

Statement: John Sleigh

## **Statement of John Sleigh**

I, John Sleigh, state:

I am representing the Mine Managers Association of Australia. The Mine Managers' Association consists of senior operational personnel, predominantly in coal mines in New South Wales and Queensland. The Mine Managers Association of Australia Association provides members the opportunity for interaction with peers and support. The Association is incorporated under the Associations Incorporation Act. Members are employed in senior roles in mining and include operational and technical service managers, consultants, technical specialists, mine rescue managers, government officials and educators. In Queensland we have 115 members. The Association has conducted regular professional development sessions in Queensland since 2014.

### **Introduction**

1. I commenced as a mining trainee for BHP Collieries in Wollongong after leaving School in 1965. This was a triple TAFE certificate program dealing with mine surveying, mining engineering and a higher mining engineering certificate. The program blended on the job experience and part time education at a technical college. I chose to do a TAFE certificate in personnel management at the same time. At the time, that was the only program available locally which covered management principles, industrial relations and adult learning concepts. I qualified as a deputy in 1970, but due to the law at that time I could not hold a position until 1972 when I turned 23. After about 2 years as a deputy I became a full-time mines rescue corpsman for 3 years. I was an active rescue brigade member for over 15 years and led a team into Appin Colliery after the explosion there in 1979. During my time at the rescue station I studied for my Undermanagers and Managers certificates and qualified for both in 1977. I then worked as an undermanager, undermanager in charge and deputy manager in the BHP Collieries group. I managed Cordeaux Colliery, a BHP mine near Wollongong from 1980 to 1988. I took a voluntary redundancy in 1988 and established a consultancy dealing with safety systems and training. Apart from mining companies, I worked with ACT Emergency Services and NSW railways and other clients on training design and delivery. I returned to the coal industry as a safety and training manager in 2006 and was a mines inspector from

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2008 – 2015. I have carried out several consulting assignments since leaving the mines inspectorate. I am currently engaged in a compliance strategy review for a major mining contracting and labour hire company.

2. My career had a training focus from the beginning. I was employed in a traineeship program which blended on the job experience and education at a technical college. Many of the teachers were practicing mine officials. At the mines rescue station, a large part of my duties was training mines rescue brigade members. I taught TAFE mining courses as a part time lecturer for several years. While I was a mine manager, I was selected to roll out an intensive leadership training course for the company's mining supervisory staff. I also placed a high priority on training for the mine workers at the mines where I held managerial roles. I served on the NSW Coal Mines Qualifications Board examination panels for certificates of competency. Among major consulting roles between 1990 and 2006 I developed new mine worker induction programs for newly established mines in both New South Wales and Queensland. I published the first of my five books on training in 1990. I was a member of the Queensland Board of Examiners from 2010 to 2015. I participated in training seminars conducted by the Mine Managers Association as a trainee, as a mine manager and when I moved to Queensland as an inspector was a member of the committee that brought the Continuing Professional Development program to Queensland.

### **The Mine Managers Association of Australia**

3. The Mine Managers' Association of Australia is made up of senior operational personnel, predominantly in coal mines in New South Wales and Queensland. The Association was established as the Colliery Managers Association in 1942. Throughout its history it has held regular information sharing meetings in coal mining regions, commenced full day seminars in 1975 and established a formal continuing professional development program in 2004. While full Association membership is limited to those with a Coal Mine Manager's certificate of competency, we have made the education program available to those who do not qualify for, or do not choose to take up, Association membership. Many successful statutory examination candidates have spoken glowingly of the assistance provided by the Association's seminars. The Association commenced regular professional development sessions in Queensland in

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2014. Members from the industry in both NSW and Queensland attend seminars in both states.

4. The focus of the membership on matters related to this inquiry is evident from these sessions presented at recent MMAA seminars:
  - Industry safety communication and performance – (Deputy Chief Inspector) Dobson, Moranbah 2019
  - Longwall gas event at Oaky North - Way, Moranbah 2018
  - The Appin mine explosion - Phillips, Brisbane 2018
  - Evolution of Ventilation Oaky North - Kelleher, Moranbah 2017
  - Floor heave and gas events Grosvenor - Glese, Moranbah 2017
  - Lessons on gas calibration Pike River - Webster 2017
  - New approaches to Mining Gassy Coals - Gray 2013
  - Prevention of methane ignitions and explosions – (NSW Inspector) Koppe 2012
5. As a vice president of the association I have regular conversations with practicing mine managers about matters that they can contribute to and would like to hear about at our seminars.

### **Description of the competencies relevant to underground mining**

6. The Coal Mining Safety and Health Act, 1999 requires that
  - 60 (2) The site senior executive must appoint a person to be underground mine manager to control and manage the mine.*
  - (3) However, the site senior executive may be appointed underground mine manager by the coal mine operator for the mine.*
  - ...
  - (5) The coal mine operator or site senior executive must not appoint a person as an underground mine manager unless the person has a first class certificate of competency for an underground coal mine.*
  - (6) A person must not give a direction to the underground mine manager about a technical matter in relation to the underground mine unless the person giving the direction is the holder of a first class certificate of competency for an underground coal mine.*

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7. Examinations for nominated officials at underground coal mines were introduced on the recommendation of the Royal Commission into an explosion that killed 96 miners at Mount Kembla mine in 1902 in New South Wales. Similar recommendations have been made at inquiries into major mining incidents over the years. That inspectors should hold a first class certificate of competency was also recommended by the 1902 Mount Kembla Inquiry and by an inquiry into an explosion at Mount Mulligan in Queensland in 1923. Similar recommendations with respect to competency of managers and inspectors have been handed down following inquiries into explosions after inquiries into mining tragedies at
  - Bulli, NSW, in 1965 when four miners were killed;
  - Box Flat, Qld, 1972 when 17 died;
  - Kianga, Qld, 1975, where 13 died;
  - Moura number 2 in Queensland, in 1994 when 11 died, and most recently
  - Pike River in New Zealand in 2010 when 29 died.
8. Abbreviated extracts from the findings of many of these inquiries are attached as document MMA.001.001.001.0001.

### **Process for obtaining First Class Certificate of Competency**

9. The current coal mines qualifications system is under the control of the Board of Examiners, who are appointed by the Minister, under the Coal Mining Safety and Health Act. I served on the Board of Examiners from July 2010 to June 2015.
10. We believe that the system has a sound basis but suffers from deficiencies in its application.
11. There are five certificates of competency issued by the board. Four are for underground mines:
  - Mine Manager, First class certificate
  - Undermanager, Second class certificate
  - Deputy
  - Ventilation Officer.

The Board also issues a Certificate of Competency for an Open Cut Examiner.
12. Section 60 of the Act provides that:
  - A person cannot perform the duties of an Underground Mine Manager unless they have a first class certificate of competency for an underground coal mine.

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- A person must not give a direction to the underground mine manager that may adversely affect safety and health at the underground mine.
  - A person must not give a direction to the underground mine manager about a technical matter in relation to the underground mine unless the person giving the direction is the holder of a first class certificate of competency for an underground coal mine.
13. A person cannot perform the following duties unless they hold either a first or second class certificate of competency or a deputy's certificate of competency:
- be given responsibility for the control and management of underground activities when the manager is not in attendance at the mine
  - have control of activities in 1 or more explosion risk zones.
14. There are similar requirements under the Act for Ventilation Officers and Open Cut Examiners.
15. The process for the Certificates of Competency involves:
- A minimum amount of experience working at a mine.  
Holding a current first aid certificate
  - Completing Mines Rescue Training
  - Demonstrating gas testing proficiency
  - Completion of prescribed national competencies at an appropriate level
  - A 2 hour written legislation examination, similar in structure to the SSE law exam described below but targeted at the relevant position
  - Being examined orally by 3 examiners nominated by the Board of Examiners, Typically the oral examination takes 3 to 4 hours, but a recent examination conducted for a metalliferous mine manager reportedly took seven hours.
16. This experience required is 5 years for a manager's certificate and 3 years for a deputy. It must be recorded in a logbook by the candidate and signed off by an official at the mine where it was gained. Experience gained prior to July 2020 is recorded in Document number MMA.001.001.003.0001 for discussion during the oral examinations. After July 2020, experience is to be recorded in Document number MMA.001.001.004.0001 as part of the application to sit for the certificate of competency examinations.

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17. The legislation exam is a 2 hour “closed book,” 2-part examination. The pass mark is 70% in each section. The first part poses scenarios that a candidate would be likely to deal with such as:

- investigate a serious accident
- involve the site safety and health representative to achieve the objects of the Act
- carry out inspections in a working section
- carry out shotfiring activities.

Many sections of the legislation apply to these scenarios. To guide the candidate, prompts are provided.

The second part of the exam consists of short answer questions. Generally, they deal with one item in the legislation.

A copy of sample legislation examination papers is attached as Document MMA.001.001.002.0001.

18. The full process for applying to sit for a first class certificate of competency is set out in document MMA.001.001.005.0001.

19. The following Certificates of Competency are mutually recognised under New South Wales legislation.

- First Class Certificate of Competency is equivalent to the NSW Mining Engineering Manager for underground coal mines,
- Undermanager or Second Class Certificate of Competency
- Deputy
- Open cut examiner
- Ventilation Officer.

NSW also requires that the following position holders have certificates of competency:

- Mining engineering manager – surface – (open cut mine manager) this position does not require a qualification in Queensland
- Electrical engineering manager
- Mechanical engineering manager
- Ventilation auditor.

20. Certificate holders in New South Wales Mines are required to maintain their competency through Continuing Professional Development. The Mine Managers Association conducts programs in both New South Wales and Queensland to satisfy the NSW credit requirements.

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21. Certificate holders from NSW must pass the appropriate Queensland legislation exam before they are given mutual recognition to enable them to hold the position at a mine in this state.
22. The Site Senior Executive (SSE) for a coal mine is the most senior officer employed or otherwise engaged by the coal mine operator for the coal mine who is located at or near the coal mine and has responsibility for the coal mine. All persons appointed to an SSE role must hold a “Notice from the Board of Examiners” that they have successfully demonstrated their knowledge of Queensland coal mining legislation by undertaking a written examination on the Coal Mining Safety and Health Act 1999 and relevant Regulations. A sample examination is included in Document MMA.001.001.002.0001, commencing on page 6.
23. The SSE must also have completed the National Competency, RIIRIS601D - Establish and maintain the risk management system, and someone on the management team must have completed the National Competency RIIWHS601D - Establish and maintain the WHS management system. These are national competencies, provided by Registered Training Organisations.

### **Decline in number of people obtaining First Class Certificate of Competency**

24. During periods of high numbers of examination candidates there is a requirement for a large number of examiners. Each year from 2010 to 2013 there were as many as 90 deputy candidates and a further 80 OCE candidates. The Board recruited examiners from most of the underground mines as well as many of the open cuts. A learning culture developed throughout the industry at that time.
25. In that period two or three new candidates for first class certificates would emerge each year. I believe that only one candidate has been successful since 2015.
26. There have been some certificates granted through mutual recognition to qualified NSW people, but as the examination is only for legislation, the technical learning culture is not as likely to develop.

The reduced number of candidates can be attributed to several factors:

- Community perceptions of mining.
- The reduced government support for qualified managers in inspector’s positions. I will use QGN 24 later to illustrate the difference between the Department’s expectations of qualified people at mine sites and the practice in the inspectorate; The two most recent appointments to the position of Chief Inspector of Mines

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under the Mines and Quarry Safety and Health Act did not hold a first class certificate under that act;

- Additional imposts on certificate candidates. I will say more later about the recently introduced requirement for candidates to complete mines rescue training;
- Opportunities for equally rewarding careers in mining without the associated responsibilities;
- Campaigns by the CFMMEU for prosecution and the distress felt by qualified managers who have been the subject of a lengthy prosecution process only to have the charges dropped before the court appearance.

27. The Association has made submissions submitted to the minister and the parliamentary committee about our concerns for quick fixes such as industrial manslaughter legislation, restricting appointments based on employment status and on the appointment of numbers of inspectors instead of qualified ones. We trust the wisdom of recently introduced legislation in these areas will be reviewed in this inquiry.

It is difficult to explain to a prospective mine manager why they should expose themselves to a campaign that removes the “ordinary person test” under the Criminal Code from their defences. They are asked to take responsibility and face imprisonment for outcomes that could not have been foreseen. We note that the minister has proclaimed that we have “the toughest mine safety and health laws in the world”. We would welcome a return to the days when it was the most effective.

The minister’s statement is attached as Document MMA.001.001.006.0001.

28. We have made our position clear on changes in the legislation in submissions to:

- The MMAA Submission to the Education, Employment and Small Business Committee regarding the Mine Legislation (Resources Safety) Amendment Bill 2018, on 14 April 2018. We raised our concerns about the Board of Examiners on pages 5 and 6. This submission is attached as Document MMA.001.001.007.0001;
- The Minister for Natural Resources, Mines and Energy, Dr. Anthony Lynham, on 22 July 2019, with respect to a Queensland Safety Review Meeting which was being held at that time. That letter is attached as Document MMA.001.001.008.0001;
- The State Development, Natural Resources and Agricultural Industry Development Committee in relation to the Resources Safety and Health Queensland Bill 2019 on 18 September 2019. We expressed concern about the



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need to attract more highly qualified inspectors and drew attention to the drawn out nature of prosecutions. This submission is attached as Document MMA.001.001.009.0001;

- The Queensland Mines Inspectorate, on 28 November 2019. The submission was subsequently published in full as Appendix E to the “Brady Heywood review of all fatal accidents in Queensland mines and quarries from 2000 to 2019.” On page 2 of that document we expressed concern at the increasing tendency to return to prescriptive legislation as is evident from the increasing number of recognised standards and the nature of amendments to the legislation. Our submission is attached as Document MMA.001.001.010.0001;
- The RSH Policy Unit of the Department on Natural Resources and Mines on 6 December 2019 with respect to the effect on retention and recruitment of senior mining officials if the industrial manslaughter provisions proceed. This submission is attached as Document MMA.001.001.011.0001;
- The State Development, Natural Resources and Agricultural Industry Development Committee with respect to the Mineral and Energy Resources and Other Legislation Amendment Bill 2020 on 26 February 2020. We noted that none of Dr Sean Brady’s 11 recommendations to improve fatality rates identified any new legislative measures, rather, that the industry and the regulator need to change their present culture to a more contemporary model. This submission is attached as Document MMA.001.001.012.0001.

### **Why competencies matter**

29. The National Competencies that a candidate must hold to sit for an underground mining certificate of competency are aligned to the principal hazards in the regulation.

For a First Class certificate of competency, the required subjects are:

- RIIERR602D, Establish and maintain underground coal mine emergency preparedness and response systems
- RIIMCU601D, Establish and maintain the spontaneous combustion management plan
- RIIMCU605D Establish and maintain the inrush management plan
- RIIRIS601D, Establish and maintain the risk management system
- RIIRIS402D Carry out the risk management processes
- RIICOM301D Communicate information

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- RIIWHS301D Conduct safety and health investigations
- RIIBLA302D Conduct shotfiring operations in underground coal mines
- RIIMCU602D Establish and maintain the gas management system
- RIIMCU606D Establish and maintain the mining method and strata management systems
- RIIRAI603D Establish and maintain mine transport systems and production equipment
- RIIRAI604D Establish and maintain mine services and infrastructure systems
- RIIUND601D Establish and maintain the ventilation management system
- And two more elective subjects

While candidates with a university degree in an acceptable field are given some credit, they must still complete the first 8 of these competency units. The required competencies are listed in document MAA.001.001.005.0001, which was referred to earlier.

30. There are similar competency requirements for the other certificates, at an appropriate competency level.
31. The Association supports the certificate of competency system, although we believe it could be just as effective with fewer requirements.
32. We share the concerns of the Board of Examiners, who in their most recent annual report, for 2018-19 stated:

*It is of particular concern that the most recent First Class Mine Manager Certificate of Competency (Underground Coal Mines) issued, was in the 2014-2015 reporting period, in the 2018-2019 reporting period two Second Class Mine Manager Certificates of Competency (Underground Coal Mines) were issued.*

We do note that there has been an increase in the number of certificates issued in other categories compared to the previous year and trust this will continue. The most recent available report of the Board of Examiners, for 2018-19, is attached as Document MMA.001.001.013.0001,

33. The Association believes that the Site Senior Executive for Underground Mines and a large proportion of mining inspectors should hold a First Class Certificate of Competency. We acknowledge the importance of inspectors of mechanical and electrical engineering, occupational hygienists, ergonomists and geotechnical engineers.

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34. The Association supports a mine manager’s certificate of competency for surface mines, as is the case in New South Wales with the Manager of Mining Engineering position.
35. The significance of the lower skills level in the inspectorate is illustrated in QGN 24 “Guidance note for coal mines to develop and implement a management structure,” which was published in July 2015. This is taken from page 9 in section 4.3 Coal Mining Safety and Health Advisory Committee from QGN 24, which is attached as Document MMA.001.001.014.0001:

“In stipulating the competencies required from the Resources and Infrastructure Industry Training Package RII09 for statutory roles, the committee has aligned the management level of the statutory role generally with the AQF qualification levels as illustrated in the following table:

AQF level	Example of workforce role	SHMS role
Level 1-2	Operator of plant	Assist
Level 3	Tradesman/Skilled mine worker	Conduct/advise
Level 4	Supervisor/Deputy/OCE	Apply and monitor
Level 5	Coordinator/Superintendent	Implement
Level 6	Manager/Superintendent	Establish and maintain

Some current inspectors are educated to the level “Apply and Monitor,” others to the standard “Implement”, while only the Chief Inspector, The Deputy Chief Inspector and two field coal mining inspectors hold qualifications or have held positions at the level “Establish and Maintain.”

36. We feel this is a matter of serious concern when the legislation requires that the “notice of intention to seal mine and “notice about proposed second workings ” must be dealt with by inspectors that do not hold the qualifications that the department considers necessary for mine managers or superintendents to hold.
37. The Board of Examiners includes members holding qualifications at level 4.
38. The Association conducts a program for continuing professional development of senior mining officials in both Queensland and New South Wales. In New South Wales, involvement in a program of this nature will become a legal requirement from September 2020. Position holders in Queensland have voluntarily attended the Queensland program since its inception in 2014. Many Queensland managers have

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travelled to attend the NSW program since it was established in 2004. We offer that the contribution made in presenting information and attending the seminars is evidence that prescriptive legislation is not necessary to motivate competent professionals.

### **Concerns about current examination system**

39. I mentioned earlier that we support the certificate of competency system but have some concerns about the way it is currently implemented.
40. One concern relates to the requirement that candidates for all underground coal certificates complete mine rescue brigade training. This change is a recent introduction. We fully support the current inclusion of the competency RIIERR602D, “Establish and maintain underground coal mine emergency preparedness and response systems” for the first class certificate and its equivalent for other certificates. If the requirement that
- “Assessors must demonstrate the performance evidence, and knowledge evidence as outlined in this unit of competency, and through the minimum years of current work experience specified below in an industry sector relevant to the outcomes of the unit”
- in those units of competency was adequately enforced by auditors of Registered Training Organisations it is likely that only the rescue stations could provide this competency. Our concern stems from two groups of students in the same class with quite different learning objectives. We need to train and examine on subjects that will be used. Some would be focussed on qualifying for an examination. Others would be focussed on the role of rescue brigades, in particular developing comfort and confidence in wearing breathing apparatus.. This would be distracting for both groups of students. I offer this comment as a person who has participated in three rescue operations dealing with large underground fires and as someone who is committed to competence for mining examination candidates.
41. Traditionally, the board of examiners has comprised holders of first class certificates of competency. The only exceptions between 2002 and 2018 have been Greg Dalliston, who served on the Coal Sector Committee of the Resources and Infrastructure Industry Skills Council and L Davis, a former Chair of Queensland Mining Industry Training Advisory Body who both played a major role in the adoption of National Competencies by the mining industry. While Greg Dalliston was

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an ISHR, his exceptional knowledge in the field of competencies was of great value in board deliberations in my time on the board. Similarly, Dr Brian White, a Professor of Mining Engineering at Queensland and Curtin Universities, as well as a qualified mine manager and an experienced corporate executive was able to offer a strategic perspective.

42. QGN 24, Guidance note for coal mines to develop and implement a management structure” sets a standard for reporting the management structure of a coal mine. It is attached as Document MMA.001.001.014.0001.

The number of members on the board who hold qualifications that are described on page 9, in section 4.3 as “level 4 – Apply and monitor” is a cause for concern on a board that is given functions under section 185 of the Act to “decide, assess, grant and assure.”

### **Consistency with general WHS legislation**

43. We understand that consideration is being given through the Productivity Commission to the standardisation of mining health and safety regulation between jurisdictions and with general industry standards.

From Document MMA.001.001.015.0001 the “Productivity Commission Draft Report, Resources Sector Regulation Draft Report Overview,” in the chapter “Leading practices, findings and recommendations,” on page 48, INFORMATION REQUEST 7.3 – Reference MMA.001.001.015.0054

The Commission is seeking further information about the effectiveness of resources health and safety legislation across Australian jurisdictions, including

- whether there would be benefits in greater consistency across jurisdictions
- approaches that represent leading practice health and safety legislation for resources
- how health and safety approaches in each jurisdiction could be improved.

Submissions to the inquiry close on August 20.

44. We have many members who have managed coal mines in both Queensland and New South Wales, and they have expressed a preference for retention of the Queensland standard.
45. While some may regard the preference as serving self-interest, again I draw your attention to the fact that our members voluntarily developed a continuing professional

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development program 16 years ahead of the legislated requirement in NSW, and Queensland members participate without any regulated requirement.

46. It is important that a single safety and health management system apply across a whole mine site. The problem with the Person Controlling a Business Undertaking (PCBU) concept which underpins the national WHS regulation was illustrated in an incident that I investigated while I was an inspector. This incident was in part the rationale behind a change to legislation for a “single system that incorporates risk management elements and practices that ensure the safety and health of persons who may be affected by coal mining operations,” as set out in section 62 of the Act.
47. The incident involved a truck overtaking a grader. During the overtaking move, the grader changed direction and damaged a tyre on the truck. During the investigation it became clear that there were four sets of overtaking rules in force at the mine. One required the slower vehicle to pull to the side of the road and stop when asked to do so by a faster moving vehicle. The faster vehicle could only overtake when the slower vehicle had stopped and parked on the edge of the roadway. Another totally forbade overtaking. Another allowed overtaking if there was positive radio communication between the drivers. A fourth allowed overtaking slow moving, road maintenance machines, such as a grader, to be overtaken provided the driver of the overtaking vehicle gave notice of the intention by radio. This recognised that the grader driver may not be able to reply by radio as their hands would be engaged on the machine controls.
48. Two of these were variations of a company-wide standard that people thought applied to all mines operated by the company. This view was prevalent among officials who transferred between mines. Another was a modification to the company-wide rule based on a local incident. The fourth was a rule followed by a contracting company that operated at the mine.
49. As an inspector, I required all machine operators and all supervisors and managers to complete a quiz which dealt with the traffic rules. The number of variations in answers was alarming. The SSE suspended all traffic operations at the mine for several days until the whole workforce was retrained in the current rules. It was significant that few individual answers followed just one of the four alternative sources. They were mostly an amalgamation of the four sets of rules. The practice of PCBU's each having their own scheme is likely to give rise to that sort of confusion.

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50. Prescriptive legislation that standardises controls across all mines has been shown not to work because of

- significant differences in machinery size,
- factors like the dip of the seam, the seam height or geological abnormalities and
- the nature of gases liberated in the seam.

Mining a seam where Carbon Dioxide is the predominant gas requires different controls to mining a seam with methane. The threshold value for outbursts is significantly different. The range of gas concentrations measured in cubic metres per tonne varies widely across the region, as do drainage characteristics and propensity to spontaneous combustion. There are mines where the mix between methane and carbon dioxide varies between sections or within a section.

51. So, while standardisation may have benefits for economic reasons, we are not sure that adopting a system that does not take account of the nature of the mining industry is an acceptable solution to the matters before this inquiry. Apart from standardisation of legislation between states for economic benefits I fear that free trade agreements between countries may lead to unqualified position holders managing mines in Australia.

## **Training**

52. Training is a major part of a coal miner's work time. Before commencing work in the mining industry, a person is required to complete a generic induction program. This is usually a two or three day program provided by Registered Training Organisations (RTO) providing the national competencies set out in Appendix 3 of Recognised Standard 11, Training in Coal Mines. All supervisors must complete three units of competency set by the Coal Mines Safety Advisory Committee as the compliance requirements for any person who is authorised to give directions to coal mine workers under section 56 of the Act. This is in addition to competency requirements for mine managers, ERZ Controllers and Ventilation Officers. There are also specific competencies required for electrical and mechanical trades, fire officers, dust samplers, trainers, site safety and health representatives and industry safety and health representatives. A coal mine worker is prohibited from undertaking a task for which they have not been trained. There is a requirement that training be refreshed under section 84 of the regulation.

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53. There are 50 RTOs listed on the Department of Education, Skills and Employment's website that have been given scope to provide the skillset RIISS00033 - Underground Coal Mine Safety Skill Set, which are the competencies specified for generic induction. A google search for Standard 11 induction shows that the program may last from 2 to 4 days and cost between \$650 and \$1692.

54. The standards to be followed by Registered Training Organisations includes The Training Package Implementation Guide, which is attached as Document MMA.001.001.016.0001 On page 114 – 115, references MMA.001.001.016.0114 and MMA.001.001.016.0115, there is a requirement that is also set out in each of the National Competencies that are widely used in the mining industry:

Assessors must demonstrate the performance evidence, and knowledge evidence as outlined in this unit of competency, and through the minimum years of current work experience specified below in an Industry sector relevant to the outcomes of the unit;

Assessors can demonstrate current work experience through employment within Industry in a role relevant to the outcomes of the unit; or, for external assessors this can be demonstrated through exposure to Industry by conducting frequent site assessments across various locations.

The assessor requirements specify “*current*” work experience. This requirement is to ensure that assessors maintain strong connections to Industry and contemporary workplace practices, systems, regulation and equipment. Currency of experience is best demonstrated through recent employment in a role relevant to the outcomes of the Unit being assessed. Where this is not available it can be demonstrated through exposure to Industry by conducting frequent site assessments across various locations.

For coal mining competencies at levels 3 to 6 the required current work experience is 3 years.

These requirements are subject to audit by the Department of Training and Skills Development.

55. The training for all competencies (from the inductions and supervisors program through to the certificates of competency system) is offered by Registered Training Organisations which operate under joint federal and state legislation. Several concerns have been expressed about the RTO system in general.



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56. The Coal Mining Safety Advisory Committee sets out requirements for competencies provided by RTOs. These are attached as Document MMA.001.001.017.0001.
57. The Committee has expressed concern about the standard of training provided by RTOs. Their most recent published report is attached as MMA.001.001.018.0001. On page 15, reference MMA.001.001.018.0017, they report
- The advisory committee has worked with Skills Australia to consider potential changes to the competencies for supervisors on coal mines. Skills Australia is responsible for developing competencies on behalf of the Australian Government through the Australian Skills Industry Committee. The advisory committee is working with Skills Australia to ensure the competencies which are mandated for supervisors in the Queensland coal mining industry are suitable and in line with national standards.
58. We welcome the outcome of that work and believe that it could have a significant impact on the matters being reviewed by this inquiry.
59. Recently, on 3 August 2020, the Queensland Minister for Training and Skills Development Shannon Fentiman expressed concerns about the operation of RTOs in Queensland. Her statement is attached as document MMA.001.001.019.0001
60. Federal Treasurer Josh Frydenberg and Employment Minister Michaelia Cash referred to quality issues when announcing a Productivity Commission inquiry into the VET sector in November 2019. The announcement is attached as Document MMA.001.001.020.0001.
61. National Competency training programs are audited by the Department of Training and Skills Development. We are concerned that that Department is not well placed to audit the competency of the trainers or the adequacy of the mining content being taught. The quality of training may be improved if competent DNRME inspectors had a role in monitoring the training being provided and the assessments being used to grade the students. They may be better able to determine if the 17 RTOs currently delivering units such as “RIIERR402D - Apply and monitor underground coal mine emergency preparedness and response systems” are capable of doing so. The skills and resources necessary to deliver a program of this nature might only be available at a rescue station.
62. To go to a mine to do consulting work I have to complete a variety of induction tasks. One set of assessment questions that were being used to confirm competency by a respected RTO alarmed me. Very few of the questions assessed the actual knowledge that a prospective mineworker would require. Many effectively asked the new

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industry entrant a variation of the question “what are the responsibilities of an SSE?” I have attached an analysis of a portion of one assessment and a sample of appropriate questions that I prepared for comparison as document MMA.001.001.021.0001.

63. Registered Training Organisations providing qualifications for coal mining qualifications should be audited or approved by either the Board of Examiners or a suitably qualified inspectorate.
64. In addition to the tragic fatalities there are three underground coal mines where operations are currently suspended. Apart from Grosvenor, North Goonyella has been shut down due to uncontrolled spontaneous combustion and Cook Colliery has never fully recovered from an inundation. The question must be asked are the competent mining experts that have knowledge been involved early enough? While the responsibility to establish and maintain is appropriate at the mine site, there are experts available to the mining industry who are able to go beyond “establish and maintain” to research, develop, strategise and postulate. They are respected internationally in fields such as strata control, ventilation, spontaneous combustion and risk management. We need their input much more than we need the primer level information that is being published by the inspectorate as Recognised Standards.

### **Inspectors**

65. When I arrived in Queensland there were at least 8 First Class tickets holders in the Inspectorate. Now there are two, the Chief Inspector and Deputy Chief Inspector.
66. QGN24 makes it clear that the Inspectorate needs people at a manager’s level. There are currently only four mining professionals who have worked at a manager’s level in the Inspectorate covering the Queensland coal industry. Only two hold first class certificates of competency that were gained in Australia.
67. A good inspector will offend the CFMMEU and mine operators, challenge other inspectors and find a way to work within public service guidelines. Appropriate remuneration would be a way of improving the calibre of inspectors in the Inspectorate. Good people attract good people, so improving the quality of inspectors will, in turn, lead to better quality candidates for the positions in the future.
68. Some of our members find it incongruous that so much attention is given to the employment status of senior officials at the mines when the organisations opposing employment of contractors engage their staff using similar mechanisms. An ISHR can be installed or removed from office by a vote of members of an industrial

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organisation, although over half of the people that the ISHR represents are not members of the organisation. At least four of the first class certificate qualified inspectors who have left the department in recent years had a contract terminated under a clause which allows termination without a reason being given or the contract was not renewed at the end of the term.

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John Sleigh

9 August, 2020