

MinEx submission on the MINING AND QUARRYING COMPETENCY REQUIREMENTS FOR CERTIFICATES OF COMPETENCE SAFE WORK INSTRUMENT, April 2023. Submitted 27 April 2023

Please add any general comments about the proposed safe work instrument:

We generally support the format and structure of the safe work instrument (SWI).

We are concerned that the SWI does not include transitional arrangements and recommend the following transitional arrangements:

1. We assume that the new CoCs and unit standard (US) requirements will only apply to new applicants or those who have not commenced study prior to 18 July 2023, i.e. anyone currently completing their CoC or enrolled before 18 July 2023 will need to complete the currently gazetted CoC requirements.
2. Some B-grade CoC holders will be required to hold an A-grade CoC from 18 July 2024. It is reasonable for existing B-grade CoC holders to be required to complete A-grade unit standards, but they should not be required to sit an A-grade oral as they have been assessed as competent prior to changes to the HSAW (Mining Operations and Quarrying Operations) Regulations. This should apply to all B-grade CoCs including those who received their CoC through the Trans-Tasman Mutual Recognition Agreement or through transition arrangements associated with introduction of the MOQO Regulations in 2013. A number of these CoC holders have recently had their CoC reissued by WorkSafe which is further evidence of their competence to manage the operations they currently manage.

The continual updating and changing of US numbers is forcing learners to complete unit standards they have already completed due to a change of US number. When unit standards are changed or updated and the US number changed, there should be recognition for those that have completed the superseded US but not yet completed their CoC, as the US content is substantially the same.

Please add any comments about the competency requirements (including experience requirements) proposed for certificates of competence in the safe work instrument:

CoC requirements should align with the obligations imposed by the HSAW Act and MOQO Regulations, which require personnel in specified roles to:

- implement and maintain a health and safety management system;
- develop and implement risk management processes including identification of fatal/principal hazards; which in quarries are traffic, ground stability, blasting and air quality/hazardous substances;
- develop and implement an emergency management control plan;
- train workers and assess their competence;
- investigate incidents/accidents;
- communicate and consult with workers; and
- supervise workers.

Competency assessments are not conducted in the workplace and therefore students are not being assessed on the skills and knowledge they require for the safety critical roles at their site. We support an oral exam as the best means currently of assessing such competence.

Currently the CoC requirements do not include communication, worker engagement and supervision skills however we do acknowledge that some units have been deferred to a further consultation in 2024 and we hope these leadership unit standards will be included at that time.

Site Senior Executive (clause 7)

Due to their leadership role, particularly in an emergency, a Site Senior Executive should hold a current first aid certificate.

A-grade Tunnel Manager (clause 19)

Clause 19 Subclause 2: The requirement for an A-grade Tunnel Manager should be 3 years work experience rather than 2 which would align with other CoCs.

Mechanical Superintendent (clause 25)

A suitable degree in mechanical engineering is covered under clause 25, subclause 2. Clause 25, subclause 3 should read; “An engineering degree with appropriate engineering content”, which is an appropriate competency for a mechanical superintendent.

Winding Engine Driver (clause 28)

The requirements for a winding engine driver CoC need to be linked to a better definition of what constitutes slope haulage. This clarification will enable appropriate experience and competencies to be set to cover the requirements of the role which could vary greatly across the current application of schedule 3. The current requirements are at a very low level and as such would not be appropriate for a full-scale haulage where workers are conveyed.

Please add any comments about the proposed unit standards for certificates of competence (CoCs) in the safe work instrument:

Metalliferous mining and tunnelling CoCs

A lot of work has gone into developing non-coal unit standards for metalliferous mining and tunnelling CoCs. The following changes should be made to metalliferous mining and tunnelling CoCs:

Current Units	<i>Should be removed for metalliferous mining and tunnels</i>	Non-coal options	<i>Should be added for metalliferous mining and tunnels</i>
17705	Describe, develop and maintain basic ventilation systems for an underground coal mine	30899	Describe, develop, and maintain basic ventilation systems for a non-coal underground operation
21281	Test for gases, interpret findings, and demonstrate knowledge of follow-up actions in an underground coal mine	30900	Test for gases, interpret findings, and demonstrate knowledge of follow-up actions in a non-coal underground operation

Additionally, a lot of work went into developing the non-coal ventilation options for metalliferous mining. The following changes should be made to metalliferous mining and tunnelling CoCs:

Current units	<i>Should be Removed in the new safe work instrument proposal</i>	Non-coal options	<i>Should be added for metalliferous mining</i>
7145	Design, establish, and maintain effective ventilation systems for an underground mine	30898	Design and maintain effective ventilation systems for a non-coal underground operation
23550	Demonstrate knowledge of and design an effective ventilation system in an underground mine		

A-grade Mine Managers and Quarry Managers

The inclusion of US 23648 – Demonstrate knowledge of and follow safe working practices at an extraction site, appears to duplicate material contained in existing unit standards including US 28982 – Develop standard operating procedures for an extractive site. While the content of this US is not clear, it would seem to duplicate material covered in other unit standards.

A-grade Tunnel Manager (Schedule 13)

US 7145 – Design and maintain effective ventilation systems for an underground coal mine, should be replaced with US 30898 – Design and maintain effective ventilation systems for a non-coal underground operation. It may well be that US 30898 is not currently available but if so, this change should be made in the 2024 SWI.

US 19522 – Undertake job safety analysis, should be included to be consistent with other tunnelling CoCs.

B-grade Tunnel Manager (Schedule 14)

Ventilation unit standards here should be non-coal.

Gas Monitor (Schedule 17)

There are currently no unit standards included to cover gas testing and understanding of hazards associated with gas release.

Ventilation Officer (Schedule 21)

There are no unit standards covering technical issues around ventilation systems. This CoC should at least contain US 30898 – Design and maintain effective ventilation systems for a non-coal underground operation and US 7145 – Design and maintain effective ventilation systems for an underground coal mine.

Winder Engine driver (Schedule 22)

The requirements for a winding engine driver CoC need to be linked to a better definition of what constitutes slope haulage. The current requirements are at a very low level and as such would not be appropriate for a full-scale haulage where workers are conveyed.

B-grade Quarry (Schedule 9)

Managers of small sites need to complete training in managing emergencies with little resources, not the CIMS training. While US 32158 is of value in general understanding of CIMS, B-grade learners would benefit from training in responding to an emergency at a small extractive site, as replacement for US 29553 and US 29554.

US 26855 – Analyse human factors present in workplace practices at an extractive site (Level 4) is too high a level for B-grade learners to achieve. It would be preferable to have a human factors US at a lower level.

Please add any comments about the proposed continuing professional development requirements and activities in the safe work instrument:

We support the proposed continuing professional development requirements and activities in the safe work instrument.

Please add any comments about the inclusion of additional requirements proposed for certain CoCs in the safe work instrument:

No comment

Please add any comments about any other proposed changes in the safe work instrument:

Refer to our comments on transitional arrangements above.

Under the previous gazette notice it was not possible to renew multiple CoCs at the same time (when they had different dates). This does not appear to have been addressed in the SWI. It would be beneficial for both the applicant and the BoE if CoCs could all be renewed at the same time, so that they all have the same anniversary.