

June 2023

Update on practising certificates and maintenance of competence webinar

Q&A transcript (as edited)

- **How many holders audited had completed a self audit prior to being audited?**
 - Unfortunately, we don't have data on this, but I would like to think they all did, but possibly they did not. Some people use an app solely, which is fine, but whether they used that self-assessment sheet in our recommended external logbook record, this is entirely up to the individual. But it is on our [website](#) and I encourage its use prior to an audit.
- **Having been audited last year I got multiple minor non-conformances for having too many hours in certain areas. The problem I see with that is, is that if learnings get crossed out as invalid and we just have the right hours, we then get non-conformances for not having enough learning. Having too much should not be penalised as long as all the minimum requirements are met?**
 - Yes, we certainly have done that with our current audits currently underway, where we are not auditing on exceeding hours this time around, so there is a no non-conformance if you exceed the total number of hours in a particular year. But you must still meet the requirements of what you did claim, that's critical.

In claiming more hours than you need, its important you understand the requirements, and can look at your log and see you are satisfying the requirements.
- **Thank you for the presentation. Will this material be published or made available on the Resources Regulator website? This will be a good resource for certificate holders on our site.**
 - Yes, the recording will be on our website under [Practising certificates overview webpage](#), including the QR Code and a copy of the PPT presentation.

Post note: also on our Maintenance of competence [webpage](#).
- **Does a Quarry Manger at a Specific Quarry practising certificate have to do the maintenance of competence at this stage?**
 - No, there is no requirement for specific sites. Its only if you upgrade to an all tier 2 quarries practising certificate which requires 60 hours as gazetted.
- **Can you please explain how practicing certificate holders personal information is being shared with third parties not listed in the clearly written clause 146 of the WHSM&P Reg 22? This appears to be a breach of the legislation and possibly the privacy act?**
 - The regulators activities included auditing, and we engage those contractors to complete those requirements on our behalf. We are very consious of providing peoples details and the

auditors will only request the minimum required using those records to complete the audits.

At the conclusion of the audit, those records are returned to us and all personal details are removed, eliminating that risk. The contractors also have their own security.

We are very conscious of privacy. Being the regulator we need to conduct audits, but I will check with legal team to see if we need to change the declaration on applications.

Post note to webinar: check made on declarations made by applicants in previous practising certificate paper application forms and now online forms consent to the following:

'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 practising certificates under the Work Health and Safety (Mines and Petroleum Sites) Act 2013 and the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022.'

We believe the above allows us to provide personal information to auditing contractors.

- **Once a certificate holder renews their certificate. How long do they need to keep their previous log?**
 - In the guide for Maintenance of competence, last certificate period and the current.
- **The app seems hard to navigate to what type of learning qualifies for each area. Is there a way to better understand this?**
 - I would suggest the Guide to MOC in 7.3 and an easy to refer to summary in the MOC recommended log on our Maintenance of competence [webpage](#).
- **Understand accountability lies with the individual to maintain competency, however, what would the role of the employer be in this 'ongoing training?'**
 - It is up to the individual. The role of the employer is a broader duty under WHS legislations for training, information and instruction to be provided to the workers, including statutory functions.
- **If i am employed at a coal operation and fail my audit, i.e. have not maintained my hours, must i resign from that position?**
 - No, it is entirely between you and the Mine Operator. You have a duty in the WHS (mines and petroleum sites) regulations that states if you are aware that there is a reason you cannot practise in the function, that you need to let the mine operator know this, as they are nominating you thinking you are eligible.

I would suggest where you think you're not going to meet the requirements, you need to contact us and let us know this is where you are at, what you have done and what you are looking to do to resolve this situation, so we can be assured you are maintaining your competence and carrying out the function competently for the safety of all involved.

So no need to resign, come talk to us by email or phone so we can work with you to solve it, so you can continue to practise competently by taking certain steps to resolve the situation.
- **What APP is best for tracking Log?**
 - We cant make recommendations as that would be a conflict of interest. I can say there is a number of organisations that have apps and those organisations actively engage with us and seek our advice on how to ensure their app meets the requirements of our scheme. Apps have a place in the industry these days. I can see with auditing the logs in the apps do a great job

in automatically assessing what can and cant be claimed. Noting that what you download from the app as your audit log, you must ensure it is complete and accurate.

- **Do you have to upgrade to a PC at all tier 2 quarries before October 2024?. Or can you do it when its up for renewal?**
 - You can do it when it is up for renewal. There is a condition on practising certificates requiring the holder to have one of the gazetted qualifications for all tier 2 quarries by 1 Oct 2024. You wont need to provide evidence of this until you apply for renewal of your certificate.
- **Is the app available for UG metalliferous mines?**
 - Yes, Coal Services and Core Mine apps are available to practising certificate holders for all classes of mines.

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