



Guideline for Order 34

Meeting the requirements of Coal Services Order 34 *Coal Services Approval of Training Schemes for NSW Coal Mine Operator Health and Safety Management Systems - 6 July 2007.*



Disclaimer:

This Guideline is designed to assist coal operations to prepare and improve their Training Scheme. It is not an absolute measure of legislation compliance. The principles stated in this document are intended as general guidance only. Operators and managers of coal mines should rely upon their own advice, skills and experience in preparing Training Schemes for their mine.

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Introduction

This Guideline has been published to assist coal operations to implement the Coal Industry Act 2001, Order 34 “Coal Services Approval of Training Schemes for NSW Coal Mine Operator Health and Safety Management Systems”, (Government Gazette Number 89 Friday 6 July 2007).

Further information can be found on the Coal Services website (www.coalservices.com.au):

- Order 34 “Coal Services Approval of Training Schemes for NSW Coal Mine Operator Health and Safety Management Systems”
- this Guideline; and
- other related documents.

Background

Clause 13 (Part 2, Division 1, Subdivision 2) of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 requires the mine operator of a mine or petroleum site to establish and implement a *safety management system* (SMS) for the mine.

Clause 14 (Part 2, Division 1, Subdivision 2) of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 describes the content required in a SMS, including:

- “(i) *the arrangements for the provision of information, training and instruction required under clause 39 of the WHS Regulations,*
- (j) *the induction procedures for workers at the mine or petroleum site.*”

Part 2, Division 7 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014, **Information training and instruction**, has the following clauses:

- cl. 103 Duty to inform workers about safety management system
- cl. 104 Duty to provide information, training and instruction
- cl. 105 Duty to provide induction for workers
- cl. 106 Information for visitors
- cl. 107 Review of information, training and instruction
- cl. 108 Record of training.

Numerous other clauses in the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 address training, assessment, competence and related matters. A list of the key clauses is contained in the **References** section of this document.

Section 10 sub-section (1) of the Coal Industry Act 2001 describes one of the “General functions” of Coal Services, as:

- “(i) *approving training schemes required for a safety management system under the Work Health and Safety (Mines and Petroleum Sites) Act 2013*

The “Coal Services Approval of Training Schemes for NSW Coal Mine Operator Health and Safety Management Systems” (Government Gazette Number 89 Friday 6 July 2007) (**Order 34**) was issued to give operators of a coal operation direction on what is required in a *training scheme for the health and safety management system* in order for it to be approved.

Order 34 provides scope for Coal Services to issue “Guidelines” on the required provisions to be included in a *training scheme for the health and safety management system* in order for it to be approved.

In summary, the operator of a coal operation is required to have a *training scheme for the health and safety management system* which:

- is approved by Coal Services,
- meets the requirements outlined in **Order 34**, and
- meets the requirements of this Guideline.

This Guideline refers to the *training scheme for the health and safety management system* for a coal operation as the **Training and Competence Management Scheme (TCMS)**.

To assist with document structure and process, this Guideline is based on *AS/NZS 4801: 2001 Occupational health and safety management systems – Specifications with guidance for use*. Coal operations do not need to follow this structure, but should develop and implement their TCMS using a risk management approach to training and competence, based on the requirements of Part 2 of the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014, Managing risks*.

Approval of Training and Competence Management Scheme

Order 34 (“Coal Services Approval of Training Schemes for NSW Coal Mine Operator Health and Safety Management Systems”) requires the operator of each coal operation in NSW to submit to Coal Services, and apply to Coal Services for approval of, a training scheme for the health and safety management system for that coal operation.

The training scheme submitted for approval must address all the requirements of this Guideline.

When Coal Services receives an application for approval of a training scheme, an officer of Coal Services:

1. may require that the coal operation completes a ‘mapping’ document identifying where all the clauses in this Guideline have been addressed in the submitted training scheme
2. may require that the coal operation provides additional documents - e.g. other management plans referenced in the training scheme
3. reviews the submitted training scheme for compliance with the above requirements, and makes a recommendation to the Coal Services Board.

If the Coal Services Board approves the submitted training scheme the operator of the coal operation will be notified in writing by an officer of Coal Services that the submitted training scheme is the “approved training scheme” for the coal operation.

Note - the controlled copy of the Training and Competence Management Scheme (TCMS) used by the coal operation must be the latest version of the TCMS approved by Coal Services (cl. 5.2 of this Guideline).

Approval Following Amendment

If the approved training scheme for the coal operation is modified or amended, the modified training scheme must be sent to Coal Services for review and approval. A separate document summarising the changes and/or listing revisions made to the previously approved training scheme must accompany the modified training scheme. An officer of Coal Services will follow the process outlined in the previous section for submitting the training scheme to the Coal Services Board for approval.

The modified training scheme does not become the approved training scheme for the coal operation until Coal Services has notified the coal operation of that approval. The controlled copy of the TCMS used by the coal operation must be the latest version of the TCMS approved by Coal Services (cl. 5.2 of this Guideline).

Integration with other Management Plans

The Training and Competence Management Scheme (TCMS) must be a separate document, with all elements of this Guideline addressed in either:

- a) the coal operation’s TCMS,
- or
- b) another controlled document – e.g. other Management Plans forming part of the Safety Management System (SMS).

Where a requirement of this Guideline is described in another document:

- a) there must be a reference to the other document included in the TCMS, and
- b) the other document must address all the requirements of this Guideline, and
- c) the TCMS must provide an overview of how the Guideline requirement is met (note - it is not adequate to reference the other document without any detail).

Audits by Coal Services

Representatives of Coal Services may periodically audit the coal operation's Training and Competence Management Scheme, or parts thereof. The aim of these audits is to assist coal operations to improve the training and competency aspects of their safety management system.

As part of those audits, or as a separate exercise, a Coal Services representative may review, among other matters, the following:

- a) whether the internal audit schedule is followed;
- b) the implementation of actions from audits (both internal and previous Coal Services audits);
- c) communication of the results of audits to management and employees; and/or
- d) evidence that the TCMS has been reviewed as per the requirements of 9.1 of this Guideline.

Key Terminology

The following key terms and meanings apply throughout this Guideline:

“coal operation” for the purposes of this Guideline has the same meaning as **“coal mine”** in the Work Health and Safety (Mines and Petroleum Sites) Act 2013 s. 5 *Definitions* - i.e. “a mine where mining operations are carried out with respect to coal” and s. 6 *Meaning of “mine”* and s. 7 *Meaning of “mining operations” and “mining activities”*

“statutory functions” for the purposes of this Guideline has the same meaning as outlined in the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 *Part 8 Statutory functions* and *Schedule 10 Statutory functions at mines*.

“worker” (as per the definition in the NSW Work Health and Safety Act 2011 – s. 7)

- (1) *A person is a “worker” if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:*
 - (a) *an employee, or*
 - (b) *a contractor or subcontractor, or*
 - (c) *an employee of a contractor or subcontractor, or*
 - (d) *an employee of a labour hire company who has been assigned to work in the person’s business or undertaking, or*
 - (e) *an outworker, or*
 - (f) *an apprentice or trainee, or*
 - (g) *a student gaining work experience, or*
 - (h) *a volunteer, or*
 - (i) *a person of a prescribed class.*

“must” is a mandatory action, which must be complied with

“should” is a non-mandatory action, and indicates a recommended course of action

“may” is a non-mandatory action, and indicates an optional course of action.

Additional information has been provided for some sections of this Guideline. This information is highlighted grey.

Guideline

1. Resources

- 1.1 The Training and Competence Management Scheme (TCMS) must describe the provision of adequate training and assessment resources commensurate with the size and nature of the coal operation.

Resources may include:

- a) *Training resources, manuals and/or handbooks;*
- b) *Assessment tools;*
- c) *Training room(s);*
- d) *Audio visual equipment / aids; and/or*
- e) *Printing and photocopying facilities*

- 1.2 The TCMS must describe how the coal operation provides for specialist qualified training and / or assessment advice and services where these services cannot be provided in-house.

2. Responsibility and Accountability

- 2.1 The TCMS must describe the roles / responsibilities / accountabilities of:

- 2.1.1 the person (or persons) responsible for:

- a) managing the training and competence systems at the coal operation
- b) reporting on the performance of training and assessment at the coal operation; and;
- c) reviewing and improving the TCMS

- 2.1.2 trainers

Trainer - a person who assists another person to learn (i.e. obtain knowledge and/or gain skills) by using training delivery techniques suitable for enabling adults to learn – e.g. one-on-one instruction, group facilitation, coaching, etc.

- 2.1.3 assessors

Assessor - a person who is competent in the process of assessing the performance of a task by another. An assessor may have technical knowledge of the skill / task being assessed, and may perform the assessment alone. A Co-assessor may be used where the assessor does not have technical knowledge of the skill / task being assessed.

- 2.1.4 mentors / coaches (if used at the coal operation)

Mentor / Coach - a person who has a role in the learning / training process, but may not have a training qualification. They are competent in the skill / task being learned, and share knowledge, skills and information in a one to one relationship with the learner.

- 2.1.5 co-assessors / content experts (if used at the coal operation)

Co-assessor / Content expert - a person who is not competent in the process of assessing, but is competent in the skill / task being assessed. They may assist the qualified Assessor in the collecting and evaluating of evidence of competence as part of an assessment team.

- 2.1.6 the person (or persons) responsible for the competencies of contractors

The person(s) responsible for the competencies of contractors may be defined in the TCMS or another document (e.g. Contractor Management Plan), and may be a different person for each contract / group of contracts / type of contract.

3. Training and Competence

3A Training Needs Analysis

3.1 The TCMS must describe a Training Needs Analysis (TNA) process to determine the competencies required to safely undertake all processes and activities performed at the coal operation. This must include describing how the TNA is:

3.1.1 developed in consultation with relevant coal operation personnel, and

3.1.2 regularly reviewed and updated.

3.2 The TNA must include as a minimum:

3.2.1 required qualifications for specific positions

Required qualifications may include, but not limited to – trade qualifications, WHS (Mines and Petroleum Sites) Regulation 2014 “certificates of competence” or “practising certificates”, “high risk work licences” (previously known as “WorkCover licences”).

3.2.2 specific training on the safety management system at the coal operation

The content of training on the safety management system is specified in the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 – Part 2, Division 7 Information, training and instruction

3.2.3 all machine/plant/process operation skills / competencies used at the coal operation

3.2.4 specific pre-requisites and training for supervisors.

3B Competency Standards

3.3 Where available, recognised units of competency from endorsed Industry Training Packages should be used for training and assessment.

*‘Recognised units of competency’ may be units of competency from:
a) the Industry Training Package applying to the coal mining industry; and/or
b) other relevant Industry Training Packages.*

Recognised units of competency may need to be customised to address the specific processes and fixed plant / mobile equipment used at the coal operation. A risk management approach should be used for training and assessment development.

3.4 The TCMS must describe:

3.4.1 the competency requirements for persons who develop training and assessment materials, or who oversee the development of training and assessment materials.

Note - the minimum requirements are:

- a) for training and assessment materials that achieve an outcome of a recognised unit of competency or is claimed to satisfy formal status for Practising Certificate Maintenance of Competence purposes:
 - Certificate IV in Training and Assessment (Training Package qualification numbers TAA40104 or TAE40110), or any subsequent endorsed qualification which replaces TAE40110,
- b) for other training and assessment materials, either:
 - Certificate IV TAA40104 or TAE40110 (as above), or
 - demonstrable training and assessment experience.

Overseeing the development of training and assessment materials may include, but is not limited to:

- a) reviewing and/or approving materials developed by technical specialists, such as mechanical / electrical engineers, geotechnical engineers/consultants; ventilation officers, etc.; and/or*
- b) reviewing and/or approving materials that meet the definition of “formal learning” in the Resource Regulator’s “Maintenance of competence scheme for practising certificates - Work Health and Safety (Mines and Petroleum Sites) Regulation 2014”; and/or*
- c) reviewing and/or approving materials developed by OEM’s for use at the coal operation.*

3.4.2 the competency requirements for persons who perform training and/or assessments at the coal operation (i.e. workplace trainers and assessors).

Note - the minimum requirements are:

- a) specific competency units or Skill Sets from BSZ40198, or TAA40104, or TAE40110,
- or
- b) specific competency units or Skill Sets from any subsequent endorsed qualification which replaces TAE40110,
- or
- c) specific training and assessment competency units and/or modules from a VET accredited course that has been confirmed by the National VET Regulator as compliant with the Standards for VET Accredited Courses 2012 and the Australian Qualifications Framework (AQF).

Note: *specific requirements for maintenance of competence for workplace trainers and assessors are detailed in clause 3.15 of this Guideline.*

3C Induction Training & Assessment

3.5 The TCMS must describe the induction training and assessment process at the coal operation, including:

- 3.5.1 induction for visitors and new workers (addressing all relevant categories of “workers”, including contractors)
- 3.5.2 the types of site inductions – e.g. surface, CHPP, underground accompanied, underground unaccompanied, etc.
- 3.5.3 before commencing work at the operation, how each worker is ‘*given information, training and instruction on the safety management system for the mine that is designed to provide the worker with knowledge of all relevant aspects of the safety management system*’ (WHS (Mines and Petroleum Sites) Regulation 2014 – cl. 105)
- 3.5.4 before commencing work at the operation, how workers are ‘*trained in relation to the emergency plan*’ (WHS (Mines and Petroleum Sites) Regulation 2014 – cl. 95 (a))
- 3.5.5 requirements for re-induction or refresher induction training.

Induction procedures for workers should ensure that the induction is appropriate to the tasks that the worker will perform. The procedure should address:

- *how the content of any induction supports the implementation of the SMS. For example, introduction to safety operating procedures, use of personal protective equipment (PPE).*
- *how often workers must be refreshed in any part of the induction. For example, changes have occurred at the mine.*

- *keeping records of induction.*
- *regular review and, if required, the process for revising induction content and procedures.*

NSW Code of Practice: Safety management systems in mines – NSW Mine Safety, February 2015, p. 13

3D Training required by Legislation

3.6 The TCMS must describe the training and assessment process for all workers in relation to the following requirements in the WHS (Mines and Petroleum Sites) Regulation 2014 – clause 104 (2) & (3):

- 3.6.1 *hazards associated with the work being carried out by the worker, - cl. 104 (2) (a)*
- 3.6.2 *the implementation of risk control measures relating to the work being carried out by the worker, including controls in relation to fatigue, the consumption of alcohol and the use of drugs, - cl. 104 (2) (b)*
- 3.6.3 *the content and implementation of the relevant parts of the safety management system for the mine, - cl. 104 (2) (c)*
- 3.6.4 *the emergency plan for the mine, - cl. 104 (2) (d)*
- 3.6.5 *the safety role for workers implemented under clause 120 - cl. 104 (2) (e).*

WHS (Mines and Petroleum Sites) Regulation 2014:

120 Safety role for workers in relation to principal hazards

The mine operator of a mine must implement a safety role for the workers at the mine that enables them to contribute to:

- (a) the identification under clause 23 of principal hazards that are relevant to the work that the workers are or will be carrying out, and*
- (b) the consideration of control measures for risks associated with principal hazards at the mine, and*
- (c) the consideration of control measures for risks to be managed under principal control plans, and*
- (d) the conduct of a review under clause 25.*

- 3.6.6 *ensur(ing) that each worker ... is trained, and is competent, in basic risk management techniques used at the mine having regard to the nature of the work carried out by the worker - cl. 104 (3)*

Work Health and Safety Regulation 2011

Chapter 3 Part 3.2 Division 1 Clause 39 Provision of information, training and instruction

(2) (a person conducting a business or undertaking) must ensure that information, training and instruction provided to a worker is suitable and adequate having regard to:

- (a) the nature of the work carried out by the worker, and*
- (b) the nature of the risks associated with the work at the time the information, training or instruction is provided, and*
- (c) the control measures implemented.*

(3) The person must ensure, so far as is reasonably practicable, that the information, training and instruction provided under this clause is provided in a way that is readily understandable by any person to whom it is provided.

3E Emergency Response Training & Assessment

3.7 The TCMS must describe how the coal operation addresses the following matters in relation to emergency procedures and the operation's emergency plan:

- 3.7.1 *“an adequate number of persons (are) trained in the use of rescue equipment ...”*
WHS (Mines and Petroleum Sites) Regulation 2014 – clause 88 (2) (a) (iv)

- 3.7.2 for underground mines only - “workers who may need to use exits are provided with sufficient training and instruction so as to be made familiar with those exits” WHS (Mines and Petroleum Sites) Regulation 2014 – clause 96 (5) (c)
- 3.7.3 for underground mines only - that a person who is to go underground “is trained in the use of and is able to use, the self-rescuer provided” WHS (Mines and Petroleum Sites) Regulation 2014 – clause 100 (2)
- WHS (Mines and Petroleum Sites) Regulation 2014: clause 100 Self rescuers - sub-clauses (3) to (5) provide additional information on training in the use of self-rescuers**
- 3.7.4 for underground mines only - the criteria used to determine that “**surface contacts**” have the competence to perform the specific functions, as outlined in WHS (Mines and Petroleum Sites) Regulation 2014 – clause 102 *Competent persons at surface* - (b) to (d)
- 3.7.5 “the minimum mines rescue training to be provided” WHS (Mines and Petroleum Sites) Regulation 2014 – Schedule 7 *Matters to be included in emergency plan for a mine* – cl. 4 (3) (a)
- 3.7.6 “...details of the persons having the competency to fight fires and to train others in fire fighting” WHS (Mines and Petroleum Sites) Regulation 2014 – Schedule 7 *Matters to be included in emergency plan for a mine* – cl. 5 (4)
- 3.7.7 “...appointing and training competent people to be responsible for the control of emergency situations” - **NSW Code of Practice: Safety management systems in mines** – NSW Mine Safety, February 2015, p. 26

3F Supervisor and Manager Training & Assessment

- 3.8 The TCMS must describe the process to:
- 3.8.1 verify qualifications and provide specific training and assessment to “ensure that any individual who is nominated to exercise a statutory function at the mine is ... capable of exercising, the statutory function” (WHS (Mines and Petroleum Sites) Regulation 2014 – cl. 137 (2))
- 3.8.2 provide formal training and assessment to all managers and supervisors on the components of the coal operation’s Safety Management System relevant to their role, including their specific roles/ responsibilities/ accountabilities detailed in all elements of the Safety Management System
- 3.8.3 develop, assess and/or verify the competence of all supervisors (including mining supervisors) in Associated Non-Technical Skills.

Associated Non-Technical Skills (ANTS) are the cognitive, social and personal resource skills that complement technical skills and contribute to safe and efficient task performance. For the NSW mining industry, five (5) key non-technical skills have been identified (1) Communication (2) Situation awareness (3) Decision making (4) Leadership (5) Teamwork.

NSW Mine Safety Advisory Council -
<http://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/safety-and-health/topics/ants>

3G Training & Assessment - General Requirements

- 3.9 The TCMS must describe:
- 3.9.1 training and assessment of inexperienced workers (i.e. workers who are new to the coal mining industry)
- 3.9.2 recognition of current competency (RCC) and/or recognition of prior learning (RPL)

- 3.9.3 assessment of competence following skills training
- 3.9.4 the requirement for the trainee and assessor (and co-assessor if utilised) to sign all completed assessments
- 3.9.5 how a person assessed as “not yet competent” is given the opportunity to become competent
- 3.9.6 the process for authorisation / appointment / nomination, or other record following assessment of competence
- 3.9.7 how language, literacy and numeracy issues are addressed in training and assessment.

3H WHS Representative Training

- 3.10 The TCMS must describe how the coal operation implements:
 - 3.10.1 training of safety and health representatives (includes *site safety and health representatives*, and/or *electrical safety and health representatives*) – as per section 45 of the WHS (Mines and Petroleum Sites) Act 2013
 - 3.10.2 (if required) training of health and safety representatives in an approved course of training in work health and safety - as per the Work Health and Safety Act 2011 - section 72.

3I Review of Training and Assessment and Follow-up Training

- 3.11 The TCMS must describe:
 - 3.11.1 how training and assessment (including induction training) is reviewed and as necessary revised, and
 - 3.11.2 review of training and assessment for these “trigger events”:
 - 3.11.2.1 when new work processes, fixed plant / mobile equipment, technology, materials / substances, and/or work procedures are revised or being introduced
 - 3.11.2.2 when significant revisions are made to key elements of the safety management system (e.g. management plans, procedures, TARPs, etc.)
 - 3.11.2.3 when near misses or incidents / accidents occur and training is identified as a contributing factor to the incident
 - 3.11.2.4 ‘as soon as is reasonably practicable after any significant revision to the (emergency) plan’ (WHS (Mines and Petroleum Sites) Regulation 2014 – cl. 95 (b)).
 - 3.11.2.5 following changes to legislation and/or other significant “trigger events”, and
 - 3.11.3 follow-up re-training and/or re-assessment following any revision to training/assessment materials.

WHS (Mines and Petroleum Sites) Regulation 2014: clause 107 Review of information, training and instruction

The mine operator of a mine must ensure that information, training and instruction provided to workers under clauses 103–105 or to visitors under clause 106 are reviewed and as necessary revised to ensure that they remain relevant and effective.

The above review and revision processes may be addressed in the coal operation’s Change Management standard/plan/procedure. If this is the case, the Change Management standard/plan/procedure should be referenced, and the process briefly described as it applies to training and assessment.

3J Maintenance of Competence/ Re-assessment

3.12 The TCMS must describe:

3.12.1 the process for re-assessment to ensure ongoing safe performance of a task or skill

Tools used for re-assessment may be different to those for initial assessment.

3.12.2 the process used to determine the interval between re-assessments

The interval between successive re-assessments is generally based on identification of hazards and/or a “risk ranking” of the task.

3.13 The TCMS must describe the process for **Maintenance of Competence** for all individuals nominated to exercise a statutory function at the coal operation (note - *statutory functions and requirements for nomination to exercise the statutory function* are listed in the WHS (Mines and Petroleum Sites) Regulation 2014, Schedule 10 *Statutory functions*).

Maintenance of Competence for individuals nominated to exercise a statutory function may be different as the risk changes for each position (e.g. key statutory function v’s mining supervisor v’s tradesperson).

The process for Maintenance of Competence for individuals nominated to exercise a statutory function may include:

- *“Refresher training” and re-assessment, at set intervals, in the relevant elements of the mine’s safety management system, and/or;*
- *Evidence of participation in Maintenance of Competence or Continuing Professional Development workshops / training / events, and/or;*
- *Compliance with legislative requirements for Maintenance of Competence.*

3.14 The TCMS must describe the process for **Maintenance of Competence** for all individuals nominated to exercise a statutory function at the coal operation who are required to have a Practising Certificate, as per the NSW Resource Regulator’s requirements.

The process for Maintenance of Competence for individuals nominated to exercise a statutory function, who are required to have a Practising Certificate may include:

- *“Refresher training” and re-assessment, at set intervals, in the relevant elements of the mine’s safety management system, and/or;*
- *Evidence of participation in Maintenance of Competence or Continuing Professional Development workshops / training / events, and/or;*
- *Compliance with legislative requirements for Maintenance of Competence, and/or;*
- ***Meeting the conditions for the holding of a ‘practising certificate’ in the WHS (Mines and Petroleum Sites) Regulation 2014 – Part 8 Statutory functions, Division 3 Practising certificates.***

3.15 The TCMS must describe how the coal operation provides for, and maintains records of, the on-going Maintenance of Competence for persons who perform training and/or assessments at the coal operation (i.e. workplace trainers and assessors).

On-going Maintenance of Competence for persons who perform training and/or assessments (i.e. workplace trainers and assessors) may be demonstrated by one or more of the following:

- *currency of training and/or assessments – e.g. training / assessment performed within past 2 years; and/or*
- *upgrading of trainer / assessor qualifications; and/or*
- *attending refresher training (or similar events such as network meetings or assessment “moderation” meetings) relevant to the role of a trainer / assessor, and/or*
- *participating in reviews of training and assessment documents.*

4. Consultation and Communication

- 4.1 The TCMS must describe the processes in place for consultation and communication on training, assessment and competency issues at the coal operation. This must include consultation when:
- 4.1.1 developing and reviewing the TCMS,
 - 4.1.2 developing and reviewing any Training Needs Analysis (TNA) – as required in section 3A of this Guideline
 - 4.1.3 making decisions about the procedures for providing information and training for workers (NSW Work Health and Safety Act 2011 s. 49 (e) (v))

Consultation and communication may be addressed in the TCMS by describing:

- *Consultation processes through a WHS and / or Training Committee;*
- *Mechanism(s) for the workforce to raise training issues; and/or*
- *Methods for communicating training information.*

5. Documentation and Document Control

- 5.1 The TCMS must:
- 5.1.1 be detailed in a separate document
 - 5.1.2 define the procedures and processes for the training and assessment activities at the coal operation
 - 5.1.3 describe a process for controlling training and assessment documentation which is consistent with the Document Control system for the coal operation
 - 5.1.4 provide direction to related documentation, including relevant Management Plans, standards, procedures, etc.
- 5.2 The controlled copy of the TCMS used by the coal operation must be the latest version of the TCMS approved by Coal Services.

Some aspects of this Guideline may be addressed in other controlled documents – e.g. other Management Plans forming part of the Safety Management System (SMS). When this is done, the following requirements must be addressed:

- *there must be a reference to the other document included in the TCMS;*
- *the other document must address all the requirements of this Guideline; and*
- *the TCMS must provide, as a minimum, an overview of how the Guideline requirement is met (note - it is not adequate to reference the other document without any detail).*

6. Measurement and Evaluation

- 6.1 The TCMS must describe how the coal operation:
- 6.1.1 establishes goals and objectives for training and assessment activities, and
 - 6.1.2 measures the effectiveness of training and assessment activities.

Measuring the effectiveness of training and assessment activities may include:

- *Identification of performance indicators to measure whether training objectives are met (e.g. induction training provided before all people commence work on site; all workers trained in hazard identification and control)*
- *Monitoring of performance of training against established objectives;*
- *Analysis of key WHS data, such as incident/accident statistics;*
- *Inclusion of training and assessment as part of Safety Observations; and/or*
- *Achievement of planned training schedules.*

7. Records and Record Management

- 7.1 The TCMS must describe the system for the maintenance and storage of training and assessment records (including records of induction training), and must include:
- 7.1.1. paper or electronic (or both) record of each worker's training, assessments, re-assessments, and the currency of their competencies
 - 7.1.2 while a worker remains engaged at the operation, how training and assessment records are:
 - a) stored;
 - b) maintained;
 - c) retrieved; and
 - d) accessed by authorised personnel
 - 7.1.3 on request, providing a copy of training and assessment records to a worker (cl. 108 of the WHSMPS Regulation 2014)
 - 7.1.4 defining the period that records are preserved
 - 7.1.5 procedures for archiving and disposing of training and assessment records.

Preserving, archiving and disposing of training and assessment records may be based on a defined number of years after ceasing employment, considering the legal and other risks involved.

8. Audit

- 8.1 The Training and Competence Management Scheme (TCMS) must describe:
- 8.1.1 internal auditing of the TCMS at regular intervals not exceeding three (3) years
 - 8.1.2 the minimum qualifications and/or experience of persons conducting internal audits of the TCMS
 - 8.1.3 auditing of training and assessment records to determine their accuracy
 - 8.1.4 compliance auditing of the coal operation's approved training scheme from time to time by representatives of Coal Services
 - 8.1.5 how actions from audits are tracked and implemented (both internal and Coal Services audits)
 - 8.1.6 how information on the results of audits is communicated to management and workers.

Internal audit of the TCMS may be based on the following criteria:

- *the requirements outlined in Order 34 "Coal Services Approval of Training Schemes for NSW Coal Mine Operator Health and Safety Management Systems"; and/or*
- *this Guideline; and/or*
- *any audit tool provided by Coal Services for the purpose of conducting internal audits of the TCMS.*

9. Management Review

- 9.1 The TCMS must describe the process of reviewing the TCMS to ensure its continuing suitability, adequacy and effectiveness. As a minimum, this must state that the TCMS will be reviewed within 12 months of the commencement of mining operations at the operation and at least once every 3 years after that.

Reviews of the TCMS may be initiated at either:

- *the expiry of a specified period (for example, 3 years); and/or*
- *the occurrence of "trigger events" (for example, significant incidents, changes in legislation, audit results).*

Where a review identifies that a revision to the SMS (or part of the SMS) is needed, those changes should be made in accordance with the consultation and document control requirements of the SMS.

NSW Code of Practice: Safety management systems in mines – NSW Mine Safety, February 2015, p. 47

References

Legislation

Coal Industry Act 2001

Part 3 Approved Companies

Division 2 Functions of approved companies

Sections:

- 10 General functions
- 13 Orders of approved company

“Coal Services Approval of Training Schemes for NSW Coal Mine Operator Health and Safety Management Systems” – Order 34, (Government Gazette Number 89 Friday 6 July 2007)

Work Health and Safety Act 2011

Part 5 Consultation, representation and participation

Division 3 Health and safety representatives

Subdivision 6 Obligations of person conducting business or undertaking to health and safety representatives

Section:

- 72 Obligation to train health and safety representatives

Work Health and Safety Regulation 2017

Chapter 3 General risk and workplace management

Part 3.2 General workplace management

Division 1 Information, training and instruction

Clause:

- 39 Provision of information, training and instruction

Work Health and Safety (Mines and Petroleum Sites) Act 2013

Division 3 Mine safety and health representatives

Section:

- 45 Training of mine safety and health representatives

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

Part 2 Managing risks

Division 1 General requirements

Subdivision 2 Safety management system

Clause:

- 17 Review

Division 6 Emergency management

Subdivision 1 Emergency plans

Clause:

- 88 Duty to prepare emergency plan
- 95 Training of workers

Subdivision 2 Underground mines

Clause:

- 96 Emergency exits
- 100 Self-rescuers
- 102 Competent persons at surface

Division 7 Information, training and instruction

Clause:

- 103 Duty to inform workers about safety management system
- 104 Duty to provide information, training and instruction
- 105 Duty to provide induction for workers
- 106 Information for visitors
- 107 Review of information, training and instruction
- 108 Record of training

Part 8 Statutory functions

Division 2 Nomination to exercise statutory functions

Clause:

- 137 Obligations on mine operator

Schedule 7 Matters to be included in emergency plan for a mine

Clause:

- 4 Resources and equipment
- 5 Procedures

Codes of Practice

NSW Code of Practice: Safety management systems in mines – NSW Department of Trade and Investment, Regional Infrastructure and Services, February 2015

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| 11-12 | 2.6.6 | Content of a SMS - Contractors and contractor health and safety management plans |
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| 13 | 2.6.9 | Content of a SMS - Information, training and instruction |
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| 38-40 | 4.7 | Information, training and instruction |
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Standards

AS/NZS 4801: 2001 Occupational health and safety management systems – Specifications with guidance for use

Sections:

- 4.4.1.1 Resources
- 4.4.1.2 Responsibility and accountability
- 4.4.2 Training and competency
- 4.4.3 Consultation, communication and reporting
- 4.4.4 Documentation
- 4.4.5 Document and data control
- 4.5 Measurement and evaluation
- 4.5.3 Records and records management
- 4.5.4 OHSMS audit
- 4.6 Management review

AS/NZS 4804: 2001 Occupational health and safety management systems –General guidelines on principles, systems and supporting techniques.

Sections:

- 4.3.2.1 Resources – Human, physical and financial
- 4.3.2.3 Accountability and responsibility

- 4.3.2.4 Consultation, motivation and awareness
- 4.3.2.5 Training and competency
- 4.3.3.1 Communication
- 4.3.3.2 Reporting
- 4.3.3.3 Documentation
- 4.3.3.4 Document control
- 4.3.3.5 Records and information management
- 4.4 Measurement and evaluation
- 4.4.3 Audits of the OHSMS
- 4.5.2 Review of the OHSMS

AS ISO 10015:2006 Quality Management – Guidelines for training

Sections:

- 4.2 Defining training needs
- 4.5 Evaluating training outcomes
- 5 Monitoring and improving the training process

Other References

Information on Associated Non-Technical Skills (ANTS) - ***NSW Mine Safety Advisory Council:***

<http://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/safety-and-health/topics/ants>

Definitions

Assessment

The process of collecting and evaluating evidence and making a judgment about whether or not competence has been achieved. Usually performed by a qualified **Assessor** with the aid of an **Assessment Tool**.

Assessment Tool

An instrument that is used to assess competence to a defined standard. May be a written knowledge test, a practical observation / test, evidence of tasks correctly performed to standard criteria, or any combination of these options.

Competent

The demonstrated ability, through a combination of knowledge, skills and experience, to safely complete a task or function under specified conditions and to defined standards.

Competency Standard

The specification of performance that sets out the skills, knowledge and attitudes required for effective performance in the workplace. Units of competency are part of endorsed Industry Training Packages, and may be accepted as the standards for the coal operation, or may be used as the base from which site-specific standards are customised or developed.

Revisions Table

Version	Date	Changes from previous version
3.1	29/04/2019	Minor wording change to s. 3.4.1 c) to include “and/or modules”
3.0	Approved August 2018 With effect from 1 st September 2018	Revised to: a) improve clarity of content, and b) update legislation references
2.0	Approved 22/5/15 With effect from 1 st July 2015	Revised to: a) improve content following a review of all components of coal operations’ Training & Competence Management Schemes conducted from 2013 to 2014, and b) align with the Work Health and Safety (Mines) Act 2013 and Regulation 2014
1.2	April 2012	Revised to improve content following audits conducted from 2009 to 2011
1.0	December 2008	Revised following major audit of all components of coal operations’ Training & Competence Management Schemes from 2007 to 2008 Aligned to the applicable elements of AS/NZS 4801: 2001

Next revision due: 1st July 2021.