

Order 34 Guideline 2021



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 on 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.*”

The Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 has a number of clauses detailing requirements for information, training and instruction, including those detailed in Part 2, Division 7 **Information training and instruction**. A list of all the key clauses is contained in the **References** section of this Guideline.

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*.

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 ISO 45001:2018 Occupational health and safety management systems – Requirements 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 the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014, Part 2 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 scheme used by the coal operation must be the latest version approved by Coal Services (cl. 14.2 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. Note - the controlled copy of the TCMS used by the coal operation must be the latest version of the TCMS approved by Coal Services (cl. 14.2 of this Guideline).

Integration with other Management Plans

The 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 TCMS, 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 (external, internal and Coal Services audits);
- c) communication of the results of audits to management and employees;
- d) evidence that the TCMS has been reviewed as per the requirements of 18.1 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

The following abbreviations for NSW legislation are used throughout this Guideline:

- WHS Act - Work Health and Safety Act 2011
- WHS Reg. - Work Health and Safety Regulation 2017
- WHS(MPS) Act - Work Health and Safety (Mines and Petroleum Sites) Act 2013
- WHS(MPS) Reg. - Work Health and Safety (Mines and Petroleum Sites) Regulation 2014

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

A. LEADERSHIP AND COMMITMENT

A1. Resources

The Training and Competence Management Scheme (TCMS) must describe:

- 1.1 the provision of adequate training and assessment personnel and 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
- f) an adequate number of trainers and assessors to meet the requirements of the coal operation

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

A2. Responsibility and Accountability

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

- 2.1 the person (or persons) responsible for:

- 2.1.1 managing the training and competence systems at the coal operation
- 2.1.2 reporting on the performance of training and assessment at the coal operation
- 2.1.3 reviewing and improving the TCMS.

- 2.2 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.

- 2.3 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.

- 2.4 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.

- 2.5 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.

- 2.6 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.

B. TRAINING AND COMPETENCE

B1 Competency Standards

- 3.1 Where available, recognised units of competency from endorsed Industry Training Packages should be used as the minimum standard 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.

- 3.2 The TCMS must describe:

- 3.2.1 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) a diploma or higher level qualification in adult education, OR
- b) TAE40116 Cert. IV in Training and Assessment, OR
- c) TAE40110 Cert. IV in Training and Assessment (see **Note 1** below), OR
- d) any endorsed qualification replacing TAE40116.

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

- a) developed by technical specialists, such as mechanical / electrical engineers, geotechnical engineers/consultants; ventilation officers, etc.; and/or
- b) that meet the definition of “formal learning” in the NSW Resources Regulator’s Maintenance of Competence Scheme; and/or
- c) developed by OEM’s.

Note 1 - For persons holding a TAE40110 Certificate IV, it is recommended that they upgrade to TAE40116, OR complete BOTH the TAELLN and TAEASS units:

TAELLN411 Address adult language, literacy and numeracy (LLN) skills, or TAELLN401A, AND

TAEASS502 Design and develop assessment tools or TAEASS502A or TAEASS502B.

3.2.2 the competency requirements for workplace trainers and assessors.

Note - the minimum requirements are:

- a) specific units of competency or Skill Sets from BSZ40198 (see **Note 2** below), or TAA40104, or TAE40110, or TAE40116, OR

The recommended units of competency or Skill Sets are:

From BSZ40198: Units of Competence (pre Skill Sets in Training Package)	From TAA40104: Units of Competence (pre Skill Sets in Training Package)	From TAE40110: TAESS00003 – Enterprise Trainer and Assessor Skill Set	From TAE40116: TAESS00015 – Enterprise Trainer and Assessor Skill Set
BSZ404 Train small groups BSZ401 Plan assessment BSZ402 Conduct assessment BSZ403 Review assessment	TAADEL301 Provide training through instruction and demonstration of work skills TAAASS401 Plan and organise assessment TAAASS402 Assess competence TAAASS404 Participate in assessment validation	TAEDEL301 Provide work skill instruction TAEASS401 Plan assessment activities and processes TAEASS402 Assess competence TAEASS404 Participate in assessment validation	TAEDEL301 Provide work skill instruction TAEASS401 Plan assessment activities and processes TAEASS402 Assess competence TAEASS404 Participate in assessment validation

Note 2 – it is probable that units of competence from BSZ40198 will be dropped from the next Order 34 Guideline as an acceptable option for workplace trainer / assessors. For workplace trainer / assessors only with units of competence from BSZ40198, coal operations should consider EITHER:

- a. upgrading qualifications, OR
- b. only allowing persons with units of competence from BSZ40198 to perform the role of mentor / coach, content expert or co-assessor.

- b) specific units of competency or Skill Sets from any subsequent endorsed qualification which replaces TAE40116, OR
- c) specific training and assessment units of competency 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).

An example of a possible suitable VET accredited course is **10898NAT - Course in Field-based Training and Assessment**. (previous accredited course # 10235NAT). This course contains two potentially relevant modules / units of competency:

- * NAT10898001 OR WPTASS001 - Carry out workplace assessments
- * TAEDEL301 - Provide work skill instruction

Note: requirements for maintenance of competence for workplace trainers and assessors are detailed in clause 11.4 of this Guideline.

B2 Training Needs Analysis

4.1 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:

4.1.1 developed in consultation with relevant coal operation personnel, and

4.1.2 regularly reviewed and updated.

4.2 The TNA must include as a minimum:

4.2.1 required qualifications for specific positions

Required qualifications may include, but not limited to – trade qualifications, WHS(MPS) Reg. “certificates of competence” or “practising certificates” and/or “high risk work licences”.

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

The content of training on the safety management system is specified in the **WHS (MPS) Reg. – Part 2, Div. 7 Information, training and instruction**

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

4.2.4 specific pre-requisites and training for supervisors.

B3 Induction Training & Assessment

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

5.1.1 induction for visitors and new workers (addressing all relevant categories of “workers”, including contractors)

5.1.2 the types of site inductions – e.g. surface, CHPP, underground accompanied, underground unaccompanied, etc.

5.1.3 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(MPS) Reg. cl. 105

5.1.4 before commencing work at the operation, how workers are ‘*trained in relation to the emergency plan*’ - WHS(MPS) Reg. – cl. 95 (a)

5.1.5 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

B4 Emergency Response Training & Assessment

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

- 6.1.1 *“an adequate number of persons (are) trained in the use of rescue equipment ...”*
- WHS(MPS) Reg. – c 88 (2) (a) (iv)
- 6.1.2 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(MPS) Reg. – cl 96 (5) (c)
- 6.1.3 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(MPS) Reg. – cl 100 (2)

WHS(MPS) Reg: cl 100 Self rescuers - sub-clauses (3) to (5) provide additional information on training in the use of self-rescuers

- 6.1.4 for underground mines only - the criteria used to determine that **“surface contacts”** have the competence to perform the specific functions, as outlined in WHS(MPS) Reg. – cl 102 *Competent persons at surface* - (b) to (d)
- 6.1.5 *“the minimum mines rescue training to be provided”* - WHS(MPS) Reg. – Schedule 7 *Matters to be included in emergency plan for a mine* – cl. 4 (3) (a)
- 6.1.6 *“...details of the persons having the competency to fight fires and to train others in fire fighting”* - WHS(MPS) Reg. – Schedule 7 *Matters to be included in emergency plan for a mine* – cl. 5 (4)
- 6.1.7 *“...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**

B5 WHS Representative Training

7.1 The TCMS must describe how the coal operation implements:

- 7.1.1 training of safety and health representatives (includes *site safety and health representatives*, and/or *electrical safety and health representatives*) – as per the WHS(MPS) Act s. 45
- 7.1.2 (if required) training of health and safety representatives in an approved course of training in work health and safety - as per the WHS Act s. 72.

if required means that if the coal operation does not have health and safety representatives, then this need not be described in the TCMS. The requirements are outlined in *Work Health and Safety Act 2011 - Division 3 - Health and safety representatives*. The coal operation needs to advise Coal Services when they apply for their TCMS to be approved if they do not have health and safety representatives.

B6 Supervisor and Manager Training & Assessment

- 8.1 The TCMS must describe the process to:
- 8.1.1 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(MPS) Reg. – cl. 137 (2)
 - 8.1.2 provide formal training and assessment to all managers and supervisors on the components of the coal operation’s SMS relevant to their role, including their specific roles/ responsibilities/ accountabilities detailed in all elements of the SMS.

B7 Training & Assessment - General Requirements

- 9.1 The TCMS must describe:
- 9.1.1 training and assessment of inexperienced workers (i.e. workers who are new to the coal mining industry)
 - 9.1.2 recognition of current competency (RCC) and/or recognition of prior learning (RPL)
 - 9.1.3 assessment of competence following skills training
 - 9.1.4 the requirement for the trainee and assessor (and co-assessor if utilised) to sign all completed assessments
 - 9.1.5 how a person assessed as “not yet competent” is given the opportunity to become competent
 - 9.1.6 the process for authorisation / appointment / nomination, or other record following assessment of competence
 - 9.1.7 how language, literacy and numeracy issues are addressed in training and assessment.

B8 Training Required by Legislation

- 10.1 The TCMS must describe the training and assessment process for all workers in relation to the following requirements in the WHS(MPS) Reg. – cl 104 (2) & (3):
- 10.1.1 *hazards associated with the work being carried out by the worker* - cl. 104 (2) (a)
 - 10.1.2 *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)
 - 10.1.3 *the content and implementation of the relevant parts of the safety management system for the mine,* - cl. 104 (2) (c)
 - 10.1.4 *the emergency plan for the mine,* - cl. 104 (2) (d)
 - 10.1.5 *the safety role for workers implemented under clause 120* - cl. 104 (2) (e).

The TCMS should describe the training and/or tools given to workers to enable them to undertake the safety role described in cl. 120 of the WHS(MPS) Reg. This may include:

- i) the basic information provided to all workers about how they are expected to perform their safety role – e.g. content in induction programs

ii) the additional information, training and instruction provided to workers participating in high level risk assessments – e.g. training / competency as a participant in risk assessments.

iii) the additional information, training and instruction provided to workers participating in reviews of principal hazard management plans, and revision of any associated risk assessments, as per cl. 25 of WHS(MPS) Reg.

10.1.6 *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)*

Referenced legislation clauses in this section:

WHS (Mines and Petroleum Sites) Regulation 2014:

104 Duty to provide information, training and instruction

(1) *This clause applies in addition to clause 39 of the WHS Regulations.*

(2) *The operator of a mine or petroleum site must ensure that each worker at the mine or petroleum site is provided with suitable and adequate information, training and instruction in relation to the following—*

(a) *hazards associated with the work being carried out by the worker,*

(b) *the implementation of control measures relating to the work being carried out by the worker, including control measures in relation to fatigue, the consumption of alcohol and the use of drugs,*

(c) *the content and implementation of the relevant parts of the safety management system for the mine or petroleum site,*

(d) *the emergency plan for the mine or petroleum site,*

(e) *the safety role for workers implemented under clause 120.*

(3) *A person conducting a business or undertaking at a mine or petroleum site must ensure that each worker engaged by the person is trained, and is competent, in basic risk management techniques used at the mine or petroleum site having regard to the nature of the work carried out by the worker.*

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.*

Work Health and Safety Regulation 2017

39 Provision of information, training and instruction

(1) *This clause applies for the purposes of section 19 of the Act to a person conducting a business or undertaking.*

- (2) *The person 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.*

B9 Re-assessment / Maintenance of Competence

The TCMS must describe:

11.1 For all skills and competencies at the coal operation:

11.1.1 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.

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

The interval between successive re-assessments should be risk based. Risk criteria may include retention of information / skill, complexity of task, frequency of use, etc.

The process to determine that interval should be reviewed on time-based (e.g. 3 years) or specified event (e.g. introduction of new equipment / process) triggers.

11.2 For all individuals nominated to exercise a statutory function, the retraining / reassessment process to ensure that competence is maintained.

Note:

1. individuals nominated to exercise a statutory function is a wider group than those individuals nominated to exercise a statutory function who are required to have a Practising Certificate,
2. all statutory functions are listed in the WHS(MPS) Reg. Sch. 10 Statutory functions
3. retraining / reassessment for individuals nominated to exercise a statutory function may be different as the risk changes for each position function (e.g. tradesperson v's key statutory function v's mining supervisor).

11.3 For all individuals nominated to exercise a statutory function who are required to have a Practising Certificate (PC), the support provided to PC holders to assist them to meet the NSW Resources Regulator's Maintenance of Competence Scheme requirements.

The support provided to PC holders may include providing:

- learning activities that may be claimed as Maintenance of Competence learning hours – e.g. training in the relevant elements of the mine's safety management system; attendance at formal risk assessments; and/or
- records of relevant learning activities completed at the coal operation for the Practising Certificate holder's Maintenance of Competence records; and/or
- regular review of progress on Maintenance of Competence learning hours – e.g. as part of periodic performance review.

Information regarding legislative requirements:

Practising Certificate holders have the responsibility to meet the NSW Resources Regulator's conditions to be able to be nominated to perform the statutory function at the mine. One of the key conditions is that they meet the requirement to keep up-to-date with knowledge and skills as outlined in the **Guide to the maintenance of competence scheme for practising certificates**, published by the NSW Resources Regulator.

While the Practising Certificate holder has the responsibility to meet the conditions in the NSW Resources Regulator's Maintenance of Competence Scheme, the mine operator also has a responsibility under the WHS(MPS) Reg. Part 8 Statutory functions, cl 137, which states:

“the mine operator of a mine must ensure that a statutory function is exercised at the mine only by an individual who meets the requirements for nomination specified in Schedule 10 for the mine”.

Failure to monitor progress of Practising Certificate holders with their Maintenance of Competence requirements may be a risk to the operation of the mine.

11.4 How the coal operation maintains the competence of workplace trainers and assessors.

Maintaining the competence of 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
- review / reassessment following changes made and re-approval of TCMS by Coal Services, and/or
- participating in reviews of training and assessment documents.

B10 Revision of Training and Assessment Documents and Gap Training

The TCMS must describe:

12.1 how training and assessment (including induction training) is reviewed and as necessary revised, and

12.2 review of training and assessment for these “trigger events”:

12.2.1 when new work processes, fixed plant / mobile equipment, technology, materials / substances, and/or work procedures are revised or being introduced

12.2.2 when significant revisions are made to key elements of the safety management system (e.g. management plans, procedures, TARPs, etc.)

12.2.3 when near misses or incidents / accidents occur and training is identified as a contributing factor to the incident

12.2.4 *‘as soon as is reasonably practicable after any significant revision to the (emergency) plan’* - WHS(MPS) Reg. – cl. 95 (b).

12.2.5 following changes to legislation and/or other significant “trigger events”, and

12.3 follow-up information and/or gap training following revision to training/assessment materials.

follow-up information and/or gap training may include:

- information provided at tool-box-talks, pre-shift meetings or other WHS communication forums; and/or
- information provided by electronic means – e.g. emails on changes to training and assessment documents; and/or
- gap training and/or reassessment for trainer / assessors addressing revisions; and/or
- gap training and/or reassessment addressing revisions for all workers with the skill / competency.

WHS(MPS) Reg: cl 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 in the TCMS as it applies to training and assessment.

C. CONSULTATION AND COMMUNICATION

13.1 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:

13.1.1 developing and reviewing the TCMS,

13.1.2 developing and reviewing any Training Needs Analysis (TNA) – as required in section 4.1.1 of this Guideline

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.

D. DOCUMENTED INFORMATION

D1 Documents

14.1 The TCMS must:

14.1.1 be detailed in a separate document within the coal operation's document management system

14.1.2 detail the names and types of operations covered by the TCMS – e.g. XXX Underground, YYY Open Cut, ZZZ CHPP

14.1.3 define the procedures and processes for the training and assessment activities at the coal operation

14.1.4 describe a process for controlling training and assessment documentation which is consistent with the document control system for the coal operation

14.1.5 provide direction to related documentation, including relevant management plans, standards, procedures, etc.

14.2 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).

D2 Records

15.1 The TCMS must describe the system for the maintenance and storage of training and assessment records (including records of induction training), and must include:

15.1.1. paper or electronic (or both) record of each worker's training, assessments, re-assessments, and the currency of their competencies

15.1.2 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

15.1.3 on request, providing a copy of training and assessment records to a worker (WHS(MPS) Reg. cl 108)

15.1.4 defining the period that records are preserved

15.1.5 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.

E. PERFORMANCE EVALUATION

E1 Measurement and Evaluation

16.1 The TCMS must describe the process(es) for monitoring, analysis and performance evaluation of training and assessment activities, including:

16.1.1 goals and objectives for training and assessment activities; and

- 16.1.2 monitoring and measuring progress towards achievement of the goals and objectives; and
- 16.1.3 specific indicators to evaluate the effectiveness of training and assessment activities, and
- 16.1.4 system improvements based on performance evaluation.

The goals and objectives for training and assessment activities may include:

- *Training Needs identified for all roles*
- *induction training completed for all workers prior to commencing work*
- *skills training provided to meet operational requirements*
- *refresher training / reassessment provided to meet operational requirements*
- *training records accurate and complete*

Monitoring and measuring progress towards achievement of the goals and objectives may be done by:

- *having measurable Key Performance Indicators (KPIs) for goals and objectives*
- *establishing accountability for monitoring KPIs*
- *monitoring, recording and tracking KPI trends at pre-determined intervals*

Specific indicators to evaluate the effectiveness of training and assessment activities may include:

- *Process or leading indicators - % complete refresher training / reassessment, records audited for accuracy & completeness, Safe Behaviour Observations complete, etc.*
- *Results or lagging indicators - number of incidents where training identified as causal factor, cycle time improvement following training intervention, etc.*
- *Specific Training Evaluation (based on Kirkpatrick's 4-Level Training Evaluation Model – **see reference section**) – implementing ways to measure changes in behaviour after training; developing tools to measure changes in task performance after training.*

E2 Audit

17.1 The TCMS must describe:

17.1.1 internal auditing of the TCMS at least once during the approval period of the TCMS

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

- this Guideline; and/or
- any audit tool provided by Coal Services for the purpose of conducting internal audits of the TCMS.

The coal operation should complete an internal audit before the scheduled review / revision of the TCMS. Note: Coal Services provides an internal audit tool to be used for this purpose. This is located at the Order 34 section of the Coal Services website.

17.1.2 the minimum qualifications and/or experience of persons conducting internal audits of the TCMS

- 17.1.3 auditing of training and assessment records to determine their accuracy
- 17.1.4 compliance auditing of the coal operation's approved training scheme from time to time by representatives of Coal Services
- 17.1.5 how actions from audits are tracked and implemented (external, internal and Coal Services audits)
- 17.1.6 how information on the results of audits is communicated to management and workers.

E3. Management Review

- 18.1 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 (NSW)

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

Page:

11-12	2.6.6	Content of a SMS - Contractors and contractor health and safety management plans
12	2.6.7	Content of a SMS - Emergency procedures and plan
13	2.6.9	Content of a SMS - Information, training and instruction
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18-20	3.2	Consulting with workers
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33-35	4.4	Controlling risks
38-40	4.7	Information, training and instruction
40-41	4.8	Documentation and records management
45-47	5.3	Review

Standards

AS/NZS ISO 45001:2018 Occupational health and safety management systems – Requirements with guidance for use

AS ISO 10015:2006 Quality management – Guidelines for training

Other References

Kirkpatrick's 4-Level Training Evaluation Model:

- Kirkpatrick, Donald L. - *Evaluating Training Programs: The Four Levels* (3rd Edition); ISBN-13:978-1576753484
- can also be found in numerous articles by searching on-line.

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
4.0	Approved July 2021 with effect from 1 September 2021	3-yearly revision. Revised to improve clarity of content. 2 sections in v. 3.1 deleted. Section headings aligned to AS/NZS ISO 45001:2018
3.1	29 April 2019	Minor wording change to s. 3.4.1 c) to include “and/or modules” for workplace trainer / assessors
3.0	Approved August 2018 with effect from 1 September 2018	Revised to: a) improve clarity of content, and b) update legislation references
2.0	Approved 22 May 2015 with effect from 1 July 2015	Revised to: a) improve content following a review of all components of coal operations’ TCMS’s 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 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: 1 July 2026.