

**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](mailto:consult.minesafety@industry.nsw.gov.au)  
Submissions must be received by the due date of Monday 1 February 2016.

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**Organisation (if applicable):** Aeris Resources - Tritton Operations

**Responses to discussion points**

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

Response:

Although it is laudable that professionals in the mining industry keep up to date with the latest practices and technology, there is no demonstration that those in an active operational/statutory role do not already maintain competencies or keep abreast of practices and technology. To 'practice', the key issue is that a person understands the legislative requirements/responsibilities and is 'up to date' with what these are. Clearly, the issue with 'enduring' Certificates of Competency (CoC) is that someone can be out of the industry for many years and there is no demonstration that a person is 'current' in an understanding of responsibilities. It is correct that evidence of 'current' competence is required but this should be done by exception rather than by putting in a complex system to monitor what most statutory position holders do as a matter of course. There is little value in the system for those actively undertaking statutory positions. The gap that the system does not adequately address is demonstration that a statutory position holder understands all his/her responsibilities under revised legislation. This is partially covered in having a 'legislation' that requires a person to learn about 'some legislation' - not to demonstrate understanding or competence - which is clearly the intent.

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

Response:

The 4 areas of competency (AoC) are reasonable areas of learning, though to treat them all of equal value and importance to the MoC and to put the specific required hours against them is more questionable. As a statutory position holder, the legal responsibility is to understand relevant acts and regulations and to insure that the required procedures and measures are in place, including emergency management measures, Principle Mining Hazard Management Plans and appropriate contractor management plans. The areas of learning that a statutory position holder engages in will be a function of the individuals knowledge level, the needs of the business and the capabilities of the particular organisation and its people, so to competently practice an individual may benefit from focussing learning in one or two AoC and gain little from the others. Also, the requirement 'categorise' learning becomes difficult when a 'learning opportunity' consists of a range of topics that span over more than one of the areas of competence, for instance a safety seminar where there are papers on high risk activities, legislative requirements to address them, emergency management of incidents resulting from these risks and the leadership processes that can be used to mitigate them.

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

Response:

The claimable hours should be re-considered. If the intent is that a person has 24 hours of 'learning time' then it is inconsistent with this requirement to limit the 'allowable hours' for formal participation. Under the proposal, if one attended a 5 one day safety seminars then it would count for 30 hours, but if one attended a 5 day intensive safety training course then it would count for 6 hours - this is clearly unreasonable. Full credit should be given for all formal learning and 'active' environments such as seminars and meetings. Limits on 'non-specific' learning such as attending a expo where there is no formal learning and preventing a 'double dip' on presenting (or learning) the same information over again is reasonable. Agree that there should be limits on informal learning, particularly where there is no 'proof' of the activity. Suggest that participation in an emergency response exercise (12.) should be increased to 6 hours.

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

Response:

Given there are limits on the claimable hours for informal training and that items such as 8. through 12. are in fact genuinely demonstrating the 'competencies' that are required to be shown to hold a practising certificate, it is questionable as to why the 'credit' for these is limited to 33%. There should be no distinction between formal and informal learning as long as it is relevant. If this is not considered acceptable then the split should be 'up to 50% informal learning'.

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?

Response:

The total hours of learning are reasonable. Per, however, comments in Questions 2 and 3 above and Question 5 below, the requirements are too prescriptive regarding the 'mix' and timing of training. The learning hours should be counted within the 5 years and be more flexible regarding the split between formal and informal and allow greater flexibility regarding the hours from each individual competency.

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

Response:

The restrictions and limitations of Section 10 don't make sense. If the position is that one should demonstrate ongoing learning then it should not matter when in a 5 year period the learning occurred and in what order. The practising certificate assumes that one is competent at the time issue and 'reviews' this on the basis of maintaining competency within the 5 years - it should not matter when. In addition, one may be 'out of the industry' for a year and not be in a position to meet the annual requirements - does that mean that the person is not competent? Condition 10. d) should be re-considered.

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

Response:

Clearly there is a need to maintain a records of learning and maintain a log book of some nature. Given the nature of much of the learning (particularly informal learning) there is a question regarding the degree of evidence required to verify the learning. Training courses and the like that provide certificates provide clear documentation but there may be no clear documentation showing, for instance, that one delivered a technical presentation at an AusIMM meeting. Would, for instance, one have to provide documented evidence that one attended a MISAC meeting.

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

Response:

Yes.