

GLENCORE

NSW Maintenance of Competency Scheme for Practising Certificates



Coal Assets Australia

Jim Middleton – Director NSW Underground Operations
Submission made by: Trevor Wells – Director NSW Surface Operations
Kylie Ah Wong – General Manager Health, Safety and Training

On behalf of: Glencore Coal Assets Australia (GCAA)

Version FINAL

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1 INTRODUCTION

Glencore is one of the world’s largest global diversified natural resource companies and a major producer and marketer of more than 90 commodities. The Group’s operations comprise of over 150 mining and metallurgical sites, oil production assets and agricultural facilities.

With a strong footprint in both established and emerging regions for natural resources, Glencore’s industrial and marketing activities are supported by a global network of more than 90 offices located in over 50 countries.

Glencore’s customers are industrial consumers, such as those in the automotive, steel, power generation, oil and food processing. We also provide financing, logistics and other services to producers and consumers of commodities. Glencore’s companies employ around 181,000 people, including contractors.



Figure 1- Glencore’s coal operations in Australia

Glencore is proud to be a member of the Voluntary Principles on Security and Human Rights and the International Council on Mining and Metals. We are an active participant in the Extractive Industries Transparency Initiative.

Glencore is one of Australia’s largest coal producers with 13 mining complexes across New South Wales and Queensland. We employ about 7,800 Australians and in 2014 managed the production of 98 million tonnes of thermal and coking coal, predominantly for export. We have a strong safety and environmental performance and play an active role in the development of low emission coal technology.

2 GENERAL COMMENTS

2.1 Shadow Implementation

Glencore Coal would support a shadow implementation period of (minimum) 12 months to establish the workability of the Maintenance of Competency Scheme. This would allow for any anomalies to be rectified, personnel involved to understand the scheme, and administrative processes to be appropriately established. At the completion of the shadow implementation, a review should be conducted to establish any modifications to be made prior to full implementation. The shadow implementation would not include the application of penalties.

2.2 Financial Impact Assessment

A change of this magnitude will have a significant impact on the industry as a whole. It is proposed that a financial impact assessment would need to be undertaken to fully appreciate the financial impact and to allow for accurate forward budgets to be developed to ensure the costs are incorporated.

2.3 Queensland & NSW Alignment

It is noted within the discussion paper that the proposed NSW scheme is similar to the New Zealand Continuing Professional Development Scheme for statutory positions by SafeWork New Zealand. It is also understood that both NSW and Queensland are currently in the process of drafting Maintenance of Competency arrangements.

GCAA supports a collaborative approach where the foundations of the schemes align. This will assist persons transitioning employment interstate and the Mining Competency Board administering the scheme.

As both States are presently in the development phase of a Practising Certificate Scheme, this is a fortuitous opportunity to align.

2.4 Non Compliance Matters

On page 13 of the discussion paper, it is proposed 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”*.

This is thought to be an extreme outcome for what could potentially be a minor non compliance or miscalculation, and does not cater for extended leave of absence either on a voluntary or involuntary basis.

It is proposed that where an individual does not satisfy the requirements of the MOC scheme, they may make application to the Competency Board by way of a personal development plan that must be fulfilled prior to continued practice. The board may make the determination that the non compliance is excessive (ie absence from the industry for an extended period with no

professional development undertaken), and therefore, the proposed position maybe enacted, however, is an outlying case rather than the norm.

In addition, further consideration and guidance needs to be given in the following instances to ensure consistency of application:

- where a non compliance matter is recognised (ie annual hours are not met), is the individual able to continue to practice?
- Is non compliance determined on an annual basis or over the 5 year period? If annual, is it calendar or financial year?

2.5 Compliance Tracking

It is proposed that participants are required to submit their learning hours annually and in turn, an individual annual report is issued, which identifies their progress to plan (ie hours requirements). This then allows for any anomalies to be addresses as soon as possible.

It is also proposed, especially during the initial phase, that common non compliances, questions or areas of confusion are communicated to the industry via a bulletin to assist with ongoing implementation.

2.6 Scheme Structure

The recognition of informal and formal learning types is important and is an important inclusion within the scheme. The Operating and Safety Systems Area of Competence is quite large, which has the potential for lack of attention to important topics. GCAA believes there is an opportunity to place focus and attention on the catastrophic and fatal risk topics – areas which all practising certificate holders need to maintain focus and diligence.

It is recognised that this has been partly addressed in section 9, under hours requirements, whereby specific topics are mandated, however, the opportunity to highlight this as a separate section within the model holds merit, therefore allowing hours to be allocated to this section specifically.

In addition, including a separate section for Plant and Equipment will draw focus to critical systems such as maintenance, guarding, roads and vehicle operations.

GCAA proposes revised Areas of Competence, as detailed in *Diagram 1: Revised Areas of Competence*.

2.7 Program Provider Process

The Discussion Paper does not indicate that a provider of a program recognised under formal training is required to have the program approved under the scheme. Does this place the onus of establishing the suitability of a program with the individual using the checklist as referenced in Appendix B?

This introduces a risk that the individuals' assessment may not be in alignment with the Mining Competency Board, therefore, guidelines would need to be established address discrepancies where they are identified (Note: especially where these then leads to a non compliance).

The draft Qld model proposes that all formal learning would need to meet certain criteria as established by the Mining Competency Board and be approved or formally recognised as suitable to meet the requirements of the scheme, along with an allocation of maximum amount of hours claimable under the scheme.

2.8 Additions to the Scheme

In recognising the role of Mine Safety Officers, Inspectors and Industry Safety and Health Representatives, GCAA supports the inclusion of these roles within the Maintenance of Competency arrangements.

This will ensure maintenance of knowledge and keeps with the intent of the scheme.



Diagram 1: Revised Areas of Competence

3 RESPONSES TO DISCUSSION POINTS

In addition to the comments above, the following is specific feedback on the discussion points, in line with the template (refer Appendix C of the Discussion Paper):

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

GCAA supports the need for a maintenance of competency scheme – specific feedback on key elements are provided under Section 2: General Feedback.

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

Refer to comments made in 2.4 Scheme Structure. Although the topics themselves are suitable, the grouping within areas of competence needs further refinement.

To note: Item 3 refers to Appendix A, believe this should be referencing Appendix B.

3.3 Are the types of formal and informal learning with their maximum claimable hours suitable?

The concept of recognising both formal and informal learning is supported, however, it is recommended that some of the maximum claimable hours may need review. By having a shadow implementation, the hours can be refined to what is not only suitable, but sustainable.

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

GCAA recommends that the percentage split between the minimum number of formal hours should be 50% and the maximum amount of informal hours should be 50%.

This is a more practical approach for those that are active within the industry and have more access to on the job learning opportunities.

3.5 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 numbers of learning hours would need to be adjusted in alignment with the 50% split of informal and formal. In addition, the following amendments are proposed:

- An Undermanager presently has the same requirement as a Manager. In line with the principles for operating the scheme (refer Discussion Paper Section 6.2), it is proposed that the annual minimum requirement is 16 hours, which is a 5 year total of 80 hours.
- A Ventilation Officer presently is assigned 12 hours a year (5 year total: 60 hours). It is proposed this is increased equivalent to an Underground – 16 hours per annum, which is a 5 year total of 80 hours.
- A Mining Engineering Manager (Coal Mines other than Underground Mines) is assigned 24 hours a year minimum (5 year total: 120 hours). It is proposed that this is reduced to 80 hours in recognition of the different risk profile for an Opencut. This also recognises that a considerable amount of effort is spent managing environmental risk, which is not covered under this scheme, however, needs to be incorporated in an Opencut Mine Managers development regime.

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

GCAA does not support the proposal that persons who do not satisfy the requirements must redo the written and oral examinations. This is thought to be an extreme outcome for what could potentially be a minor non compliance or miscalculation. This does not cater for extended leave of absence either on a voluntary or involuntary basis.

Refer to feedback within General Comments.

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

GCAA proposes that a form or logbook to record training would be more appropriate than a diary entry. The form should require a minimum amount of information to be maintained, and clearly articulate expectations regarding detail. It is also recommended that a copy of the log entry is submitted on an annual basis, with compliance reports issued thereafter.

Refer to feedback within General Comments.

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

GCAA proposes that an implementation review should be scheduled to allow for improvement opportunities to be captured within the scheme. This review should include, but not be limited to:

- Appropriateness of hours (informal vs formal)
- Applicability and application of areas of competence
- Record keeping – individuals and providers

The governance process targets only the practising certificate holder and should also include the providers of formal training. This maybe met in part by an approval process, as discussed above in 2.5 *Program Provider Approval Process*.

Refer to feedback within General Comments.

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