

**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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**Responses to discussion points**

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

It is important to note that it is an MOC scheme and not a continuing professional development scheme. Emphasis should be provided to assessment of competence through recognised methods and qualified trainers.  
It is also noted that the responsibility for undertaking and recording the relevant training does not include reference to the Employer. The Employer has a responsibility to employ competent supervision and is normally in control of resources which enable training for employees. There should be a requirement for the Employer to make provision through the Mine Safety Management Plan or Training and Competence Management System to provide a system to plan and monitor MOC for relevant statutory certificate holders.

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

The list provided in Table 2 are examples only. Reference should be made to relevant formal qualification required for position. Reference should also be made to major or principal hazards identified in relevant legislation. This will ensure currency as technology, practices and legislation change.  
Mines rescue training should be included in Emergency management.  
Consultation should be included in Leadership

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

The definitions of "formal" and "informal" are not appropriate.  
Formal learning should have the following characteristics;  
should contain an assessment of competence  
trainers should have recognised qualifications in training & assessment  
courses should be "approved" for the purposes of MOC  
Approved means approved by DoI or bodies approved by DoI (eg RTO's, MMAA, IOQ, etc) for the purpose.  
Informal training includes attendance only courses or courses where competence is not assessed

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

No comment.  
Note requirement to implement MOC scheme resulted from inability to recognise and control a major hazard. Split should consider Technical and Non-Technical competence.

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?

No comment.

Note similar schemes in Australia generally over 3 year cycle.

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

It is unclear how persons who fail to maintain their annual requirements can "catch-up"  
It is unclear what will happen to individuals (and employers) who fail to maintain their annual requirement  
The proposal to re-sit both written and oral examination for failure to maintain competence requirements appears to be onerous. A "bridging" or reinduction process should be considered

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

The record keeping arrangements appear to be loose and may be subject to abuse (deliberate or mistaken)  
The mine's MSMP or TCMS appear to be more rigorous and transparent means of monitoring and maintaining currency

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

No. See above.