

Update on practising certificates and maintenance of competence

Webinar

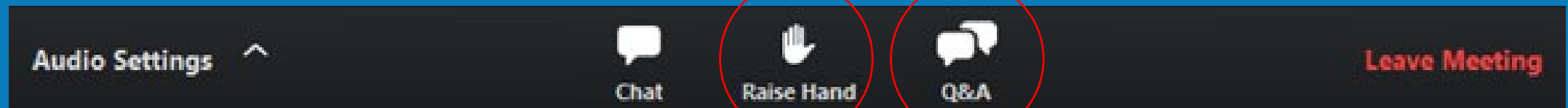
Mining Competencies and Authorisations Unit

15 September 2020



Using Zoom

- During the presentation attendees will be on mute.
- Participants may use the Q&A window to ask questions (remember this is an open forum so please be respectful and use appropriate language). Simply click on the Q&A icon in the menu and type in your message.
- During the **discussion session** participants may **raise their hand** if they wish to speak. We will then 'unmute' you and you will be heard by the webinar attendees (you will need to have your computer audio enabled to do this).



Raise hand to ask question in discussion session

Use Q&A during presentation

Presentation overview

- Status of practising certificates
- Changes for maintenance of competence
- Voluntary audits
- Future developments
- Questions and answers

Must have a practising certificate to practise

Practising certificate implementation timeline

The Regulator has extended the time frame for all people practising with a certificate of competence or production manager permit in a statutory function to apply to have a practising certificate to 30 September 2020

Statutory function	Invitation 'bonus' period	Applications 'grace' period	Must have practising certificate
<ul style="list-style-type: none"> Mining engineering manager Mechanical engineering manager Electrical engineering manager 	1 September 2017 to 31 August 2018	1 September 2018 to 31 August 2019	30 September 2020
<ul style="list-style-type: none"> Undermanager Quarry manager 	1 December 2017 to 30 November 2018	1 December 2018 to 30 November 2019	30 September 2020
<ul style="list-style-type: none"> Ventilation auditor Ventilation officer Dust explosion control measures auditor Open cut examiner Electrical engineer Mechanical engineer 	1 March 2018 to 28 February 2019	1 March 2019 to 28 February 2020	30 September 2020
<ul style="list-style-type: none"> Deputy Underground mine supervisor 	1 June 2018 to 31 May 2019	1 June 2019 to 31 May 2020	30 September 2020
<ul style="list-style-type: none"> Quarry manager – conditioned to a specific mine (previously called production manager permits). 	1 September 2018 (no bonus or grace period)	31 August 2020	30 September 2020

Government Notices

Mining and Petroleum Notices

WORK HEALTH AND SAFETY (MINES AND PETROLEUM SITES) REGULATION 2014

Recognition of existing qualifications - Practising Certificates and Licences

1. TONY LINNANE, Director Regulatory Programs, with the delegated authority of the Secretary, Department of Planning, Industry and Environment pursuant to clauses 20 and 21 of Schedule 12 to the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* declare that:

1. A former certificate listed in Column 1 of Schedule 1 is equivalent to the practising certificate(s) listed opposite in Column 3 of Schedule 1; and
2. A certificate of competence listed in Column 2 of Schedule 1 is taken to be the practising certificate(s) listed opposite in Column 3 of Schedule 1; and
3. A former certificate listed in Column 1 of Schedule 2 is equivalent to the practising certificate(s) listed opposite in Column 3 of Schedule 2; and
4. A certificate of competence listed in Column 2 of Schedule 2 is taken to be the practising certificate(s) listed opposite in Column 3 of Schedule 2.
5. A former certificate listed in Column 1 of Schedule 3 is equivalent to the licence listed opposite in Column 2 of Schedule 3.
6. A practising certificate which is taken to have been granted as a consequence of one of the Previous Orders declaring that a former certificate or certificate of competence listed in Column 1 or Column 2 of Schedule 1 or Schedule 2 is equivalent to, or taken to be, a practising certificate, is valid only until 30 September 2020, unless a former certificate was issued with an expiry date earlier than this date then the earlier date applies.
7. A licence which is taken to have been granted as a consequence of one of the Previous Orders declaring that a former certificate listed in Column 1 of Schedule 3 is equivalent to a licence, is valid until the expiry date specified in the former certificate.

In this Order, "former certificate" has the same meaning as in clause 20(1) of Schedule 12 of the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014*.

This Order supplements the recognition of existing qualifications and other matters by the Previous orders detailed below by including various shorter timeframes for the period during which a former certificate is taken to be equivalent to a practising certificate, certificate of competence or licence and as a consequence also for the period of currency for the practising certificate, certificate of competence or licence which were taken to have been granted on the making of the previous order.

Previous orders means:

- Gazette No. 8 of 30 January 2015 - Order, Recognition of existing qualifications and other related matters
- Gazette No. 21 of 24 March 2016 - Order No.2, Recognition of existing qualifications
- Gazette No. 12 of 2 February 2018 - Order No.3, Recognition of existing qualifications underground mine supervisor
- Gazette No. 23 of 23 February 2018 - Order No.4, Recognition of existing qualifications of ventilation auditor, ventilation officers and dust explosion control measures auditor of underground coal mines
- Gazette No. 52 of 25 May 2018 - Order No.5, Recognition of existing qualifications for eligibility for underground mine supervisor of an underground mine other than coal mines.

This order commences on 1 February 2020.

Tony Linnane
Director Regulatory Programs, Resources Regulator

Dated 21st day of January 2020

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NSW Government Gazette No 16 of 24 January 2020

Gazettal amended:
- former certificates or qualifications no longer in lieu of PC

1 October 2020



Practising certificates issued

Practising certificates issued	Total as at 31 July 2020
Group 1. Engineering Managers	<u>589</u>
Mining Engineering Managers	381
Electrical Engineering Manager	104
Mechanical Engineering Manager	104
Group 2. Undermanager, Quarry Manager	<u>390</u>
Undermanager	324
Quarry manager	66
Group 3. Ventilation auditor, ventilation officer, dust explosion control measures auditor, open cut examiner, electrical engineer, mechanical engineer	<u>694</u>
Ventilation Auditor	15
Ventilation Officer	109
Dust Explosions Control Measures Auditor	9
Open Cut Examiner	478
Electrical Engineer	40
Mechanical Engineer	43
Group 4. Deputy and underground mine supervisor	<u>1200</u>
Deputy	944
Underground Mine Supervisor	256
Group 5. Quarry manager with conditions (specific mines)	<u>319</u>
Total	<u>3192</u>

Guidance and forms available

- Guide to statutory functions
- Factsheet on practising certificates
- FAQs on practising certificates
- Application forms to obtain or renew a practising certificate (20% MOC loading from 1 Oct)
- Guide: Maintenance of competence
- Change of details form
- Guide, factsheet and application form for Quarry Manager – tiers 1 to 3 quarries

Quarry manager practising certificate system

Tier level quarry	Typical operations	Requirement for practising certificate	Application process status	MOC requirements – total hrs and type	Further information
Tier-1	Large with principal mining hazards and sophisticated safety management systems	Quarry Manager certificate of competence	Ongoing	90 hours (45 formal/45 informal)	Applying for a practising certificate or Guide to obtain a competence certificate (exam)
Tier-2 all quarries	Medium sized where principal hazards represent a medium risk	Experience and qualifications	New - ongoing	60 hours (40 formal/20 informal)	The Guide to Quarry Manager tier 2 and application form
Tier-2 Specific quarries only	As above	Experience and examinations	Transitional until 30 September 2022	To be advised	As above
Tier-3	Small low risk who meet all the criteria to be one	Mine operator can be exempt from nominating	Not required	Nil	Factsheet: Quarry Managers Practising certificates three-tier approach

Maintenance of competence (MOC)

- Gazetted in 2017 with practising certificates groups being invited from September
- Rule is maximum of 1/3 total hours per year can be claimed as explained in section section 6.1 of the Guide for MOC
- Cannot catch up if you have not completed 1/3 by year 3 as shown in the example for a Deputy:

	BONUS YEAR	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL HOURS (MINIMUM)
Fraction (%) of total hrs	1/6 (16.6%)	0	0	1/6 (16.6%)	1/3 (33.3%)	1/3 (33.3%)	1 (100%)
Hours	10	0	0	10	20	20	60 hrs

Improvements for maintenance of competence (1/5 slides)

Refer to Maintenance of competence guide (version 5 July 2020):

- Section 5 table: topics are suggestive for areas of competence
- 6.2 - Electrical, mechanical and mining engineering managers/engineers complete the requirements for their function only

Changes to MOC (continued – 2/5)

- 7.1 Merged non-formal into the informal category of learning
- 7.4 Formal training courses criteria:
 1. The course content, with or without learning objectives*, are current and relevant for those attending the course

Changes to MOC (continued – 3/5)

7.3 Recognised learning table 6: for details of evidence & rules

- Informal type 1 Reading and 2 Field visits: no evidence required
- Formal learning type 1, 3, 4 for rule:
 - ‘...this type of learning cannot account for more than half (50%) of the total formal learning hours required over the five years or of the total formal hours you claim to satisfy the total hours required.’

Changes to MOC (continued - 4/5)

- Section 7.3 table 6 - changes to wording of informal types:
 - 8 risk assessments: removed 'high level' wording
 - 10 participation in conducting investigations: clarified WHS legislation reportable incidents only
 - 14 interactions with Regulator: note that compliance matters are claimable but not enforcement

Changes to MOC (continued - 5/5) Logbook 8.4

- Administrative

Practising certificate number:		Practising certificate issue date:		Period for log: From / / to / /
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- Activity

Activity – describe what you are claiming to show that it complies (refer Guide)
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- Learning type

Learning type reference eg. 1 (refer to Guide in 7.3)

- Totals

Totals per calendar year (since date of certificate issue)				
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Total hours over <u>5 year</u> period of certificate				
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Auditing for MOC (8.2 Guide)

- Compliance audits will be conducted for between 5 and 10% of holders
- Commenced voluntary audits via mine operators for cross section of statutory functions for their mines
- Regulator refining its auditing processes based on audit experience
- Individuals will be invited to volunteer for an audit

Auditing MOC – how?

- Voluntary and future compliance audits
- Process for auditing is:
 1. Email requesting log of claims within 28 days (no evidence)
 2. Log is received and assessed
 3. Any further information requested and minimum 4 items of evidence for 4 different activities requested within 14 days
 4. Response from holder and evidence used to finalise audit to return to holder with a letter of findings on conformance

Outcomes from voluntary audits

- Voluntary audits conducted internally within Resources Regulator and externally with mine operators to date
- Outcomes for what a person should be doing, checking for and avoiding:
 1. Plan for and record your activities as you complete them
 2. Proof read the log to ensure it is complete, correct and logical
 3. Logs provide just enough details to demonstrate compliance
 4. Activities are claimable

Example of how to make a log claim compliant

- From a log submitted for a voluntary audit:

Activity date	Activity - describe what you are claiming to show that it complies (refer Guide)	SMS	PHs	PCPs	SCMs	Legislation	Emergency management	Leadership & management	General WHS topics (1/3 total hrs)	Formal hours	Informal hours	Total learning hrs claimed
17/05/2019	WHS committee meeting							1.5			1.5	1.5

- To a claimable version (changes in red)

Activity date	Activity - describe what you are claiming to show that it complies (refer Guide)	SMS	PHs	PCPs	SCMs	Legislation	Emergency management	Leadership & management	General WHS topics (1/3 total hrs)	Formal hours	Informal hours	Learning type no.	Total learning hrs claimed
17/05/2019	Attended site WHS committee meeting as a member, ABC mine, Singleton: - inhouse training session on mental health - review of site emergency management plan						0.5		0.5	0.5	0.5	F4 & I9	1

- Process for claiming an event:
 1. Under what type of learning can I claim this activity?
 2. If step 1 finds there is none, can parts of the activity be claimed?
 3. Does the entry in the log make it clear to an auditor what I am claiming?

Future developments

- Finishing voluntary audits via mine operator in 2020
- Voluntary audits for individuals in late 2020/early 2021
- Random audits in future as part of compliance priorities or incidents
- A review of the system for practising certificates and maintenance of competence
- QLD considering developing a scheme consistent with NSW

Further information

Mining competencies & authorisations unit



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Questions?



Further information

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