



MinEx Health & Safety Council Inc

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REVIEW OF THE SURFACE CERTIFICATE OF COMPETENCY

Over the last 12 months a MinEx Health and Safety Working Party has reviewed the current gazetted Surface Certificate of Competence for mining and quarrying.

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The review was part of MinEx's overall strategic review of the industry's Health and Safety performance with the objective of taking greater responsibility for our safety directions and outcomes.

The Working Party consisted of two representatives from AQA, one each from IOQ, AusIMM, the gold sector and the coal sector.

The review has now been completed and attached is the draft proposal, for which we seek your input through consultation.

As this has wide implications we are seeking submissions from Associations, Companies, individuals and other interested parties. We ask that submissions are focused on the issues.

All submissions are to be received no later than 2 August 2010 at:

MinEx Health and Safety Council
PO Box 32 019
Maungaraki
Lower Hutt 5050

Facsimile: 0-4-568 2780

Email to: Office@MinEx.org.nz

The time line for the review is to have submissions back by 2 August after which the MinEx Working Party will use this information to finalise the detailed document for submission to the Department of Labour for Gazetting by 31 March 2011.

Members of the Working Party are prepared to address Association meetings should you feel that there would be value in their explaining the proposal. To arrange this please call Roger Parton on 04 568 9123 or email: Office@MinEx.org.nz.

We have included in the proposal some background to the need for the review.

We look forward to your comments.

Regards



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Steve Dohnt
CHAIRMAN

Encl: Certificate of Competence for Surface Mine Manager



MinEx Health & Safety Council

CERTIFICATE OF COMPETENCE FOR SURFACE MINE MANAGER

Proposal for industry consultation 11 June 2010

RECENT HISTORY A & B GRADE QUARRY MANAGERS' CERTIFICATES

Pre-1992 the Quarry Managers' Certificates of Competence (CoC) were issued in two ways:

1. B Grade. The B Grade CoC was issued by a mines inspector after an oral examination by the inspector. The applicant would have more than two years experience in the industry with their name put forward by management and they were usually known to the inspector. The applicant would usually have worked their way up to a leading hand, Foreman level in the quarry.
2. A Grade. The A Grade CoC also required more than two years in the industry and it was recommended the applicant had a B Grade before looking to sit an A Grade. To get the certificate the applicant would need to sit initially two exams; one on explosives and the other a general exam testing the applicant's quarrying knowledge. A third exam was added at a later date on regulatory requirements and an oral exam by an industry panel. This process including the setting of the exams was controlled by a Board of Examiners made up of senior members of the quarry industry.

These exams were all prior to the Health and Safety in Employment Act (HSE), Hazardous Substances and New Organisms Act (HASNO) and the Resource Management Act (RMA) and covered all aspects of quarry operations and management. At the time, mines and quarries inspectors were mining engineers or ex quarry or mine managers, and they had a support role in the industry. They covered technical areas of quarries and mines as well as safety and environmental considerations. These were all topics covered in the A grade exams, meaning those holding an A grade manager's certificate pre-1992 had a thorough knowledge of all aspects of quarrying, including health and safety of the time. Certificates awarded before this time were issued for life.

After the introduction of the HSE the board of examiners was retained for a short time until replaced by the current system and Certificates of Competence were required to be renewed every 5 years.

In the late 1990's after the formation of the Extractive Industries Training Organisation (EXITO), A and B grade certificates changed significantly. Mines inspectors were no longer involved in the operations of mines and quarries; instead their focus had turned to policing health and safety in the industry, and resource management and environmental matters rested with regional councils.

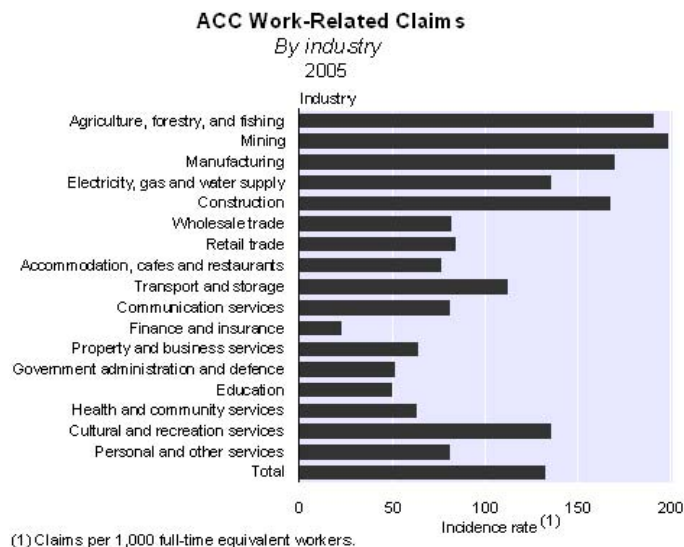
A group of industry representatives was set up to review manager's certificates and bring them into line with the current thinking under the National Qualifications framework. A key decision made at the time was to focus the A and B grade certificates on health and safety, as the certificate was to satisfy the Health and Safety in Employment legislation.

The new CoC became unit standard-based and units were selected from those available on the framework at the time. This was early on in the ITO system and, with few unit standards written, there was a limited range of units to choose from.

However, gaining the units was always only one part of the process, with time in the industry still a significant requirement. The oral exam was discontinued.

INDUSTRY SAFETY RECORD

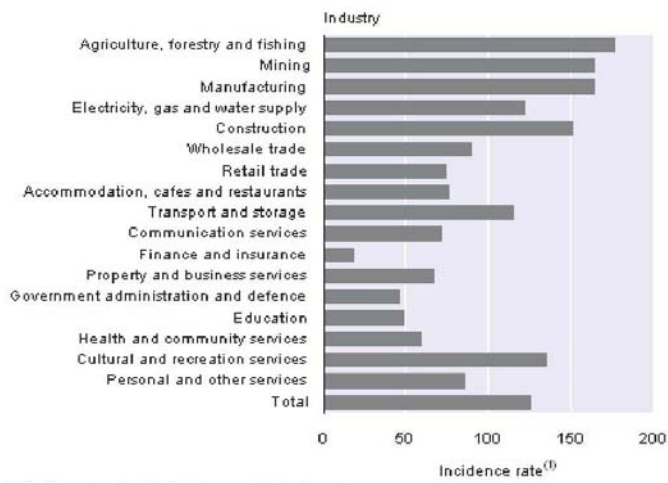
As an industry sector, mining is over represented in accident statistics. The charts below for 2005-2008 illustrate the mining industry's ranking in the top 4 NZ industry sectors over the last 5 years for accidents per 1000 full time equivalent employees (measured by ACC Work-Related Claims).



ACC Work-related Claims

By industry

2006

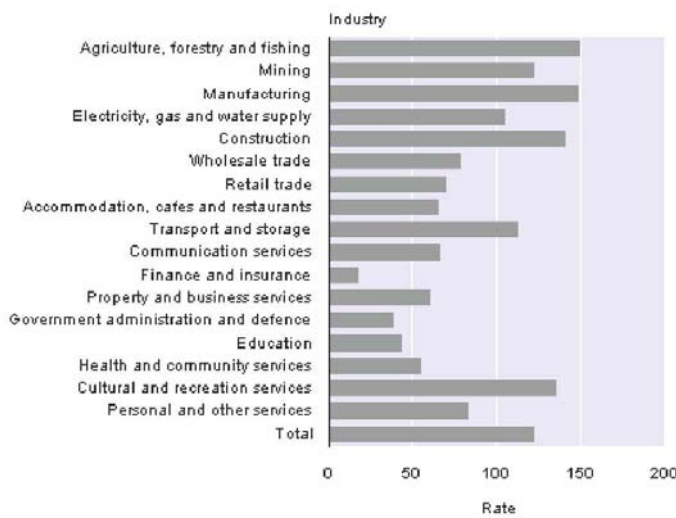


(1) Claims per 1,000 full-time equivalent workers.

Incidence Rate⁽¹⁾ of ACC Work-related Claims

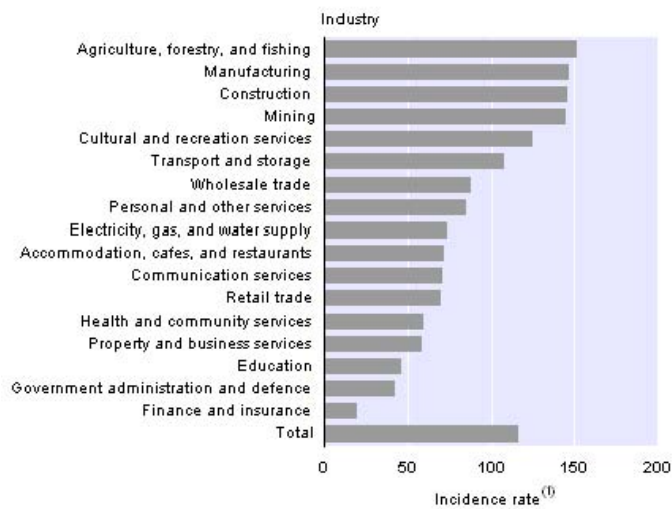
By industry

2007



(1) Claims per 1,000 full-time equivalent workers.

Incidence Rate of Work-related Injury Claims
By industry
 2008



(1) Number of claims per 1,000 full-time equivalent employees.

Clearly the industry is a long way from best practice in health and safety and change is required.

In recent years there has been mounting pressure for change as a result of a number of fatalities within the mining industry. A recent underground mine tragedy resulted in a public enquiry, of which one outcome was to increase the level of qualification for small to medium sized operators (SME's) of underground mines.

Other initiatives have seen the Department of Labour increase the number of trained mines inspectors, the drafting of a standard HSE system for SME's, increasing the range of technical documents related to mining and discussing how to improve employee participation.

It is evident that there is no public, industry, or government appetite for continuing poor safety performance and that if industry fails to regulate itself, then others will.

There are currently around 1350 CoC holders, of which some 900 are life-time holders. The remaining 450 were issued under the current unit standard framework. All current CoC holders will be affected by this proposal.

The proposed new CoC framework has been developed from first principles and started from the selection of 9 core competencies required for a competent surface mine manager. It has been designed to account for modern thinking around Health and Safety and is a blend of knowledge, experience and practicality.

The new CoC requirements are pitched at a level which is achievable by both small and large operators and will ensure a much safer working environment in line with current best practice.

Under the proposal all existing surface mine managers will need to meet the new requirements within a transition period of 5 years from the date of gazetting (expected by 31 March 2011); ample time to achieve the new qualification.

CONSULTATION

Comments from industry will close on 2 August 2010. MinEx will then review the proposal in light of comments received and intends to submit the formal document to the Secretary, Department of Labour by 1 October 2010. It is hoped the new framework can be gazetted by 31 March 2011.

As this proposal has wide implications we are seeking submissions from industry associations, companies, individuals and other interested parties. We do, however, ask that submissions focus on the key principles.

All submissions are to be received no later than 2 August, 2010 by;

MinEx Health and Safety Council
PO Box 32 019
Maungaraki
Lower Hutt 5050
Or email to: office@MinEx.org.nz

Members of the MinEx Working Party are available to address industry meetings on the proposal. If you want to arrange this please call Roger Parton, Secretary to MinEx, on 04 568 9123 or email: office@MinEx.org.nz

THE PROPOSAL

This is a comprehensive outline of the procedures and qualifications needed to fulfill the requirements for, and to maintain, the proposed Surface Mine Manager's Certificate of Competence. Details regarding formal legal wording, establishment of systems within EXITO and MinEx for the qualification, selection of Board of Examiners, preparation of relevant forms and advice to applicants, determination of relevant fees and other matters will be settled after receiving comments from industry through the consultation process.

CORE H&S COMPETENCIES FOR SURFACE MINE/QUARRY MANAGERS

The following 9 categories are regarded as the minimum qualification requirements for the management of health and safety in a surface mine. The unit standards for the National Certificate of Competence for Surface Mine Managers have been developed with these specific Competencies in mind (see table on page 7).

1. **Demonstrate knowledge of industry legislation**
2. **Demonstrate knowledge of and Implement risk / hazard management (including Health and Safety indicators and reporting requirements)**
3. **Demonstrate knowledge of site geology and stability issues (e.g. slopes, voids, faults, slips, shears etc)**
4. **Manage the interaction between mobile machinery and fixed plant**
5. **Demonstrate knowledge of and implement a Health and Safety (H&S) management plan (eg inspections, reporting)**
6. **Demonstrate knowledge of human factors affecting H&S**
7. **Investigate and analyze H&S incidents**
8. **Manage occupational health issues (e.g. dust, noise, vibration, sunlight exposure)**
9. **Demonstrate practical understanding of managing a surface mine.**

PROPOSED NEW CoC FRAMEWORK (CoC-P)

1. **Requirements for the award of a surface mine manager's certificate of competence.**

The following requirements apply to the person in control of the place of work. Should that person be away from site for longer than 14 working days then the acting manager appointed must also satisfy these requirements.

- 1.1 Completion of the National Certificate in Surface Mine Health and Safety. (For all applicants for a **CoC-P**)
- 1.2 Hold a current NZ First Aid certificate at the time of application.
- 1.3 Completion of the annual requirements for Professional Development. (For holders of a **CoC-P** wishing to renew)
- 1.4 Demonstrate 2 years relevant practical experience in surface mines or quarries in the last 5 years.
- 1.5 Demonstrate competence in written and spoken English language.
- 1.6 Successfully pass an oral examination by a MinEx appointed examiner.

(For all applicants for a **CoC-P**)

1.7 Apply to and be accepted by the Secretary of Labour.

2. Power to revoke or suspend a Certificate of Competence

3. Transition Arrangements

1.1 Completion of National Certificate in Surface Mine Health and Safety

For all applicants for a **CoC-P**, successful completion of the following unit standards is required.

National Certificate in Surface Mine Health and Safety

Unit No	Title	Level	Credits
15658	Select excavation and transportation plant for surface extraction	4	8
17599	Plan a confined space entry	4	5
17595	Explain health and safety management requirements for contractors working on site	4	8
7143	Inspect and report on extractive site and operations	5	10
7144	Review and implement plans for ongoing operations of an extractive site	5	15
16686	Conduct an incident investigation at an extraction site	5	8
16695	Create a safety management system document for an extraction site	5	3
7142	Demonstrate knowledge of regulatory requirements to manage an extractive site	6	25
TBA	Demonstrate knowledge of geology and geotechnical features and the effects on ground and stockpile stability at surface extraction sites	Probably 4	In draft
TBA	Manage occupational health issues on an extractive site	Probably 4	To be written
TBA	Demonstrate knowledge of concepts and principles related to Human Factors and apply knowledge to analyse incidents at an extractive site	5	TBA
TBA	Demonstrate knowledge of health and safety indicators and reporting requirements at an extractive site.	Probably 3	To be written
TBA	Carry out risk management at an extractive site	5	TBA

Elective unit for managers of sites where explosives are stored;

21152	Demonstrate knowledge of storing explosives for use in extractive industries	4	10
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1.2 Hold a current NZ First Aid certificate at the time of application.

A copy of a current NZ first aid certificate must be attached to the application and cover units 6400, 6401, 6402 or their equivalents.

1.3 Professional Development.

This requirement applies only to a holder of a **CoC-P** wishing to renew it.

To confirm ongoing, active involvement within the industry, applicants must show on application that they have met the requirements of 50 hours per year professional development. Requirements for professional development will be determined by MinEx and be listed on the MinEx website. Companies and organisations such as EXITO, AQA, IOQ, AusIMM can apply to MinEx for registration of Professional Development initiatives. These may include unit standard achievement, conferences, and specific training sessions.

1.4 Demonstrate a minimum of 2 years relevant practical experience in surface mines or quarries in the last 5 years.

To meet this requirement applicants are required to provide written attestation using the prescribed form found on the MinEx website. This will require the applicant's declaration listing position(s) held over the last 5 years, the nature of the duties, duration in the role and site locations worked, verified by the senior-most person on the site worked or, in the case of an owner operator, another holder of the surface certificate of competence.

1.5 Demonstrate competence in written and spoken English language.

This is a once only requirement and will be met during the first oral examination for a **CoC-P**. There will be no requirement to meet this competence in subsequent renewal applications.

1.6 Successfully pass an oral examination by a MinEx appointed examiner.

This is a one off process upon the first application for a **CoC-P**. There will be no requirement for holders to meet this competence in subsequent renewal applications.

The purpose is to ensure that applicants are competent and can answer any question relating to surface mine safety. Once the applicant has achieved all of the above requirements they can arrange for an oral exam by a MinEx appointed examiner. The examiner may ask the applicant any number of safety related questions until they are satisfied the applicant is competent.

The examiner will then sign a declaration which can then be attached to the applicant's application.

1.7 Apply to and be accepted by the Secretary of Department of Labour.

Generally this is a formality and is currently handled by EXITO. This process can continue. All documentation is to be forwarded to EXITO along with their payment fee. Once EXITO have verified all documentation a **CoC-P** will be issued and details recorded by EXITO in the **CoC-P** register.

The Secretary of Department of Labour (the Secretary) has the power not to issue a **CoC-P** where the reasons that allow him to suspend or revoke already exist (see section 2 below).

2. Power to revoke or suspend a Certificate of Competence.

As with the current CoC, the Secretary shall have the power to suspend or revoke a **CoC-P** due to negligent or unsafe behaviour. This would generally be at the recommendation of a warranted OSH inspector. Reasons for such action may include, but not be limited to, prosecution resulting in imprisonment, repeated prohibition notices, a serious accident resulting in prosecution.

3. Transition Arrangements

A transition period of 5 years will be established from the date of gazetting the **CoC-P** requirements to allow existing CoC holders, including all life-time CoC holders, to meet the new requirements. Existing holders whose current CoC expires during the transition period will, on application, have their CoC renewed under current rules until the end date of the transition period.

After the 5 year transition period the new criteria will apply without exception and the only recognized CoC will be the **CoC-P**.

MinEx Health and Safety Council
11 June 2010