

# *Update on practising certificates scheme and certificates of competence*

**Order 34 Conference – 6 December 2018**

*Resources Regulator – Andrew Palmer, Manager Mining Competency Unit  
6 December 2018*

- Thanks for the opportunity to speak again at the conference as part of an ongoing engagement with Coal Services
- I wish to acknowledge the custodians of this land, the Wonnarua people of the Eora nation and their Elders past and present. I acknowledge and respect their continuing culture and the contribution they make to the life of this region.
- Recap: Director Regulatory Services, Tony Linnane, spoke at the previous conference giving an overview of how the scheme operates
- I spoke to the regional workshops last year about progress and focused on the types of learning that can be claimed and how to record them
- Today I want to update you again on progress, what the Resources Regulator is planning and ask for feedback in response to key questions.
- If you have specific questions relating to individual cases please come and see me at the desk I have set up outside where you have probably seen me this morning

## ○ Contents

- 1. Update on practising certificates*
- 2. Maintenance of competence*
- 3. Certificates of competence*

Approximately 20 mins on each part

1. Update with implementation timeline and number of PCs issued, together with how we are supporting implementation
2. Maintenance of competence
3. With whatever time we have leftover, provide an overview of changes being implemented for 2019 and proposed for 2020

# 1. *Practising certificates*

## Introduction of practising certificates scheme

### Staggered application process

Statutory function	Invitation 'bonus' period	'Grace' period to apply
<ul style="list-style-type: none"> <li>Mining engineering manager</li> <li>Mechanical engineering manager</li> <li>Electrical engineering manager</li> </ul>	1 September 2017 – 31 August 2018	1 September 2018 – 31 August 2019
<ul style="list-style-type: none"> <li>Undermanager</li> <li>Quarry manager</li> </ul>	1 December 2017 – 30 November 2018	1 December 2018 – 30 November 2019
<ul style="list-style-type: none"> <li>Ventilation auditor</li> <li>Ventilation officer</li> <li>Dust explosion control measures auditor</li> <li>Open cut examiner</li> <li>Electrical engineer</li> <li>Mechanical engineer</li> </ul>	1 March 2018 – 28 February 2019	1 March 2019 – 29 February 2020
<ul style="list-style-type: none"> <li>Deputy</li> <li>Underground mine supervisor</li> </ul>	1 June 2018 – 31 May 2019	1 June 2019 – 31 May 2020
<ul style="list-style-type: none"> <li>Quarry manager – conditioned to a specific mine (previously called production manager permits).</li> </ul>	1 September 2018 – 31 August 2019	1 September 2019 – 31 August 2020
<b>Total</b>		

#### Notes:

- Explain table again for those who are not familiar with it on our PC webpage or to remind, including features of bonus versus grace period and if apply later
- Point out where scheme is up to with staggered implementation process

## Introduction of practising certificates scheme

### Number issued

Practising certificate	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	17-18
1. Engineering Managers (mining, electrical, mechanical)	0	41	33	0	0	58	9	50	15	46	62	115	429
2. Undermanager, Quarry Manager	-	-	-	0	0	36	16	21	7	33	24	43	180
3. Ventilation auditor, ventilation officer, dust explosion control measures auditor, open cut examiner, electrical engineer, mechanical engineer	-	-	-	-	-	-	0	64	26	51	61	54	256
4. Deputy and underground mine supervisor	-	-	-	-	-	-	-	-	-	20	81	107	208
5. Quarry manager with conditions (specific mines)													
<b>Total</b>	<b>0</b>	<b>41</b>	<b>33</b>	<b>0</b>	<b>0</b>	<b>94</b>	<b>25</b>	<b>135</b>	<b>48</b>	<b>150</b>	<b>228</b>	<b>319</b>	<b>1073</b>

### Notes:

- Combined data by implementation group as at end of August for 1<sup>st</sup> 12 months of scheme implementation for coal and metalliferous/extractives
- We had a rush at end of bonus invitation period for group 2.
- Regulator view is that we are on track given number of mines

## Support for implementation of practising certificates

- Developing and updating guidance documents available on website
  - FAQs
  - Flyer
  - Video presentation
- Resources Regulator giving presentations on the scheme at various stakeholder events
- Proposing Resources Regulator certification forum(s) in 2019
- Improving application processing turn around times

### Notes:

1. A) FAQs

B) One page flyer on practising certificates and Maintenance of competence

C) Video of standard presentation on Practising certificates

2. Given presentations at Order 34 workshops, MEMMES regularly, Regulator engineering quarterly meetings, NSW Minerals Council HSEC Conference

3. Potential contents for forum:

- Frequency and delivery similar to Order 34 series of regional workshops and bi- annual conferences
- Mine operators and individuals sharing best practices
- Introduction of mining disasters training package (more on this later)
- Expo of potential providers of learning opportunities
- Workshop style to consult on various implementation issues

4. Website indicates Mining Competence Team aims to provide practising certificate within 4 weeks. At times the response time is outside of this timeframe such as when there an influx applications at the end of a bonus period. The introduction of an online portal to submit information to the Regulator including applications, will be expanded to include certificates from towards the end of next year. This should improve turnaround times.

## Questions for discussion on practising certificates

- *Are all people to exercise a statutory function getting the message they have to apply for a practising certificate?*

**Background:** Mining and Petroleum Competence Board meetings

- *What if any improvements can be made to the Resources Regulator communication channels used?*

**Background:** Mine operator story of undermanager and shift deputies accessing the Resources Regulator website

- *Are there any areas that require more information/clarification?*
- **Background:** Example of retaining certificate of competence versus obtaining practising certificate

### Notes:

1. **Background:** Mining and Petroleum Competence Board meetings
2. **Background:** Mine operator story of Undermanager and shift Deputies accessing the Regulator website
3. **Background:** Example of retaining certificate of competence versus obtaining practising certificate

## *2. Maintenance of competence*

## *Maintenance of competence* Implementation



Introduction: covered in previous slides

Now will cover remaining steps

## Introduction of MOC scheme

- Communicated and implemented as part of practising certificates
- Provision of gazettal and guidance material on Resources Regulator website
- Resources Regulator modelling good practices for providers of learning opportunities

### **Notes:**

1. As per previous slides
2. Gazette available under legislation on Regulator website, guidance material is the Guide to MOC
3. Recommended allocations of learning emailed to each attendee at Regulator seminars (eg. Electrical and mechanical seminars). Tried OCR code with Coal Services app for Electrical Seminar, which was well received by attendees as a simple swipe loads up the record for an individual. Other providers then Coal Services could also supply their OCR code to the Regulator for inclusion.

## Mining disasters training package

- Developed and piloted
- Will be made available from website
- Delivery to package as the minimum and for formal learning

### **Notes:**

1. Developed by contractor and piloted within Resources Regulator group
2. Programme to be available in 2019 by downloading from Resources Regulator website to anyone or organisation to deliver face to face training (not self paced)
3. Delivery to package means you must use 2 of the 8 case studies as a minimum – can add more. Also training must be conducted in accordance with the gazetta/Guide requirements (7.4.1) in order for participants to claim as formal learning – formal training course.

## Questions submitted prior - Introduction

**1. Are there any plans for the Resources Regulator to conduct endorsed training sessions that OCEs etc can attend to assist them in meeting their points requirements?**

**Context:** *It is fairly difficult for those of us not based in the Hunter Valley to have access appropriate formal training that our OCEs particularly can attend that don't result in potential issues in regards to rosters / availability and fatigue management. The alternative is to engage external providers however this creates a financial burden on the organisation as they aren't available locally and due to rostering issues we may have to engage over a number of days / weeks to ensure all can attend.*

**Response:** No. Acknowledge challenges for regional mines for supply. Points to consider:

1. Regulator provide events that can be claimed for formal learning including seminars, meetings
2. MOC scheme enables individuals in first line supervisor roles can claim more on the job learning
3. Aware of mine operators collaborating to jointly hold training to spread the costs

Any other questions for introduction of maintenance of competence scheme and Mining Disasters Training Scheme?

## Recording

- Guidance on website (Maintenance of Competence page):
  - Guide
  - Logbook templates
  - Sample completed logs
- Resources Regulator responding to stakeholder enquiries

### Notes:

- 1) Guidance documents being updated and added to in response to queries and identified improvements

Guide: sets out principles in section 8.1 dot points which can summarised as:

- Use our logbook as the standard from which people should achieve with their records
- Individual can use their records from employers, CPD providers etc

Note: risk for individual is ex-employers not releasing records. The Regulator will not waiver the requirements for the individual to provide for audit in the event this happens.

- Sample completed logs – for engineering seminars plus sample for each type of learning
- Regulator responds to queries from mine operators and individuals by phone or email

## **Auditing and non-compliance**

- Auditing programme under construction
  - Auditors
  - Voluntary
  - Dip sampling
  - Compliance from year 4 of certificate period
- Regulating non-compliance

### **Notes:**

#### **1. Auditing programme under construction**

Intent: audit before certificate holders become non-compliant and share learnings with industry (like we do for our other regulatory activities with reports etc)

Who will be the auditors: question asked a lot – looking to Regulator internal capacity with trained auditors

Voluntary: pilot within Regulator for practising certificate holders and then offered to industry.

Dip sampling: random audits across all certificates starting with group one

Compliance from year 4 of certificate period: persons can be identified as non-compliant.

#### **2. Regulating non-compliance**

As per Guide which can be summarised as:

- Case by case basis so it is flexible according to the circumstances eg hypothetical. person battling cancer for several years versus person who says they have lost their records. Both have to be competent to carry out the function by maintaining it.
- Whether they self identify or are identified as compliant before 5 year renewal – make up shortfall before renewal
- After renewal (holder made a declaration saying they were compliant) – demonstrate why the certificate should not be suspended or cancelled. Various options to remedy to ensure person is returned to compliance and are competent to continue practising.

## Questions submitted prior

### **2. Are there plans for the Resources Regulator to develop a simplified points tracking process through the website etc?**

**Context:** While the app has been developed we are finding that potentially due to a generational thing that not all are comfortable with using. There is also the issue that when registering for the app that if individuals don't align with the organisation that we can't monitor progress. We would ask the regulator to have a portal available on the website where individuals could register and track their points, upload evidence etc and organisations could monitor progress. Our view is that this should be facilitated by the Resources Regulator as it is their process. At present we are managing manually due to the using / non-using of the app as mentioned previously.

**Response:** No. The Resources Regulator has left it to the individual to select their method for recording:

- a) Own recording system
- b) Through employer systems
- c) CPD providers

**Any other questions for recording, auditing and non-compliance?**

## **3. *Certificates of competence***

## Certificates of competence from 2019

- Calendar of examinations for 2019 to be published by end of December 2018
- First aid certificate no longer a pre-requisite from 2019
- All 'closed book' written examinations
- Application form changes eg. Mining engineering managers can sign off application experience but not HR managers

1. Calendar essentially the same as last year but some changes that people should check for eg. briefing sessions now 4-6 weeks prior to exam closing date
2. First aid not required as Emergency Preparedness and Response Unit of competence is a pre-requisite for all certificates
3. Has been a mix of open and closed book exams depending on the certificate type and past practise. Now all closed book exams where examiners will include extracts of documents in their questions or provided separately. Multiple reasons for change including candidates bring tubs of study notes and reference documents that sometimes reflects in the answers with rote responses.
4. The Mining Engineering Manager and Quarry Manager can sign off on applicant's experience as well. It is recommended they view a logbook of experience by applicant. The reasons for the change include ensuring sign off is by people who can verify the experience is suitable. Regulator has experiences with inappropriate sign offs by 'HR managers' eg. partner is the 'HR manager' for small contracting firm. Title of application form changed to 'Application for examinations and statutory function certificates in 2019' to have examinations as a distinct separate stage to

apply for.

## Certificates of competence from 2020

- Proposed by Mining and Petroleum Competence Board and Regulator to:
  - increase total amount of experience according to level of function
  - Include supervision as a pre-requisite for all
- Application form changes – only the Mining engineering managers or Quarry Manager to sign off application experience

1. Proposing increased experience requirements to ensure candidates are ready to sit exams and possibly pass. At present 3 years for most functions. In future this would vary from 3 years for first line supervisors (Deputy, OCE), 4 years Undermanager and Mechanical and Electrical Engineers, 5 years for engineering manager level
  - Further information to be provided in 2019 to assist in the change process
2. Transition to only those statutory function holders to sign off from the individual's mine(s) or from another mine

## *Tips for supporting people to apply for certificates*

- Attend the briefing sessions held by examination panels
- Plan obtaining pre-requisites such as emergency preparedness and response units of competence
- Apply well before the examination application closing date
- Prepare for application of legislation and WHS (not rote answers) with mine visits

### Notes

1. Briefing sessions are very valuable interactions on the examination process and how to be prepared (but are not coaching)
2. Some pre-requisites may be difficult to obtain in time such as courses for emergency preparedness and response units of competence. The Regulator will not accept applications pending obtaining the requirement in general.
3. If applicants apply well before the closing date, then the Mining Competency Team has time to process them prior and advise applicants if incomplete so they may correct. Individuals who apply too close to the closing date will not get this opportunity possibly and their incomplete application will not be accepted.
4. Candidates should refer to examination panel reports for each year which have recurring themes of candidates not being able to demonstrate how to apply legislation and WHS for the statutory function. Visits to other mines are highly regarded so people are aware of other mining WHS practises as the certificate is for competence to practise at any mine. Visits should not be mines the examiners work at as this is a potential conflict of interest to be declared by the examiner and therefore they

may not examine them.

## Further information

- Visit our website ([www.resourcesregulator.nsw.gov.au/safety-and-health/applications/mining-competence/practising-certificates](http://www.resourcesregulator.nsw.gov.au/safety-and-health/applications/mining-competence/practising-certificates))
- Enquiries
  - minesafety.competence@planning.nsw.gov.au
  - 4063 6461 (8.30 – 4.30pm)
- **Note:** you can ring the Central Assessment Unit 1300 814 609 and select option 3



## Resources Regulator

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