- *Stress impacts*
- *Pillar instability*
- *Subsidence*
- *Ventilation control*
- *Gas management*
- *Outburst*
- *Spontaneous combustion*
- *Inrush*
- *Flammable dust*
- *Respirable dust*
- *Rock burst*
- *Lightning*

If the intent was to focus attention on major hazards, or other high risk activities, and compel learning in those topics, then the list falls far short.

- Prescribing all the core competency topics would greatly increase the complexity of the scheme. A better balance of topics in the competence areas with appropriate

minimum hours and a statement of intent would best encourage learning in all important subject matter.

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

- The Area of Competence “Leadership” is not a core competency for statutory examinations, nor as important to statutory competence as mining systems and major risks and should not be included in the scheme as a competence area. This would improve the focus on core competency topics.

Mine Operators each have their own systems for interacting with employees to cause employee contribution and commitment to successful mine operations and safety management. The system at each mine is supported with appropriate instruction and training. Imposing a system that may not match the mine system may be counterproductive.

A number of on-site operators do not hold statutory qualifications and therefore would not undergo the specified Leadership training. A disconnect between those operators and their system and statutory management on-site required to undergo MOC training would be counterproductive.

- The list of topics in the “Operating and Safety Systems” competence area is generic to encompass a range of dissimilar mining operations but is confusing. The full list of core competencies, or preferably, topics for mining and support systems and major hazards specific to the open cut and underground coal mining statutory examination should be documented in the scheme.
- The list of topics for the Operating and Safety Systems competence area forms, by far, the largest portion of the scheme and contains many items of high risk and importance to maintaining statutory competence. The number of topics and allocated minimum hours to the competence area dilutes the importance of each to be almost meaningless. The imbalance in topics and hours allocated to each competence area does not encourage learning across the range of topics.

The plethora of topics in the Safety and Operating Systems competence area and imbalance with other competence areas could be addressed in a number of ways:

- ❖ Transferring risk management and OHS from the Operating and Safety Systems competence area to legislation:
- ❖ Placing all major hazards, not just the four listed, into a separate competence area, or expanding the list of 5 specified matters to include the full range of 13 to 15 major hazards. (more prescriptive and complex)

The following activities listed in “Operating and Safety Systems” could be more appropriately transferred to the competency area “Legislation” and the activities to which they refer be picked up in major mazards and mining systems.

- ❖ High risk activity management and notifications,
- ❖ Principal Mining Hazard Management plan and
- ❖ Principal Control plans.

The MMAA CPD scheme provides an example of a more even distribution of topics in four categories with minimum hours for each that encourage learning in important topics related to statutory certificate competence. In addition, MMAA seminars are structured so that the various topics of mining and service systems and major hazards are addressed by the presentations offered. Experience with the scheme over 11 years shows this produces the desired result

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

- The restriction of 6 hrs claim for a seminar places a restriction on valuable learning opportunities and should be removed.

Presentations made by mine managers at MMAA seminars (and by other organisations) provides up to date information on mining systems and control of major hazards and controls that cannot be obtained from structured courses. (There is a place for both) Examples are recent presentations at MMAA seminars on lightning and rock burst incidents. The hazards to which they refer have recently shown up on the radar in Australian coal mines and do not as yet form part of courses such as the Cert IV, V and VI coal mining certificates.

Another presentation provided information on the management of spontaneous combustion and outburst on the same mine site, requiring competing controls, again not addressed in structured courses.

- The limitation of 4hrs for attending an industry conference is confusing and difficult to understand. One would assume the learning received is the determining factor. If relevant, there should not be a limit. The workshop segment is afforded no restriction
- There seems to be limited recognition of professional experience by those acting in the role of manager of mining engineering.
- Learning opportunities in coal mining are very limited and should not be further restricted by the provisions of the scheme. Provision of learning opportunities will be an ongoing issue for MOC.

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

Is this necessary when there are limits placed on the learning hours for informal training?

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?

- The list of topics for the Operating and Safety Systems competence area forms, by far, the largest portion of the scheme. The minimum hours places a relatively high focus

on Legislation and Emergency Management. Allocating minimum hours equally to each of the four competence areas is not appropriate.

- MOC participants are required to complete one fifth of the scheme hours each year, Seminars, workshops and courses are run at specified dates and are infrequent. If a participant is unavailable to attend, possibly due to travel overseas or interstate, be ill or injured, then he or she may not be able to complete the specified annual hours. A lower annual rate and the ability to make up in the other 4 years of the MOC period would be preferable.

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

- It is a relatively complex scheme with many different types of learning, including formal and informal training that is likely to result in sometimes incorrect and varying interpretations. Participants are judged on their right to practise at the time of audit and severely penalised, if shortcomings are revealed, by being required to re-sit the examination without any right or appeal or chance of correction. That is unfair.
- Scaling down deputies' requirements for managers and undermanagers is too simplistic an approach. For Deputy requirements the scheme is not efficient or cost effective and this is at a time when the coal industry is suffering unfavourable market conditions and in dire straits.

Requiring refresher training for Deputies in principal hazard management plans and principal control plans is not necessary and "doubling up". This is required by legislation of the mine operator. The mine operator provides training when plans are reviewed and updated or other triggers are activated. The hazard to which the plans refer are included elsewhere in the scheme.

Access to seminars, workshops and conferences is likely to be unavailable to most deputies because of the relatively large numbers at each mine, inability to release significant numbers from the mining operation at the time such events are scheduled and the limited number of scheduled events. The practical solution is likely to be on site or regional training courses.

- Presentations made at seminars often contain references to more than one topic associated with the control of risks on a mine site. This will cause some difficulty in allocation of hours within the scheme, where specific topics are prescribed.
- The requirement that instructors for courses over 4 hours have qualifications in adult education is onerous and will discourage the delivering of training by technical experts who work full time in their chosen occupation and delivery training on an infrequent and part time basis.

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

- Record keeping is onerous for participants and would present difficulties in interpretation for auditors. It is a complex scheme and errors in interpretation and transcription are likely.

To demonstrate, the scheme seems to require that underground coal mine managers and undermanagers keep the following records, as well as details of the type of learning provided.

- ❖ Overall scheme hours
- ❖ Hours for Competence Area Safety and Operating Systems and supporting information
- ❖ Hours for Competence Area Legislation and supporting information
- ❖ Hours for Competence Area Emergency Response and supporting information
- ❖ Hours for Competence Area Leadership and supporting information
- ❖ Hours for specified topic Electrical Engineering and supporting information
- ❖ Hours for specified topic Ventilation and supporting information
- ❖ Hours for specified topic Gas Management and supporting information
- ❖ Hours for specified topic Spontaneous Combustion and supporting information
- ❖ Hours for specified topic Flammable Dust and supporting information
- ❖ Hours of informal learning and supporting information

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

- The requirement 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” is severe.

The complexity of the scheme and difficult in interpreting some provisions of the scheme such as acceptable learning may result in unintended errors. The participant may not be aware until audited.

- Auditing records going back 5 years and provision of additional supporting information may be problematic.
- Companies may not support MOC for all ticket holders if they are not being used in those roles. There are those employed overseas, unemployed, or working in other industry, who may want to return at some stage. The complexity of the scheme and requirements is likely to discourage a number of certificate holders from maintaining the right to practise.
- There is no provision for individuals who may migrate out of a statutory role into other occupations and then want to move back into such roles, other than re-sitting the examination. Complying with MOC requirements when not in the statutory role may not achievable.
- MOC participants should be given the opportunity to make up deficiencies. Audits will only apply to the 5% of participants each year and this will reduce the impact, but discriminates against individuals who are audited.

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