


Update on practising certificates and maintenance of competence

Webinar

Andrew Palmer
Manager Competencies and
Authorisations

14 June 2023



The Department of Regional New South Wales acknowledges that it stands on Country which always was and always will be Aboriginal land. We acknowledge the Traditional Custodians of the land and waters, and we show our respect for Elders past, present and emerging. We are committed to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work.

Virtual meeting protocols



Today's presentation is best viewed on a laptop or desktop screen if possible.



Mute microphones when not in use



Cameras can be turned off during the presentation features of the program



There will be opportunities to ask questions. Or you may utilise the chat function to submit your questions.

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Update on practising certificates and maintenance of competence

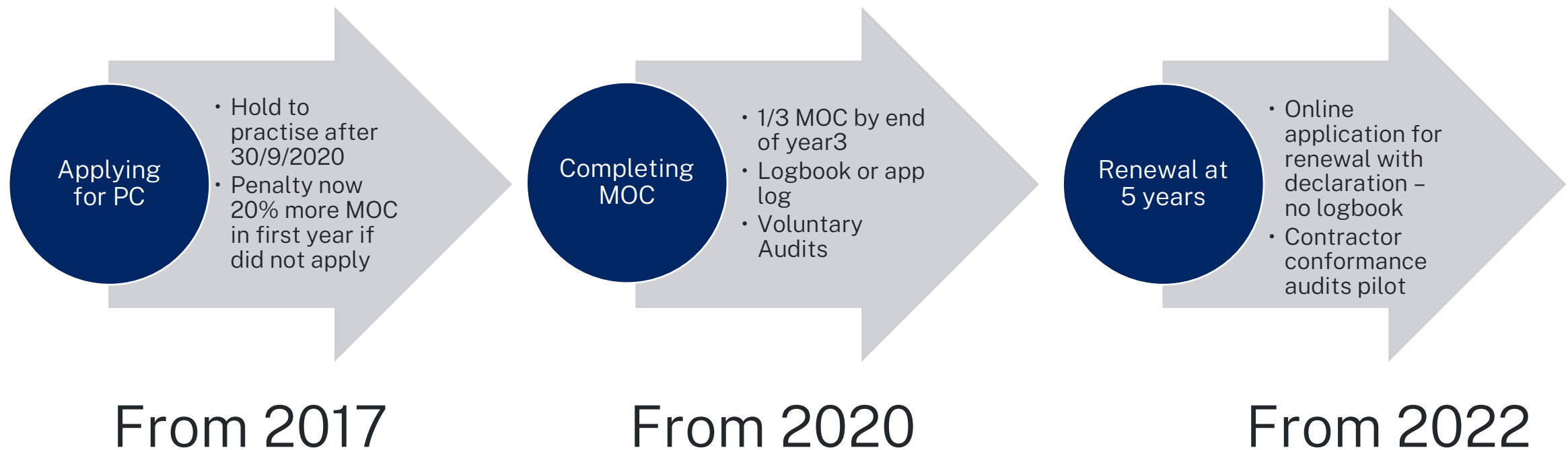
Introduction

The webinar

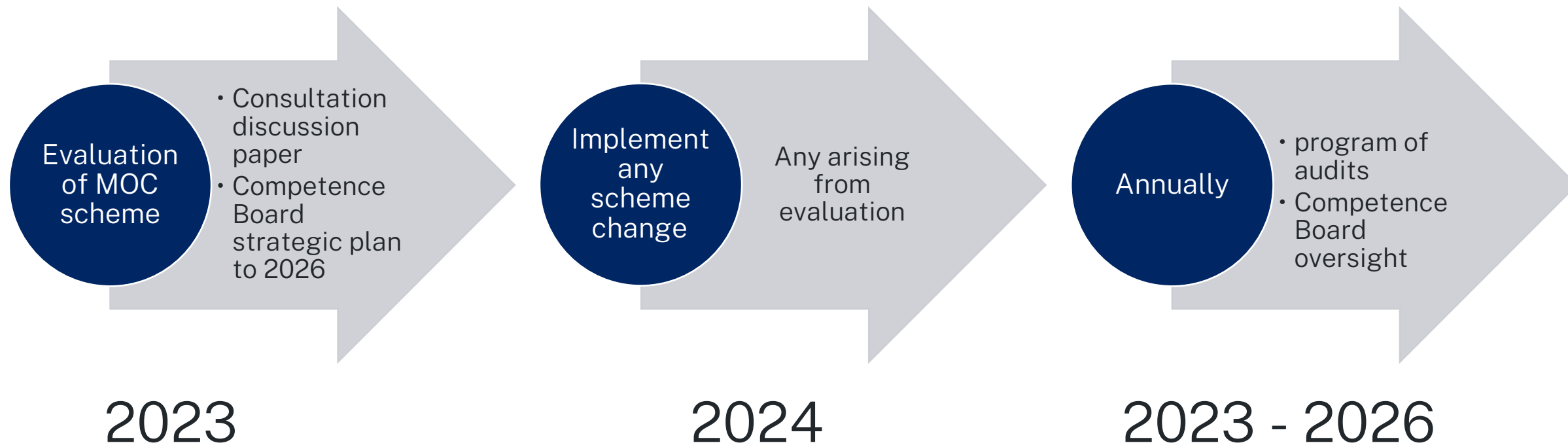
- Target audience is holders of practising certificates and people that support them, including organisations who are stakeholders or represent them
- Assumed that audience has a general understanding of requirements but are wanting to know more, including an update on recent developments.
- A question and answer session will be available at the end of the presentation so wait until then. BUT we are not here to debate the merits of the schemes. You can have an opportunity to do this through the proposed Evaluation to take place in 2023.
- Webinar is being recorded for publishing on the Resources Regulator website – Practising certificates BUT no faces will be recorded, which is why your cameras are being turned off for the webinar.

History

Implementing practising certificates and auditing



Evaluation and planning



Update on practising certificates and maintenance of competence

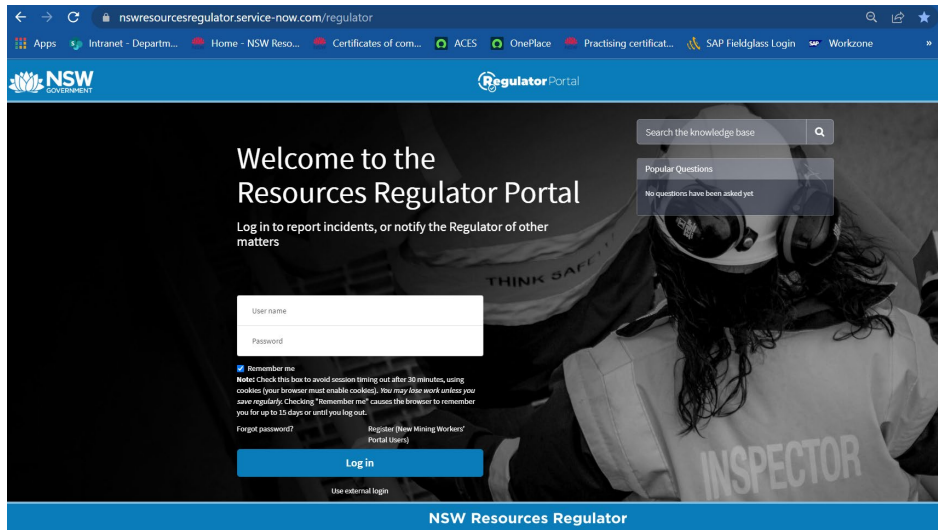
Practising certificates (PC)

2

Recap on PC requirements

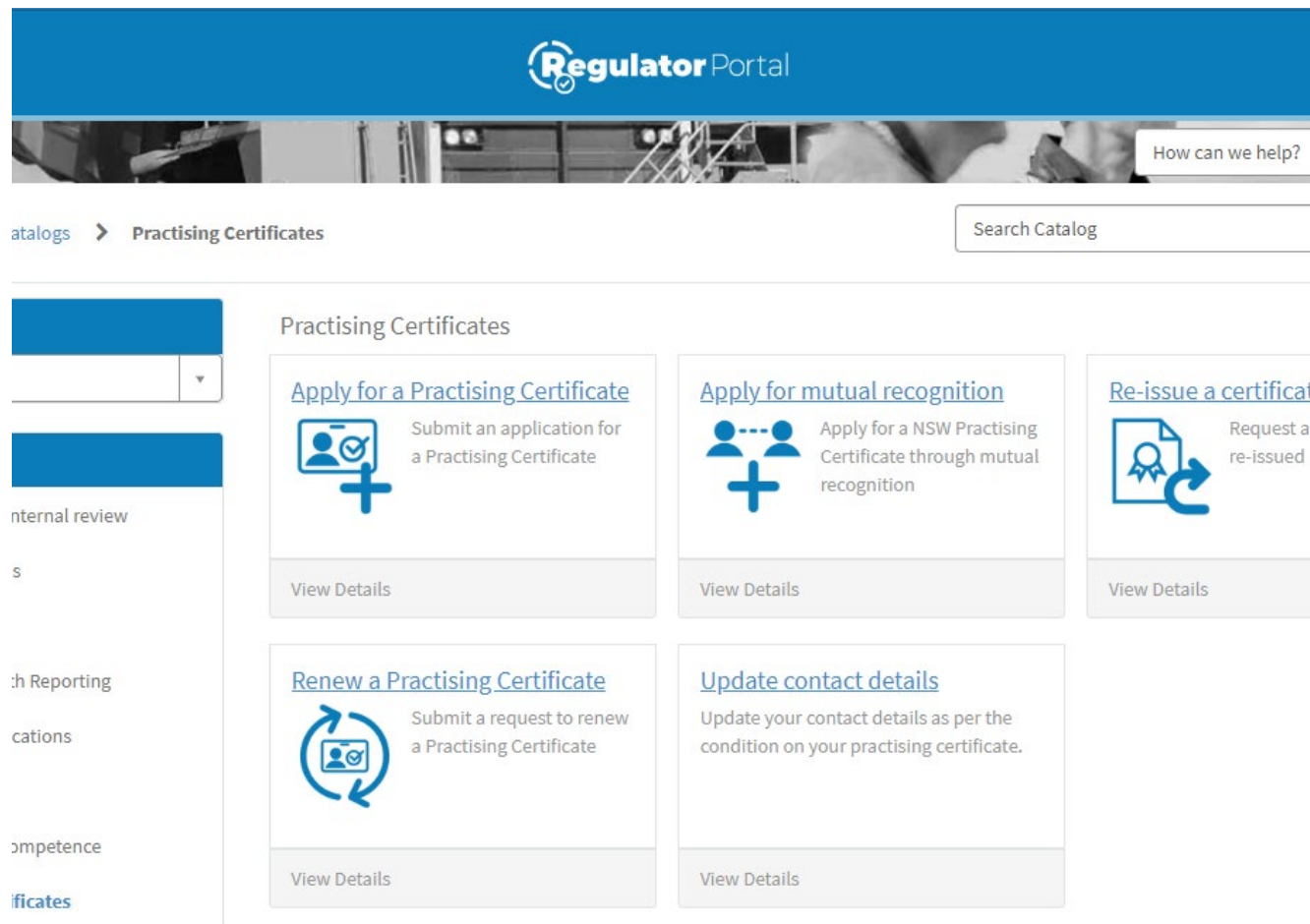
- To obtain a practising certificate must have either a:
 - Certificate of competence for the statutory function
 - Qualification required for the function as gazetted eg Ventilation officer
 - Be on the National Engineering Register (NER) and met legislative provisions for Electrical or Mechanical Engineer
 - Mutual recognition of an interstate or New Zealand certificate for an equivalent occupation eg. Deputy
- Reduction of 20% of MOC requirements for holders who held a certificate between 1 April 2020 to 31 March 2021
- Satisfy the conditions on the practising certificate:
 - Maintain the currency of contact and places of work details with the Resources Regulator
 - Comply at all times with the maintenance of competency requirements as per gazette notice
- Renew practising certificate every 5 years by expiry date to continue practising

Maintain contact/work details with the Regulator



- 1) You must have a login to the Resources Regulator portal by selecting Register on the landing page nswresourcesregulator.service-now.com/regulator
- 2) If you **already** have a login for a mine, then email cau@regional.nsw.gov.au requesting to extend it to the Mining Workers section
- 3) If your **nominated login email address is to change**, then email cau@regional.nsw.gov.au before it does to have it updated
- 4) Maintaining your login is part of maintaining your contact details!!

Updating contact/work details on the portal



- Login from landing page for portal
- Select the following in order:
 - Mining Workers portal >
 - Practising certificates >
 - **Update contact details (as pictured)**


Image: Practising certificates page


Updating contact/work details on the portal (continued)

Update your contact details as per the condition on your practising certificate.

* Indicates required

Personal details

* Do you want to provide or update your personal details? 

You are unable to update your email address using this form. If you need to update your email please contact the CAU on 1300 614 609 or at cau@planning.nsw.gov.au. 

-- None --

Skills and qualifications

* Do you want to enter details of qualification(s) or skill(s) relevant to the statutory functions listed on your certificate?

-- None --

Places of work

* Do you want to add a current or previous place(s) of work?

-- None --

Workplaces

Actions	Employer	Not listed	Enter the full legal company name of your employer using the free text	Start date	T
No data to display					

Declaration:

By submitting this form and ticking the box below, I declare that:

- to the best of my knowledge, the information provided in this form, and any attachments to this form, is true and correct in every detail.
- I consent to the Department of Regional NSW disclosing my personal information to the Mining and Petroleum Competence Board and to any persons engaged for the purposes of managing examinations, certificates of competence and practising certificates under the *Work Health and Safety (Mining and Petroleum Sites) Act 2013* and

Submit

Required information

- Do you want to provide or update your personal details?
- Do you want to enter details of qualification(s) or skill(s) relevant to the statutory functions listed on your certificate?
- Do you want to add a current or previous place(s) of work?

- At the Update Contact Details page you answer yes or no to the following sections for whether to update:
 - Personal details
 - Skills and qualifications
 - Places of work
 - Declaration that information is true and correct, and consent for it to be available to the Competence Board

Image: Update contact details page

Renewing your practising certificate

- Holders should have a system to manage renewal when their certificate is due to expire – this may be in collaboration with your employer and/or mine operator
- Practising certificates are granted for a maximum of 5 years, or shorter period if determined by the Chief Inspector of Mines
- Holders will receive a reminder email 3 months prior to the expiry date from the portal (if their contact details are current!)
- It is possible to renew your practising certificate up to 6 months prior to expiry
- If certificate expires, then can apply for a new one but the holder:
 - Cannot practise until a new certificate is issued
 - Scrutinised for whether they have been practising without a certificate
 - Applies more than 12 months later, then will have an additional condition to do 20% more MOC in the first year

Renewing practising certificate on portal



Practising Certificates

Apply for a Practising Certificate and update contact details



Renew a Practising Certificate



Submit a request to renew
a Practising Certificate

View Details

- Login from landing page for portal
nswresourcesregulator.service-now.com/regulator
- Select the following in order:
 - Mining Workers portal >
 - Practising certificates > (as pictured)
 - **Renew a Practising Certificate (as pictured)**

Image: Practising certificates page

Renewing a practising certificate application

Personal Details

* Name
Andrew Palmer

* Home address state

* I identify my gender as
-- None --

* Home address postcode

* Date of birth
DD MMM YYYY

* Email address
andrew.palmer@regional.nsw.gov.au

* Country of birth
-- None --

Home phone number

* Place of birth (City and State)

Mobile phone number

* Home street address

* Is your postal address the same as your home address?
-- None --

* Home address city

* Current place of employment

Not listed

* Select the practising certificate you are requesting renewal for

If you hold a practising certificate for more than one statutory function, please apply for renewal of the highest statutory function. Contact us at mca@regional.nsw.gov.au if you require further clarification.

The application is broken up into the following sections:

- **Personal details**
 - The fields should populate with your details to check and change if incorrect
 - For email address field, do NOT change it as you may not be able to log on after. Instead email cau@regional.nsw.gov.au with new address
 - If your current place of employment is not listed in our system, then tick 'Not listed' and type it in
- **Practising certificate function**
 - If you have multiple functions listed at the top of your certificate, select the one from the list to renew which is the highest in terms of maintenance of competence requirements

Image: Extract of part of the Renewing a practising certificate page

Renewing a practising certificate application (continued)

Payment

An application fee is payable at the time of submitting your application. Refer to the [practising certificate application fees factsheet](#) on the Resources Regulator's website for the current application fee. Select the link for the fee to make payment through a third-party website.

Please note your financial institution for payment may charge you costs in addition to the fee required.

The application fee is non-refundable once your application is received and processed, even if your application is unsuccessful or you withdraw.

Please tick the box below to confirm you have made payment of the application fee, and provide details so your application will be processed:

* I confirm I have made payment.

Amount

* Payment receipt number

Date payment made

DD MMM YYYY
Show Calendar for Date payment made

Maintenance of Competence Condition

Please refer to the [Gazette](#) when answering the following question:

* I have met the requirements for the maintenance of competence in relation to the practising certificate published by notice of the regulator in the Gazette.

Maintaining Contact Details with the Regulator Condition

If you have not kept your details up to date, please ensure the "Personal Details" section above contains your updated details.

* I have maintained the currency of my contact details and places of work with the regulator in the manner and form determined by the regulator.

Declaration:

The application is broken up into the following sections:

- **Payment**
 - Select link to 'practising certificate application fees factsheet' to make payment and return to the application to record payment details (mandatory details)
- **Maintenance of competence condition**
 - If you cant tick yes to say you have met the requirements, contact the Mining Competencies and Authorisations Unit mca@regional.nsw.gov.au
 - You don't have to attach your log to the application
- **Maintaining Contact Details with the Regulator Condition**
 - All applicants, will be able to tick this, as you can do this before you apply (as per previous slides)
- **Declaration**
 - Tick box to agree to statement that details are true and correct, and consent for details to be released to the Competence Board as necessary

Image: Extract of part of the Renewing a practising certificate page

Update on practising certificates and maintenance of competence

Maintenance of competence (MOC)

3

Recap on MOC requirements

Refer to Guide to Maintenance of Competence for Practising Certificates (amendment schedule)

Requirements	Last amended	Points to refresh on
Total hours for each function	September 2020	All tier 2 quarry manager – 60 hrs
Areas of competence	July 2020	Topics are suggestive (not mandatory)
Multiple functions on one certificate	March 2021	Clarified – if not sure, contact us
Learning types	July 2020	Non-formal merged into Informal, accept all FAid
Formal to informal learning ratio	Nil	Can do all formal learning if you choose to
Evidence (including formal training)	July 2020	Clarified - not required for reading & mine visits
Learning from disasters training	Nil	Complete for each certificate – being updated
Recommended Regulator logbook	March 2022	Not mandatory but can use or as the standard

Changes in guidance

- No changes to gazetted requirements since July 2020 (remade under 2022 Regs)
- Recommended logbook extended with worksheets for:
 - Totals per annum and other components in log to support compliance eg. annual cap on learning type
 - Ready reckoner of types of learning and evidence required
 - Self assessment for compliance (based on audit criteria)
 - Samples of self assessment and amended log
 - An optional way to save evidence in a worksheet

Extract from self assessment worksheet

	A	B	C	D	E
	Check	Guidance	Response - Yes / No	If no, detail actions to correct	Action completed (if applicable)
1	1. Is your log set up with details to help you manage it and make it identifiable for an audit?	Not mandatory but recommended to refer to when making log claims and when you have to submit it to the Regulator			
2					
3		a) full name			
4		b) statutory function(s): highest statutory function that you are required to satisfy			
5		c) practising certificate number			
6		d) issue date of certificate			
7		e) period: date log commenced to date of last claim or certificate expiry date			
8		f) Bonus Year eligible: Yes or no			
9		g) other eg. column headings to make clearer			

Pilot outsourced conformance audits – 2021/2022 financial year

- Pilot outsourcing conformance audits in 2022 for minimum of 100 audits for holders with certificates expiring starting from 1 July 2022 to 31 December 2023.
- Under the Departments procurement policy, requested quotes from 2 organisations with capabilities in MOC and auditing to provide minimum of 50 audits each:
 - Mines Rescue Pty Ltd
 - Core Mine Pty Ltd
- Quotes were assessed and accepted, including a fee for requesting logs from holders and follow up (in addition to fee for the audit)

Conformance auditing process roles

Contractors:

- Contact holders to obtain copy of log within 3 weeks and later minimum 4 types of evidence
- Refer no responses or requests for extension to Regulator
- Complete audits and notify holders of outcomes with template letter and emails
- Provide all records to Regulator for retention

Regulator:

- Provide contractors with contact details of holders
- Follow up non-responses or issues raised by holders to log requests
- Review first 5 draft audits for each contractor and provide feedback

Audits planned for contractor, mine class & function

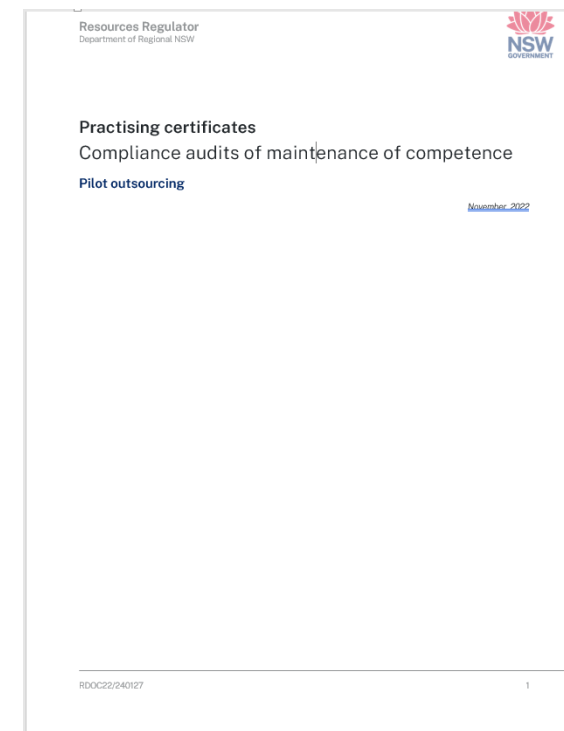
Contractor	Class of mine	Functions	Target amount
Mines Rescue	Surface - coal	Mining Engineering Manager	10
		Open Cut Examiner	10
		Electrical Engineer	10
		Mechanical Engineer	10
	Surface - mines	Quarry Manager	10

Audits planned for contractor, mine class & function

Contractor	Class of mine	Functions	Target amount
Core Mine Training	Underground – coal	Mining Engineering Manager	3
		Undermanager	10
		Deputy	10
		Ventilation Officer	3
		Ventilation Auditor	3
		Dust Auditor	3
		Electrical Engineering Manager	3
		Mechanical Engineering Manager	3
	Underground - metalliferous	Mining Engineering Manager	3
		Underground mine supervisor	10

Outcomes of pilot outsourced audits

- Report to the Mining Competence Board endorsed & to be published on the MOC webpage
- Summary of key findings (refer also results slides that follow):
 - Pilot was successful in achieving the scope and objectives (100+ audits completed)
 - Audits completed were to the standards specified
 - The contractors found the standards were generally appropriate, including the threshold of 6 non-conformances to determine whether holder was conforming substantially or not
 - The Regulator and contractor identified improvements to the process, including how logs are legitimately requested to ensure holders respond
- Recommendations summarised:
 - Continue with outsourcing auditing, possibly with a panel of procured suitable suppliers
 - Regulator review its audit documentation and guidance in light of audit findings
 - The audit findings and results be fed into the review of MOC Scheme in 2023



Responses to log requests and follow up

2022 - Audit response types

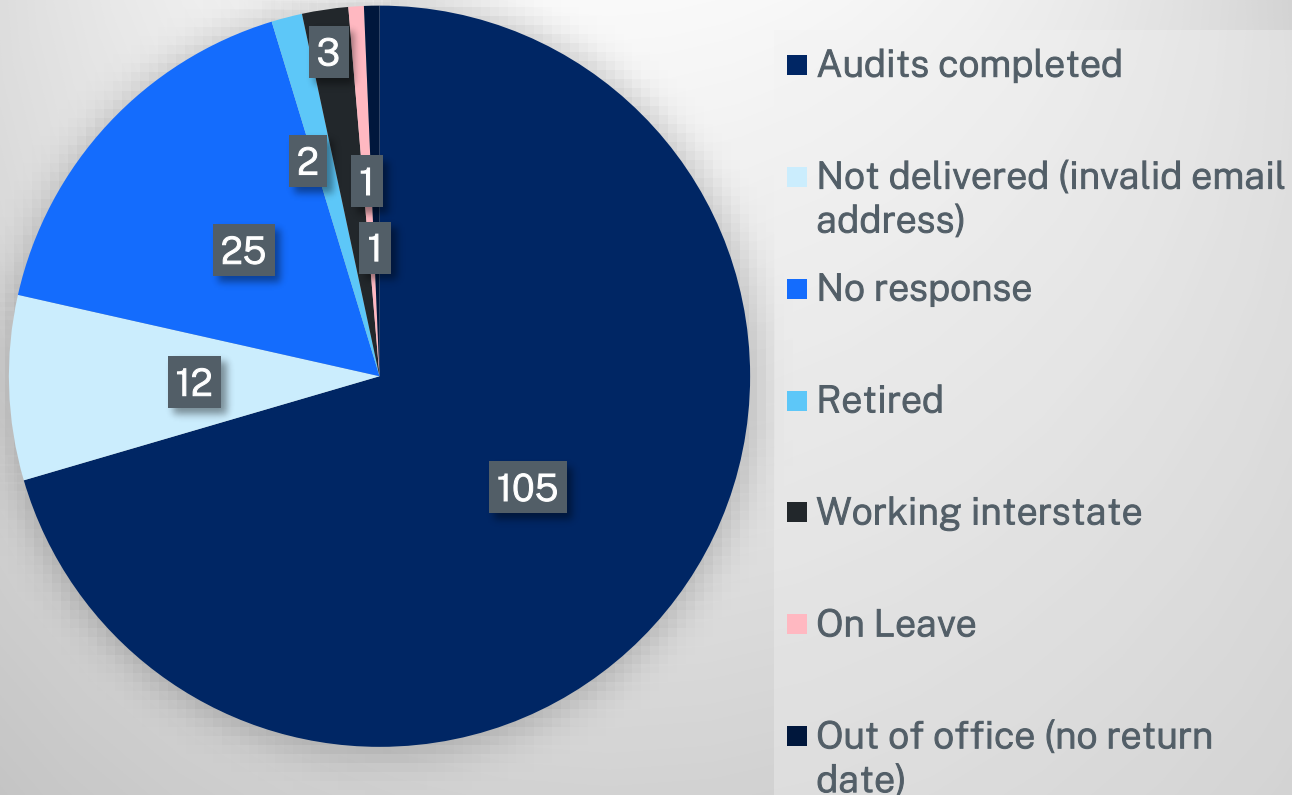
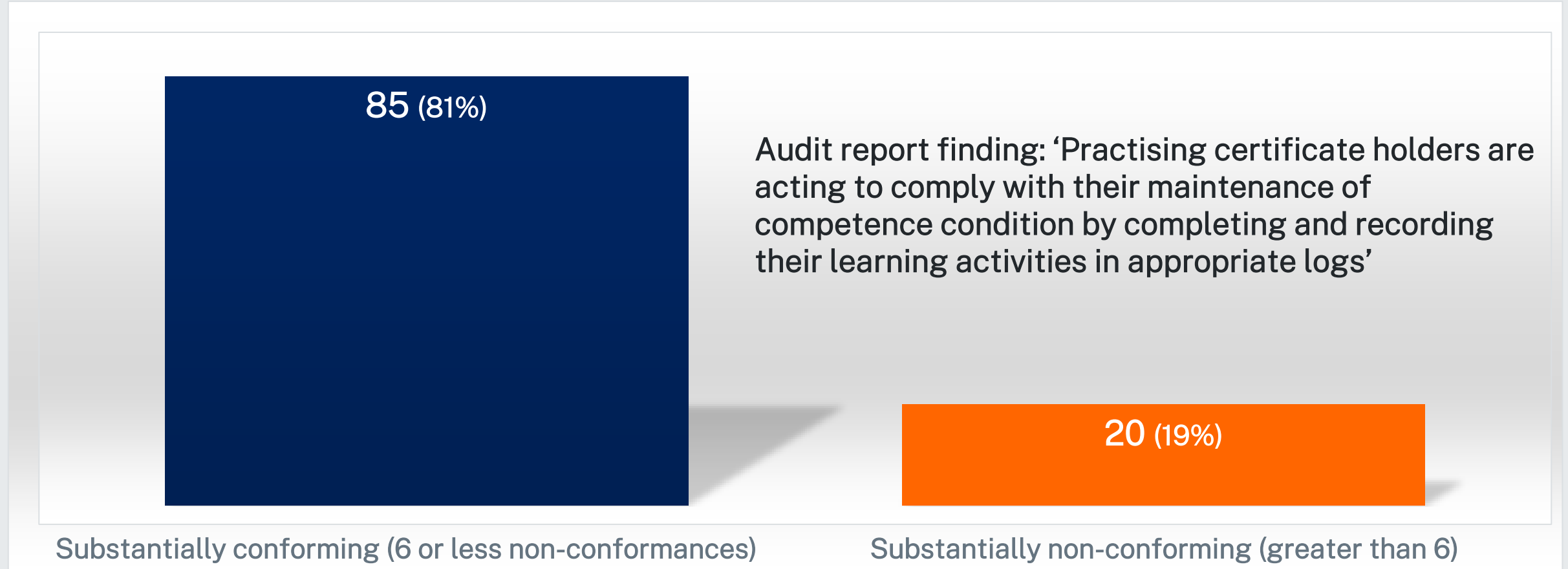


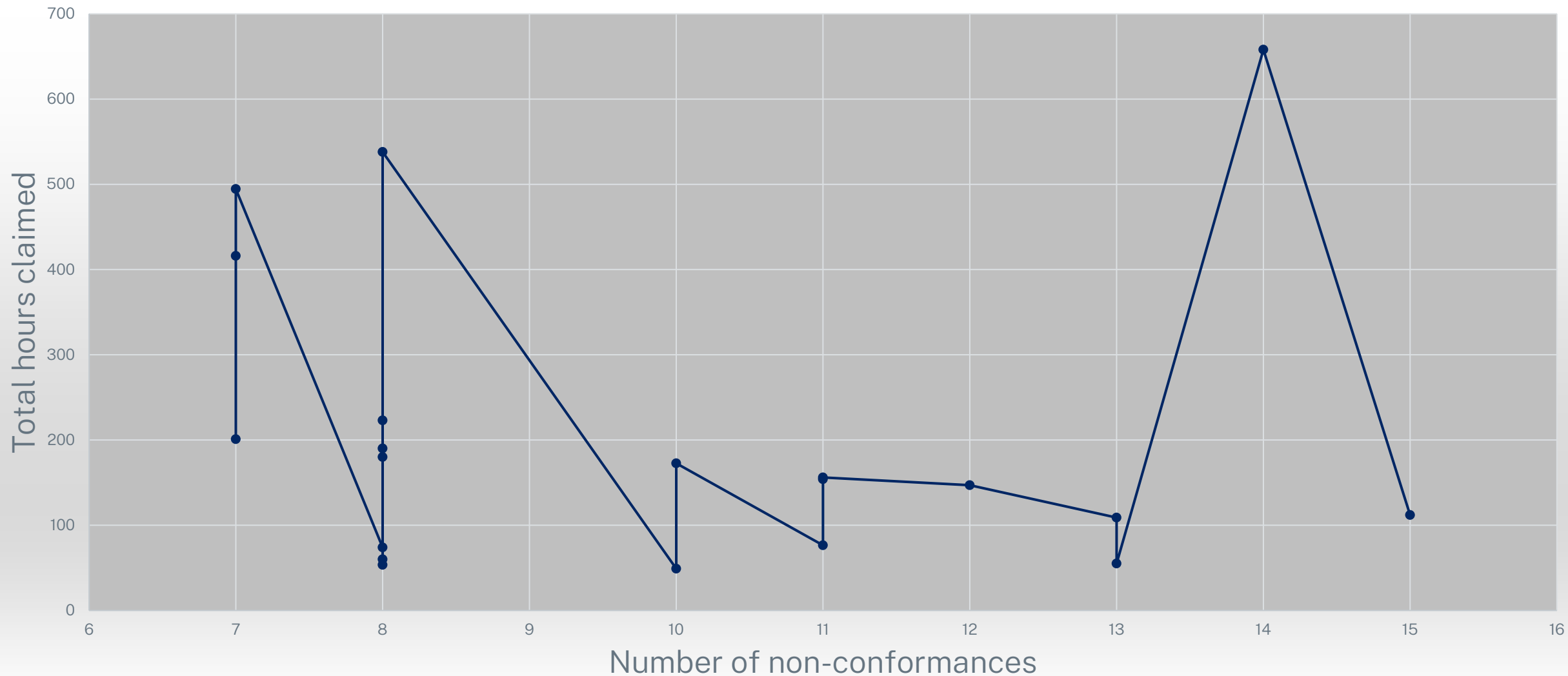
Table - Follow up of non-responses

Response	Number	Resolution - Audited	Follow up action (if any)
No response	25	4 (21)	Still being followed up to be audited next time or upon renewal
Not delivered	12	2 (10)	As above
Retired	2	0	Noted - allowing certificate to lapse or cancelled
Working interstate ongoing	3	0	As above
On leave (long term)	1	0	Noted on records for to be audited next time or upon renewal
Out of office (no return date)	1	0	As above
Total	44	5 (31)	

Breakdown of conformance levels for auditees



Substantially non conforming by number NCRs and total hours



Further analysis of substantially non-conforming

- Majority had extensive detailed logs but did not:
 - a) apply requirements to what they were claiming eg. learning not eligible or
 - b) did not meet the requirements eg. 8 of the 19 holders have not completed the Learning from Disasters course or alternatively 7 hours of training in disasters.
- Those with excessive hours claimed have typically received one non-conformance for exceeding the maximum hours that can be claimed in one year of the log (maximum 1/3 of total hours).

Outcomes for substantially non-conforming holders

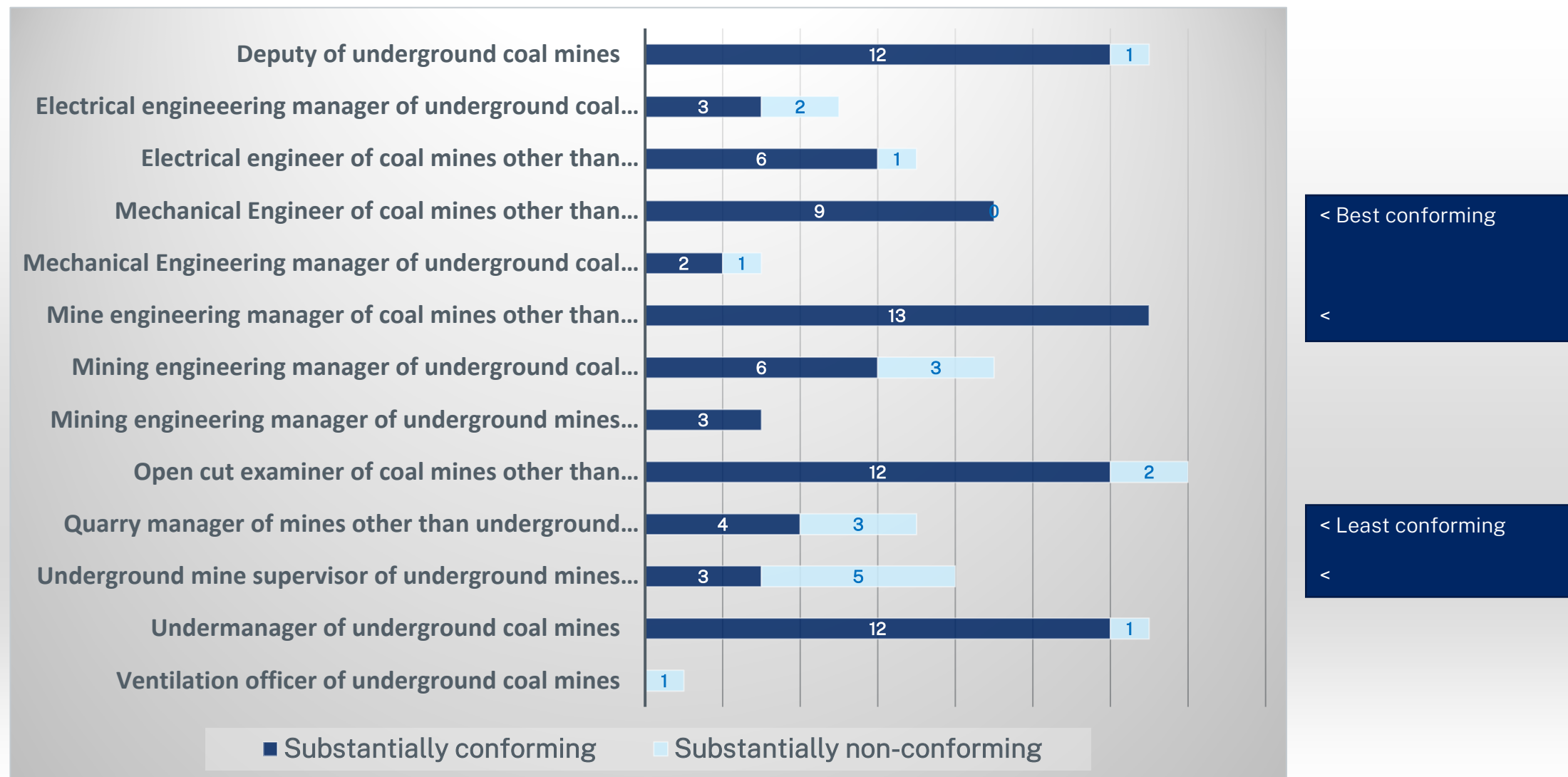
The Resources Regulator has taken no action against substantially non-conforming holders because:

1. they had made a substantial effort to comply and were co-operative with the auditors
2. Most still have time to rectify any non-conformances in the log before their certificate expires & renew
3. The Regulator has indicated that it would apply more leniency in this introductory five year period of the scheme.

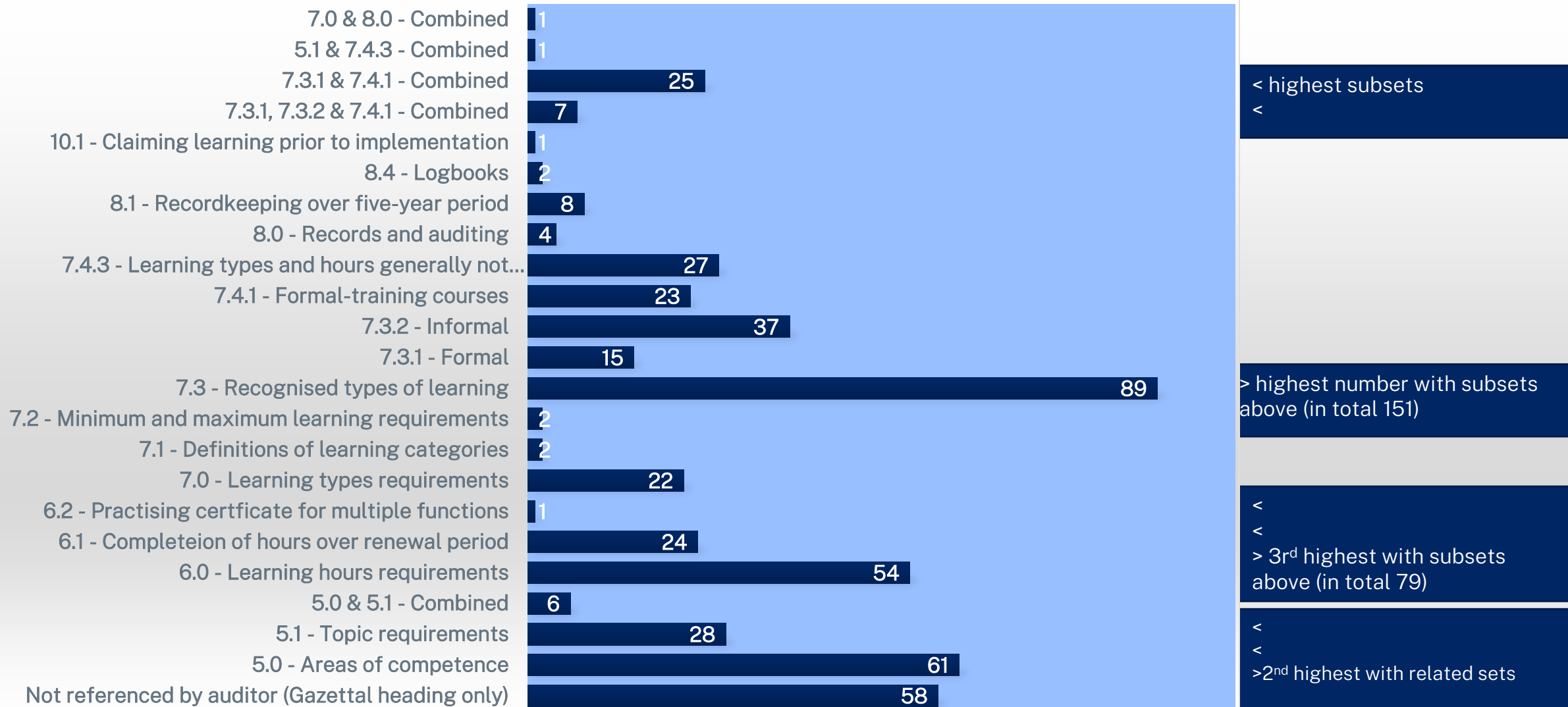
Those with substantial non-compliances were informed in writing of the requirement to:

- a. Correct the non-conformances in their log or evidence documents
- b. Submit a copy of their corrected log with their application for renewal of their practising certificate so the Regulator can confirm this

Breakdown of conformance levels for auditees by function



Number of non-conformances for different requirements



Positive observations on audit results

The following were found in the report to be positive outcomes from the compliance audits:

- 81% were found to be substantially conforming
- Most people who were substantially conforming have attended the Learning From Disasters course. The auditors cited this as a good example of directed learning (except for those holders substantially non-conforming as referred to in previous slide).

Contracted audits – 2022/2023 financial year

- Conformance audits outsourced again in 2023 for minimum of 100 audits randomly for holders with certificates expiring starting from 1 July 2023 to 30 June 2024.
- 2 organisations involved in pilot 2021/2022 successfully requoted for work and were accepted – note email addresses below to add to your safe senders list etc:
 - Mines Rescue Pty Ltd - pcaudits@coalservices.com.au
 - Core Mine Pty Ltd - info@coremine.com.au
- Audits commenced in March 2023 and to be completed mostly by 30 June 2023
- **Note:** it was decided to remove the requirement to not exceed 1/3 of total hours in a year from this round of audits criteria

Initial observations for 2022/2023 audits

- Still a large number of email requests from contractors to holders for log being undelivered as email address not current
- A significant number of holders are asking for extensions to comply because they do not have a log completed and with evidence available
- Underground mine supervisor function seems a problematic area with people moving between NSW and other states thinking they do not need to continue satisfying their certificate requirements
- Formal training course (internal and external) evidence requirements not being met to conform (refer to 7.4.1 of the MoC Guide)

Mines Rescue

- Exceeding the 50% in Formal Learning Type 1 Conferences/Seminars etc – MMAA and ACARP not allocating correctly for those using the Coal Services App. Sessions being allocated as Type 1 and Type 2 – if using App, have not been penalised

Post webinar note: confirm MMAA does claim legitimately some sessions of their events as formal learning type 2 by meeting criteria 7.4.1

- Note: another report will be produced to publish the outcomes of these audits like it is for the previous year audits

Future audits and Evaluation

Future audits

- Annual target of 128 audits to be completed, which may be targeted to certain functions and requirements
- Further outsourced audits to be completed in 2023 – 2024

Evaluation

- An evaluation to be undertaken by the Resources Regulator to determine the effectiveness of the maintenance of competence scheme after 5 years of operation
- Consultation discussion paper will be published and circulated to holders and stakeholders

Update on practising certificates and maintenance of competence

Conclusion

4

Conclusion

- The Resources Regulator is overall satisfied with the current levels of compliance being demonstrated from individuals for practising certificates and maintenance of competence.

The exceptions are individuals NOT:

- keeping their contact and work details current with us via the portal (critical for renewal reminders and audits), and
 - renewing their practising certificate until just before the expiry date or after because they (and possibly their mine operator nominating them) don't have a system to ensure this occurs so the holder can practise continuously.
- The upcoming Evaluation of the gazetted maintenance of competence and ongoing oversight by the NSW Mining and Petroleum Competence Board, as part of their proposed 2026 Strategic Plan, may yield improvements to benefit holders and stakeholders.
 - Holders and stakeholders are encouraged to continue engaging with the Resources Regulator in a timely manner to resolve issues arising for them or clarifying requirements with the contact details below:

mca@regional.nsw.gov.au

1300 814 609 (options 2 then 3)

Thanks for attending

You may now ask a question by:

- raising hand via Zoom function
- placing it in the chat function

