

QRC Submission

Review of Recognised Standard 11 Training in Coal Mines

14 February 2023

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Executive Summary

The Queensland Resources Council (QRC) is the peak representative organisation of the Queensland minerals and energy sector, with a membership that encompasses minerals and energy exploration, production and processing companies, as well as associated service companies. The QRC works on behalf of its members to ensure Queensland's resources are developed profitably and competitively, in a socially responsible and environmentally sustainable way.

This submission has been prepared in response to the release of the reviewed *Recognised Standard 11 Training in Coal Mines* received via email from Resources Health and Safety Queensland (RSHQ) on 23 December 2022.

The email from RSHQ on 23 December 2022 requested that feedback be provided by 31 January 2023. QRC sought an extension of time to the closing date on the basis that the draft was received on the last working day of 2022, a time when most companies had already shut down for the year and was open for a short period of time when many company representatives take extended annual leave. The timeframe allowed simply did not provide an opportunity for genuine consultation on an important document. We acknowledge that an extension was subsequently granted to 14 February which enabled the QRC to engage with our members and provide appropriate feedback.

QRC understands that RS11 has been used in workplaces for several years and that the changes recommended by this review are somewhat minor. However, a review of a Recognised Standard should consider how the existing standard has been used by companies, including what is working and what is not working, to make decisions about what changes are needed to improve safety outcomes. QRCs feedback highlights a number of concerns and recommendations, some of which relate to the process, and others that relate to the reviewed draft and issues arising under the previous version of the recognised standard (that have carried over into the proposed reviewed version).

A summary of QRCs recommendations include:

1. (Process) The working group nomination process is more transparent and composition of the group more diverse.
2. (Process) The QRC should be advised of the working group membership at the commencement of the review process.
3. (Process) That industry representatives on working groups be reminded of the importance of consulting with other industry representatives through the QRC, during the course of the review.
4. (Process) Industry should be consulted more regularly through the QRC during Working Group processes.
5. The working group undertake further consultation with RTOs to determine delivery capability of all training requirements in RS11.
6. The working group should review the proposed RS11 to ensure that language, definitions and content are aligned and consistent throughout the Regulation.
7. The requirement for auditing should be removed from the standard and allow for companies to provide evidence that the systems have been monitored and reviewed as part of their broader safety systems.
8. A provision should be inserted allowing companies to undertake their own inhouse RPL process and deem a person competent through the use of documented systems and assessment methods.
9. This Recognised Standard should be transitioned to guidance material.

10. That the drafting recommendations in the table on page last page of this submission be addressed by the working group.

QRC welcomes further discussion on the issues raised above, particularly those areas where better clarity is needed to understand what compliance will practically look like.

Comments and Feedback

PROCESS OF THE REVIEW

The process of this review and the appointment of the working group has been disappointing. QRC received a letter on 19 July 22 which included details of the already largely determined Working Group membership and invited QRC to nominate further industry representatives. QRC provided a nomination but no further communication about the success of the nominee was ever received.

The purpose of inviting organisations like QRC to nominate representatives, and as has been agreed with RSHQ in the past, is to ensure that the working group are able to access broader industry perspectives during the review, and that the progress of the review is shared with QRC and the broader industry. It is disappointing that QRC has not been contacted by any of the Working Group members or by RSHQ during the Recognised Standard review process.

The working group lacks diversity of companies, as membership is dominated by training organisations and the largest coal companies. The lack of representation of the smaller companies reinforces the importance of proper consultation with QRC with appropriate timeframes.

This current consultation period has been the first since the working group was established in mid 2022, and from what is understood, the last and only time industry will be able to provide feedback. The purpose of these reviews is to understand what is working and what isn't, and make changes that will result in better safety outcomes.

Recommendation:

1. The working group nomination process is more transparent and composition of the group more diverse.
2. The QRC should be advised of the working group membership at the commencement of the review process.
3. That industry representatives on working groups be reminded of the importance of consulting with other industry representatives through the QRC, during the course of the review.
4. Industry should be consulted more regularly through the QRC during Working Group processes.

AVAILABILITY OF REGISTERED TRAINING ORGANISATIONS

RS11 continues to emphasise the need to use RTOs to deliver various training within the coal mining industry.

It is well known within the industry that RTOs who deliver coal mining training (of various descriptions) are in limited supply. Companies are finding it difficult to find RTOs to deliver certain types of training and deliver it in flexible ways for regional/ remote workers. The review of the RS11 should be undertaken with this in mind, so that provisions can be made to offer alternative methods where RTOs are not available or in low supply. There should be additional research and consultation with RTOs more broadly than those on the working group, to ensure there is delivery capability for companies to meet their obligations under the standard.

Recommendation:

5. QRC recommends that the working group undertake further consultation with RTOs to determine their capability of delivering all training requirements included in the RS11. If capacity is limited, then alternative training options including deeming provisions and alternative evidentiary requirements should be provided for.

CONSISTENCY WITH THE REGULATIONS

The purpose of a Recognised Standard is to provide guidance on how to achieve requirements of the Regulations.

Given the RS11 relationship to the Regulations it is necessary for the document to be consistent with the regulatory obligations, language and definitions. Some examples of where RS11 is not consistent with the Regulations include:

- Section 1: Introduction refers to 'a training system' whereas the Regulations refer to the 'Training scheme'.
- The document references the term 'mine operating procedures' which is not in the regulations nor defined.
- The legislation refers to the Coal training package, but this proposed RS11 refers to all endorsed training components or equivalent.
- Section 6.7 refers to people performing 'tasks' not 'designated tasks' as per the legislation. These should only be items identified on the designated task list.
- The proposed RS11 consistently refers to the need to 'Establish' competency on a site. Once a competency is established, in the future it is no longer 'established' again, but 'maintained'.

Recommendation:

6. QRC recommends that the proposed standard be reviewed to ensure that language, definitions and content is aligned and consistent with the regulation.

PROVISION OF RECOGNISED PRIOR LEARNING (RPL)

RPL is often considered a simple method of accounting for a person's competency without the need for retraining, particularly in remote and regional areas where people do not have access to training programs and RTOs who deliver them. However, RPL has always been fraught with complexities, and has often taken more effort, time and cost than completely undertaking the training. This has resulted in the RPL process being underutilised and, in many instances, unworkable.

The working group has an opportunity to improve the way this process could work for the resources industry by considering other options that will alleviate the need to go through the RPL process or unnecessarily retrain a competent person.

An alternative to traditional RPL processes would be to include a provision in the RS that a company can implement a documented process using internal assessment practices that can deem a person as competent, in the same way as the RPL process would, without using an external RTO.

Having this alternative would take the pressure off RTOs to provide this time consuming and complex service and allow companies, to expedite the RPL process by using their own internal systems and assessment.

It would also help companies meet requirements under other Recognised Standards, such as RS22 where certain training modules are unavailable or not readily available.

Recommendation:

7. QRC recommends that the working group insert a provision allowing companies to undertake their own inhouse RPL process and deem a person competent through the use of documented systems and assessment methods, that are auditable by RSHQ.

PROVISION FOR AUDITS EVERY 2 YEARS.

The proposed RS11 still specifies the need for a company to audit their training system at least every 2 years by an independent auditor. While larger companies have the capacity and resources to meet this requirement, a number of smaller companies indicate it has been an excessive requirement to impose on all coal mining companies.

There is no provision in the legislation that requires that the training system must be formally audited every two years by an independent auditor, rather that business safety systems should be monitored and reviewed. In fact, Safety and Health Management Systems are not even required to be audited as regularly as two years, nor by an independent auditor, so it is unclear why the training system needs to be audited using this proposed method.

The Coal Mine Safety and Health Act (QLD) definition of a Recognised Standard is that “a standard may be made for safety and health (a recognised standard) stating ways to achieve an acceptable level of risk to persons arising out of coal mining operations’.

The proposed RS11 should include ways to achieve the requirements of the regulations, not impose additional obligations that exceed the regulations, as it does in this instance. Members have provided feedback that this is an expensive and onerous requirement that offers little value to their already robust monitoring and review processes and, instead, forces companies to pay significant money to consultants to comply with the Recognised Standard.

Whilst companies are encouraged to have best practice methods of monitoring and review in place, which may include auditing processes, this is not the function or the purpose of a recognised standard.

Recommendation:

8. QRC recommends that the requirement for auditing be removed from the standard and allow for companies to provide evidence that the systems has been monitored and reviewed as part of their broader safety systems.

STATUS OF TRAINING AS A RECOGNISED STANDARD.

There has been broad industry commentary over the last several years that there are too many Recognised Standards being developed, and that some topics should be dealt with and drafted as guidance material rather than a Recognised Standard.

It is debatable whether the topic of “training” needs to have the status of a recognised standard or simply guidance material. Typically Recognised standards are technical documents that deal with ways to manage specific types of risks that arise out of the legislation. Training is not a specific risk but rather a system by which companies ensure people are trained correctly to perform their work.

Recommendation:

9. QRC recommends that the working group consider transitioning this Recognised Standard to guidance material.

OTHER MATTERS

In addition to the above broader issues, please see below some specific drafting feedback.

Section	RS11 V.2.0	Feedback
1.	Use of term 'efficient'	It would be more appropriate to use the term 'effective'.
2.	RS11 is applicable to both <i>surface and underground operations</i>	Would this also mean it is applicable to Remote Operation Centres and / or Exploration?
4.	General Elements	Since ISHRs and SSHRs are specifically covered, should there be a similar commentary related to SSE – purpose, function, powers, obligations?
4.	Typo "(a referenced in Appendix 4)"	Should read 'as'
6.	"When an employee commences with the site"	This should also apply to contract (labour hire) workforce or employees of a contractor?
7.4	Assessment must meet the guidelines as determined by CSMHAC	Should these be as per NVR?
8	Refresher training including senior management	How does this link to CPD for statutory roles – should there be some reference or tie-in?
9	The reference to 'personal' training records	Should this be 'personnel' training records?
9	Keeping records accessible for employees for 7 years after leaving employment	General employee records are archived (so difficult to access) and not usually kept for 7 years. This requirement is inconsistent with other employee record requirements, without justification. A solution could be to provide an endorsed copy when the employee leaves.
Definitions	Removal of the term Category 3 Visitors	This could hinder the ability to engage specialist service providers for specialist tasks, as well as

		<p>infrequent service providers, as they would need to have extensive induction training. A provision needs to be made for sites to allow short term specialist people/ contractors to attend site without the need for full inductions, rather just task/ area specific inductions.</p>
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Recommendation:

10. QRC recommends that the drafting recommendations in the table above be addressed by the working group.