

**NSW
Resources
Regulator**

Update on practising certificates and maintenance of competence

Order 34 Regional Workshops

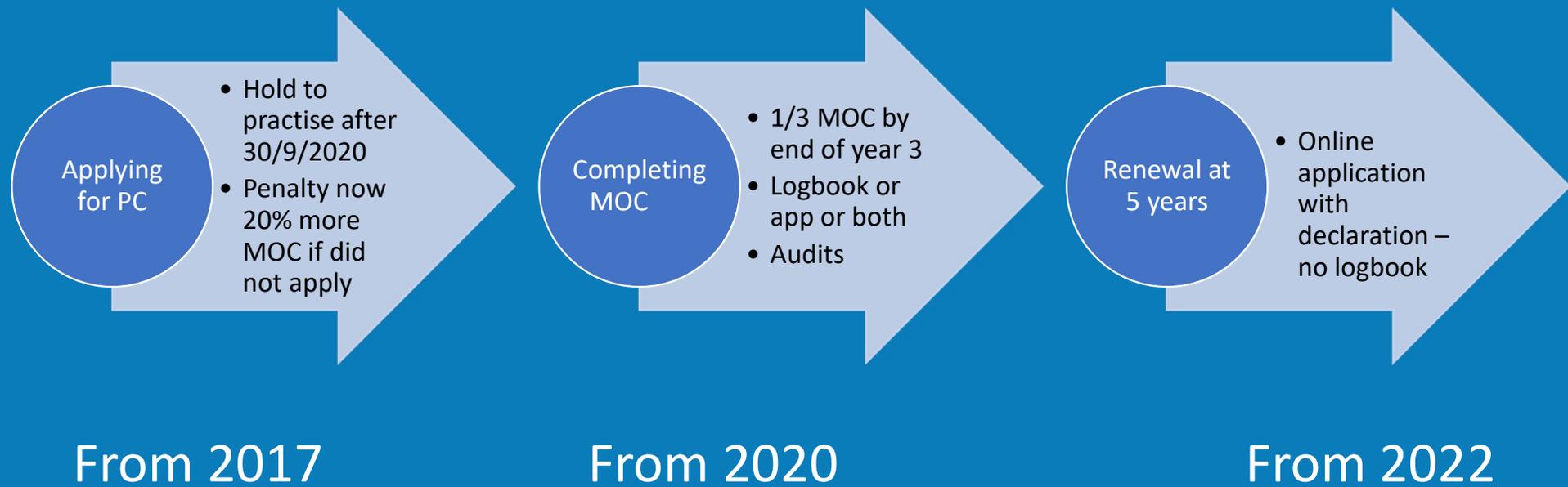
Mining Competencies and Authorisations Unit
15 September 2020



Presentation overview

- Timeline and check on progress
- Overview of changes – Portal and Guidance
- Future developments
- Questions and consultation

Issuing practising certificates and renewing



Check on progress – flyer – check functions

- [Available on practising certificates webpage](#)

PRACTISING CERTIFICATES – CHECK ON PROGRESS

As the implementation period is complete, holders and mine operators should be checking their progress with having current practising certificates (PCs) and satisfying the conditions to continue being nominated to exercise the functions:

Check
functions

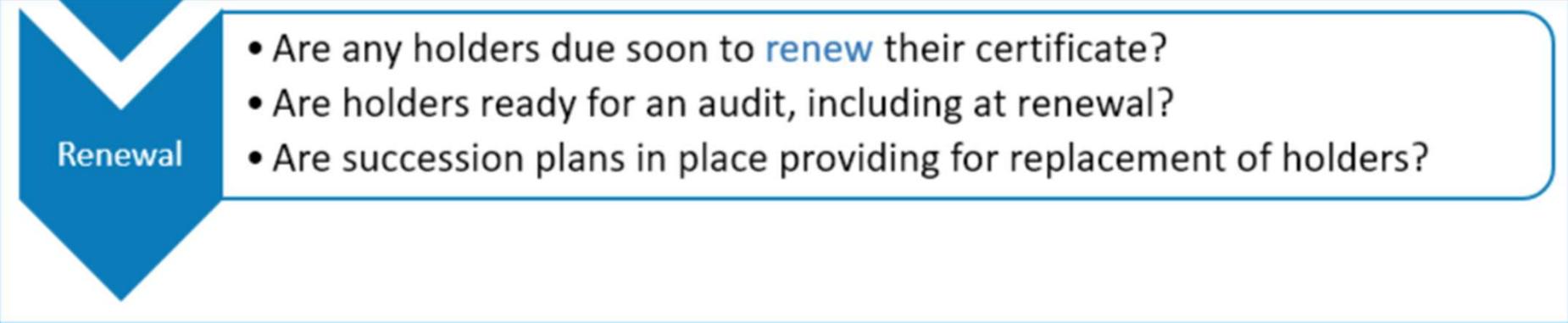
- Does individual have all the functions they exercise on their PC?
- Refer [Guide: Statutory functions](#), [Fact sheet: Practising certificates](#)
- Quarry Managers should check tier level of their sites - refer [Fact sheet](#)

Check on progress - conditions

Check
conditions

- Are all conditions being satisfied, including maintenance of competence?
- Have holders notified Regulator of change of contact details?
- Quarry managers Tier-2 should have minimum qualifications by 1/10/24

Check on progress - renewal

A white banner with a blue border and a blue arrow pointing left on the left side. The word "Renewal" is written in white on the blue arrow.

Renewal

- Are any holders due soon to **renew** their certificate?
- Are holders ready for an audit, including at renewal?
- Are succession plans in place providing for replacement of holders?

Check on progress - audits

Invitations to undertake a voluntary audit, so holders can check their progress, are made periodically through the [Mine Safety News](#). Compliance audits will follow as communicated through our [compliance priorities](#).

Changes – Portal for applying

- Resources Regulator portal has a Mine workers section from 10 June
- Individual mine logins who want to access must apply to
- Can apply for any certificate, replacement and renewal (except QM tier 2)
- Communicate progress and actions from portal
- Certificates will be issued electronically only



Webinar Wednesday 23 June 2021 2 -3 pm – register through MSN

Changes maintenance competence (1/6 slides)

- 6.2 Guide
- Multiple functions
- Clarified wording

CLASS OF MINE	DISCIPLINE OF THE HIGHEST FUNCTION	
	Same discipline for all functions	Different disciplines for functions
ONE ONLY	Complete for the function with the highest requirements. For example, the Mining Engineering Manager, where the certificate also lists the Undermanager, Deputy and Ventilation Officer functions at an Underground Coal Mine	Complete for the function with the highest requirements in each discipline For example, Mechanical Engineering Manager for mechanical engineering and Undermanager for mining engineering.
MULTIPLE	Complete requirements for the function with the highest requirements in the discipline for one class of mine for which they hold a certificate of competence or the required qualifications. For example, a holder of a certificate of competence applicable to Underground Coal Mines Electrical Engineering Manager function is required to satisfy requirements for it only, and not for other functions listed on the practising certificate such as Electrical engineer for Mines (other than underground or coal).	Complete requirements for the functions with the highest requirements in each discipline for each class of mine for which they hold a certificate of competence or the required qualifications. For example, Coal Mines (other than underground) Mechanical engineer and Underground Coal Mines Undermanager.

Changes to MOC - Guide (continued – 2/6)

- 7.4.1 Criteria

Formal training courses p34

Elaborated on evidence for person delivering course

- Title only

(continued overpage)

For details of the person delivering the course, their title may be sufficient evidence of competence to deliver the training if it is:

- a statutory function for which they hold a practising certificate e.g. Mechanical Engineer, Quarry Manager, OCE, or
- Relevant to the training being delivered e.g. WHS mine superintendent for risk assessment, mine Technical Services Manager for strata support, or
- Coupled with a name of an organisation which can be assumed would employ people with sufficient competence e.g. OEM tyre supplier

Changes to MOC Guide (continued – 2/6)

- 7.4.1 Criteria

Formal training courses p34

Elaborated on evidence for person delivering course

- Title **insufficient**

Where the title and/or organisation of the person delivering may not sufficiently justify their competence to an auditor reading them, then records provided to the holder of the practising certificate attending could include a summary of qualifications and/or experience in brackets beside the name (BMining, 10 yrs. mining exp.)

Changes to MOC Guide (continued – 4/6)

7.4.3. Learning types and hours generally not recognised

Activities which are generally not accepted as relevant learning and/or hours under the maintenance of competence scheme include:

- generic inductions where content does not specifically apply to exercising the statutory function
-
- Removed ‘...first aid courses (those that do not issue an AQF unit of competence or are not a refresher to retain a unit of competence.’

Changes to MOC (continued - 5/6)

8.4. | Logbooks

An Excel logbook template is available on our [website and it is highly recommended to use as is or as a standard for your own logbook to be equivalent to.](#)

Changes to MOC (continued - 6/6)

SAMPLE MAINTENANCE OF COMPETENCE LOGBOOK (DOC19/971541 - March 2021)										
Name:		Statutory function(s):					Bonus year eligible:		yes / no	
Practising certificate number:		Practising Certificate issue date:					Period of log:		/ / to / /	
Activity Date	Activity - describe what you are claiming to show that it complies (refer Guide for wording and ensure it is claimable)	Areas of competence					Learning types			Total hours claimed
		Mining / WHS Systems		Combined three areas		General WHS - topics	Formal hours	Informal hours	Learning type reference	
		Subject	Hours	Area	Hours	Hours				
Example 26/08/2017 to 27/08/2017	WHS Change management Course, University of ABC					14	14		2	14
Year 1	Sub totals for year from date of issue on certificate		0		0	14	14	0		14

Other guidance updates in 2021

- Practising certificates webpage:
 - Guide to statutory functions
 - Factsheet: practising certificates
 - FAQs: Practising certificate and maintenance of competence

<https://www.resourcesregulator.nsw.gov.au/safety-and-health/applications/mining-competence/practising-certificates#webinars>

- Application for a practising certificate page:
 - Links to Regulator portal replacing application forms (except quarry manager tier 2)

<https://www.resourcesregulator.nsw.gov.au/safety-and-health/applications/mining-competence/practising-certificates/application-for-a-practising-certificate>

Other guidance updates in 2021 (continued)

- Maintenance of competence webpage:
 - Paragraphs on dispensation for COVID19 20% across requirements

Dispensation for COVID19

Practising certificates holders will receive dispensation for maintenance of competence requirements because of the impacts of COVID-19.

The Resources Regulator in consultation with the Mining and Petroleum Competence Board has approved a 12-month (20 per cent of learning hours) dispensation of maintenance of competence requirements for all current practising certificate holders applying from 1 April 2020 to 31 March 2021.

This means current certificate holders will only need to meet 80 per cent of their maintenance of competence requirements on their practising certificate during the five-year certificate period. It will not apply to holders of practising certificates granted after this time.



- It applies to total learning hours and anything calculated from it

Other guidance updates in 2021 (continued)

- 20% Dispensation example - Deputy:

Requirement type	Current amount	Dispensation amount	Notes
Total hours	60	48	Reduce by 20%
Each area of competence	20	16	Minimums and maximums apply
Formal learning	20	16	Minimum
Informal learning	40	32	Maximum
1/3 total in a year	20	16	Maximum
Learning type limits	50%, 4 hours	50%, 4 hours	Does not change – only total learning hours

<https://www.resourcesregulator.nsw.gov.au/safety-and-health/applications/mining-competence/practising-certificates/maintenance-of-competence>

New guidance – self assessment checklist MOC

- Holder can self assess as they progress prior to audit or certificate end:
 - 1) Identifying details
 - 2) Completeness of the log
 - 3) Managing progress each year
 - 4) Compliance at time of audit or end of certificate
 - 5) Contact details up to date

Liaising with stakeholders for MOC

- Coal Services Gen 4 team has reached out to Regulator for input on compliance:
 - Burner graph on total hours compliance is only one measure of compliance
 - Address data issues for complete log sheet to submit
 - Clarifying issues like bonus year and dispensation 20% for covid
 - Making data available as general information on compliance for industry
- In discussions with Mine Managers Association of Australia about auditing of their member logbooks

Auditing program

- Voluntary auditing not progressed recently
- Refined auditing process to be less resource intensive
- Regulator is developing program for auditing to address:
 - Voluntary audits or specific questions responses
 - Compliance audits

Future developments

- Release information on auditing program
- A review of the system for practising certificates and maintenance of competence in 2022 is scheduled
- QLD still considering developing a scheme consistent with NSW
- New experience requirements with portal and blueprinting for certificates of competence

Advice on avoiding 'pitfalls' with MOC

- People relying on automated spreadsheets or apps to ensure they are compliant
- Adopting a machine gun approach to claiming learning to hope it is more than required and count for them if it is not
- The Resources Regulator is responsible for ensuring people get over the line for complying and available to practise

Consulting/engaging on the PC/MOC scheme

- What can the Regulator do further or differently do to assist certificate holders and mine operators with their duties:
 - the gazetted requirements
 - Guidance
 - audits

Further information

Mining competencies & authorisations unit



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Questions?

