

Compliance priority report

Training and competence – small mines

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Executive summary

A crucial part of the NSW Resources Regulator's *Incident prevention strategy* involves compliance priority programs for mines and petroleum sites. This involves proactively assessing a topic which is an emerging risk across the industry, that is driven primarily from incident data as well as evolving industry trends. Although these topics may also be contained within the Resources Regulator planned inspection programs, the aim of compliance priority programs is to gather further information and knowledge about how the industry is managing and controlling a specific issue.

This report summarises the assessment findings from the compliance priority program which targeted training and competence and covered 65 mines during the period from January 2022 to June 2022. Several key elements were assessed as part of this program and included:

- onboard training requirements
- unsupervised training
- assessment process
- intake rates of new trainees
- trainer qualifications and competencies.

Legislative requirements and published guidance relating to training and competence are listed in Appendix A.

Key findings

Numerous statutory notices were issued under section 191 of the *Work Health and Safety Act 2011* and section 23 of the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*. Significant issues were identified across several sites in relation to implementation and maintenance of training and competencies of mobile plant operators. These include:

- plant operator training does not include supervised or unsupervised hours, assessment tools, documentation, refresher training or verification of competencies.
- documentation relating to the safety management system for training is not relevant, current, implemented or readily available.
- contractors who operate mobile plant on the mine site are not assessed prior to operating the plant by the mine operator.

In addition, it was identified that:

- training records or information for plant operators is not relevant, current, or readily available.
- no formal requirement for trainers or assessors to be trained.
- the safety management system training section on operating plant does not reflect the onsite training.
- plant operator's prior learning is not recognised by the mine operator.
- the mine operator does not have tools (e.g. training matrix) that provides information on training completed or required for mobile plant operators.

Recommendations

Mine operators should ensure that all workers who operate any mobile plant should have a method of documented evaluation of the skill level of a worker against defined competency standards to evaluate the person's ability to carry out relevant activities or works using such mobile plant.

This may include:

- current high-risk work licence issued by a state or territory under the National Certification System as per the legislation e.g. cranes, forklifts, etc
- licence or certificate of competency issued under previous state or territory legislation for which there is no longer a licence required e.g. load-shifting equipment
- statement of attainment or certificate issued by a registered training organisation (RTO) for the successful completion of the appropriate unit of competency in the nationally recognised training (NRT) package; or
- evidence of formal verification of competency (VoC) assessment against defined competency standards, which should:
 - be completed, or confirmed as having been completed, by the accredited company to an acceptable level
 - include a detailed and documented assessment standard
 - be completed by a person (or persons) who meets the minimum competency as an assessor for the item of plant, and
 - be evidenced by a signed, completed VoC assessment.

Mine operators should have a minimum acceptable level for a formal VoC assessment that is not undertaken by an RTO. A structured template / questionnaire / checklist that is either aligned to the Nationally Recognised Training Package, or similar structured questionnaire tailored to the safe operation of the item of mobile plant, e.g. hazards / risks and controls, operator manual requirements, emergency situations and response, etc.

Where a formal VoC cannot be undertaken by an RTO then the VoC should be performed by a person who:

- is competent as an assessor, i.e. who holds the TAEASS402 Assess competence unit of competence (or superseded equivalent or higher), and
- holds the necessary competence for the item of plant, i.e. someone who holds the licence or certificate of competence as an operator relevant to the type of plant; or
- a team of persons that collectively meet the criteria above.

Evidence of VoC that may be limited or not acceptable without the mine operator undertaking its own VoC can be:

- a letter signed by an employer or supervisor or verbal confirmation claiming that the worker is competent will not, on its own, be accepted as evidence of competence.
- an assessment carried out by someone who has no demonstrable competence as an assessor, and/or has no experience / subject matter expertise in the operation of the item of mobile plant and is therefore not able to reach an informed conclusion about the competence of the individual to safely operate the item of plant for which they are being assessed.

The mine operator should have a system of refresher training for its plant operators to keep important knowledge fresh and current. This may help to:

- build long term memory
- reduce mistakes and improve productivity

- effective reintroduction for workers who may be coming back to work after a long absence
- keeps workers on the same page and makes learning a part of the culture
- keeps workers current on industry training, innovations, and new practices
- identified knowledge gaps and training needs

Refresher training can be based on videos, demonstrations, simulations, computer based technology (apps) and practical based training.

Notices issued

Of the 65 sites assessed under the inspection program, 38 separate mines received notices relating to training and competence, while some mines received notices in relation to other matters. For the purposes of this report, contraventions related to other matters have been removed from the analysis. The notices issued for training and competence were examined in detail and Table 1 below lists the notices issued by type and details.

Table 1: Notices issued for the compliance priority program – Training and Competence – Small Mines

NOTICE TYPE	TOTAL ISSUED	NUMBER OF MINES
s.195 prohibition notice	-	-
s.191 improvement notice	12	11
s.23 notice of concerns	33	33
Total	45	38

Of the combined 45 notices issued, there were some common themes that were apparent throughout the program. Table 2 summarises the type of contraventions and identifies some trends which are of concern.

Table 2: Notices issued - prevalence of categories of concern

IDENTIFIED CONCERN CATEGORIES
Plant operator training does not include supervised or unsupervised hours, assessment tools, documents, refresher training or verification of competencies
Documentation relating to the safety management system written training section not relevant, current, implemented or readily available
Contractors who operate mobile plant on the mine site are not assessed prior to operating the plant by the mine operator
Training records or information for plant operators not relevant, current, or readily available
The safety management system written training section on operating plant does not reflect the onsite training
Plant operator's prior learning is not recognised by the mine operator
The mine operator does not have tools (eg training matrix) that provides information on training completed or required for mobile plant operators

Further information

For more information on safety assessment programs, the findings outlined in this report, or other mine safety information, please contact the NSW Resources Regulator:

CONTACT TYPE	CONTACT DETAILS
Email	cau@regional.nsw.gov.au
Incident reporting	To report an incident or injury call 1300 814 609 or log in to the Regulator Portal
Website	www.resourcesregulator.nsw.gov.au/
Address	NSW Resources Regulator 516 High Street Maitland NSW 2320

Appendix A

Legislative requirements and published guidance relating to training and competence

The following is a list of certain legislative requirements for the management of training risks referred to in this report, as provided by the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 and Work Health and Safety Regulation 2017.

Work Health and Safety Act 2011:

- Section 19(3)(f) - the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking

Work Health and Safety Regulation 2017:

- Clause 39 - Provision of information, training and instruction
- Clause 206 - Proper use of plant and controls

Work Health and Safety (Mines and Petroleum Sites) Regulation 2014:

- Clause 104 - Duty to provide information, training and instruction
- Clause 105 - Duty to provide induction for workers
- Clause 107 - Review of information, training and instruction
- Clause 108 - Record of training

Code of practice – Managing the risks of plant in the workplace

- 1.4. Information, training, instruction and supervision

Safety Alerts

- [SA20-09 Operating mobile plant – incidents and near misses](#)