

Work Health and Safety (Mines and Petroleum Sites) Regulation 2014

Notice pursuant to Practising Certificate Condition

(Maintenance of competency)

I, Carolyn McNally, Secretary of the Department of Planning and Environment and regulator under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*, do, by this notice, notify that the requirements for the maintenance of competency:

- (a) for all practising certificates issued under the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* which contain a maintenance of competency condition that requires compliance with requirements published by the regulator in the NSW Government Gazette, are as specified in Schedule 1;
- (b) for specified classes of practising certificates issued under the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* which contain a maintenance of competency condition that requires compliance with requirements published by the regulator in the NSW Government Gazette, are as specified in Schedule 2 by reference to the class of certificate.

Dated this 19th day of September 2017.

CAROLYN MCNALLY
Secretary
NSW Department of Planning and Environment

Explanatory note: Holders of practising certificates issued under the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* with a condition restricting them to practise at a mine operator's mine locations for Mines other than underground mines or coal mines, or Underground mines other than coal mines are not required to comply with the requirements in this notice. The requirements of the maintenance of competency condition for these certificates are to be stated in a separate notice to be published by the regulator in the NSW Government Gazette.

SCHEDULE 1

1. Maintenance of Competency – Requirements

Holders of practising certificates are required to:

- a) complete the specified amount of hours of recognised learning types in areas of competence over the period for which the certificate is granted including completing the specified minimum or maximum number of hours of learning in each competence area according to the function(s) the practising certificate is granted for, as set out in Table 1 below.

- b) record learning activities.

2. Areas of Competence

The holder of a practising certificate must complete the specified number of hours of learning in each of the following five areas of competence relevant to the statutory functions for which the practising certificate is held as set out in Table 1 below:

1. Mining and WHS Systems, including completion of the following four compulsory subjects:
 - a. Safety management system;
 - b. Principal hazards;
 - c. Principal control plans;
 - d. Specific control measures;
2. Legislation;
3. Emergency management;
4. Leadership and management;
5. General work health and safety.

The holder of a practising certificate must complete topics in each area of competence relevant to the statutory functions for which the practising certificate is held.

3. Learning Hours

When completing learning hours, the holder of a practising certificate must:

- a) complete no more than one third of total learning hours in any one year;
- b) complete learning in three or more years out of the five year period; and
- c) not carry-over excess learning hours above the total number required between renewal periods.

Requirements for the specified number of hours of each area of competence for the relevant statutory function are set out in Table 1 below.

Table 1: Summary of requirements for hours by statutory function

Statutory function	Total hours of learning over five years	Areas of competence				Minimum formal learning requirements	Maximum non-formal learning requirements
		Mining & WHS systems	Legislation	Emergency management	Leadership & management		
Underground coal mines							
Mining Engineering Manager	120	40		40		40	40
Undermanager	90	30		30		45	45
Deputy	60	20		20		20	40
Ventilation officer	90	30		30		45	45
Electrical engineering manager	120	40		40		80	40
Mechanical engineering manager	120	40		40		80	40
Coal mines other than underground mines							
Mining engineering manager	120	40		40		80	40
Electrical engineer	90*	30		30		45	45
Mechanical engineer	90*	30		30		45	45
Open cut examiner	60	20		20		20	40
Underground mines other than coal mines							
Mining engineering manager	120	40		40		80	40
Underground mine supervisor	60	20		20		20	40
Electrical engineer	90*	30		30		45	45
Mines other than underground or coal							
Quarry manager	90	30		30		45	45
Electrical engineer	90*	30		30		45	45

* The Mining and Petroleum Competence Board has endorsed to the Resources Regulator for the Electrical and Mechanical Engineer functions in Schedule 10 of the WHS (Mines and Petroleum Sites) Regulations to be amended from competence to practising certificates.

4. Learning types

The holder of a practising certificate must complete a minimum number of formal learning hours and a maximum number of non-formal and informal learning hours, depending on the management level of the practising certificate held (as set out in Table 1 above).

4A. Definitions

Formal learning means organised and structured learning with specific learning objectives (refer to 4C Criteria for types of learning).

Non-formal learning means semi organised and structured learning of a more adhoc basis, usually without specific learning objectives.

Informal learning means learning as a by-product of experience in participating or carrying out an activity.

4B. Eligible learning for types of learning

Learning that is eligible to be claimed under each type of learning and the number of hours claimable is set out in Table 2 below.

Table 2: Requirements for eligible learning by types

Formal learning recognised	Claimable formal learning hours	Non-formal learning recognised	Claimable non-formal learning hours	Informal learning recognised	Claimable informal learning hours
1. Attending industry seminars/ webinars/ workshops/ conferences with health and safety content, such as those run by industry or related organisations. These must be relevant to your practising certificate.	Actual hours per seminar/workshop (excluding any hours not relating to safety and health of your statutory functions). Rule: this type of learning cannot account for more than half (50%) of the total formal hours required over the five years.	1. Reading publications such as (but not limited to): <ul style="list-style-type: none"> • technical articles • technical publications • conference papers • presentations 	Actual hours up to a maximum of four hours per year.	1. Participation in high level risk assessments (this does not include day to day activities involving task focused risk assessment such as Take 5).	Actual hours up to a maximum of four hours per year.
2. Successfully completing formal training courses delivered externally by an organisation*.	Actual hours.	2. Relevant field trips to maintain competency for your statutory function, e.g. visiting other mines to see alternative mining methods.	Actual hours up to a maximum of two hours per field trip. Up to a maximum of two field trips (four hours total) per year.	2. Development or review of principal mining hazard management plans, or principal control plans.	Actual hours up to a maximum of four hours per year.
3. Completing study or training towards tertiary qualifications	Rule: this type of learning cannot account for more than half (50%) of the total formal	3. Delivering or participating in workplace mentoring related to health and	Actual hours up to a maximum of four hours per year.	3. Participation in conducting reportable incident investigation(s).	Actual hours up to a maximum of four hours per year.

Formal learning recognised	Claimable formal learning hours	Non-formal learning recognised	Claimable non-formal learning hours	Informal learning recognised	Claimable informal learning hours
including degrees and industry training qualifications that are pre requisites for NSW certificates of competence examinations .	hours required over the five years.	safety topics that is recorded in training records for the worker(s) involved or reports.			
4. Attending in-house formal training courses conducted within an organisation* Note: excludes meeting time for non-training content.	Actual hours. Rule: this type of learning cannot account for more than half (50%) of the total formal learning hours required over the five years	4. Participation in emergency response exercises or drills.	Actual hours up to a maximum of four hours per year.	4. Attending industry representative meetings, such as (but not limited to): <ul style="list-style-type: none"> • advisory groups • industry or specialist boards • panels of examiners membership • technical committees 	Actual hours (excluding administration and travel time).
5. Attending equipment manufacturer 's formal training courses*.	Actual hours up to a maximum of four hours per year.	5. Organised meetings/sessions between mines/mine operators to share learnings e.g. incidents.	Actual hours up to a maximum of four hours per year for participating in or delivering.	5. Delivering industry seminars/workshops.	Actual hours per seminar/workshop (excluding travelling time and any other non-related activity).
6. Attending Mines Rescue Brigades person formal training courses or similar*.	Actual hours up to a maximum of four hours per year.	6. Attending relevant industry expos, relevant to health and safety for the individual maintenance of competence.	Actual hours up to a maximum of four hours per year.	6. Delivering in-house formal training courses	Actual hours up to a maximum of four hours per year.
		7. Mines Rescue Brigades	Actual hours up to a maximum of four hours	7. Interactions between Regulator staff	Actual hours up to a maximum of four hours per

Formal learning recognised	Claimable formal learning hours	Non-formal learning recognised	Claimable non-formal learning hours	Informal learning recognised	Claimable informal learning hours
		person exercises.	per year.	and individuals for information and education programs. For example: attendance at meetings or information sessions	year.

* formal training courses must satisfy a criteria in order to be claimed by the individual (refer to 4C)

4C. Criteria for types of learning

A. Formal training courses

In order to be eligible to claim formal learning from a formal training course, the holder must obtain information from the provider to have sufficient evidence that the course satisfies the criteria:

1. The course content and learning objectives* are current and relevant for those attending the course, with course starting and finishing dates/times**.
2. The person(s) delivering or designing the course** has appropriate technical and/or educational ability, experience and qualifications relevant to the course.
3. The learning environment is appropriate, safe, and adequately resourced.

* Learning objectives must be documented.

** This may include face to face, online and correspondence courses.

The holder must be satisfied that the course satisfies the above criteria before claiming hours. Information on the course as evidence of satisfying the criteria must be sought from the training provider and retained by the holder either in their logbook or separate documentation.

B. Tertiary qualifications

For the purposes of the scheme, tertiary qualifications refer to any post school qualification recognised under the Australian Qualifications Framework (AQF).

If the holder is completing a tertiary qualification they can claim study from a course that is relevant to WHS and the statutory function with the highest requirements on their practising certificate, such as:

- face to face, electronic or other form of direct interaction between you and the training institution
- completing required assessments either individually or as a group that involve studying and application of learning
- required reading of information or attending field excursions for the qualification.

5. Recordkeeping and auditing

The holder of a practising certificate:

- a) must record all learning and hours in a logbook, either electronically or in hardcopy;
- b) must retain evidence of all maintenance of competency scheme activities undertaken during the current five year renewal period and the previous renewal period;
- c) must, if the holder permanently stops practising in the function, keep records up to this point and retain the records until the practising certificate expires;
- d) is required to present a logbook(s) and evidence to the regulator for auditing purposes whenever requested.

Schedule 2

(a) Mutual recognition practising certificates

If a holder has a NSW practising certificate in recognition of their interstate or New Zealand certificate of competence, the holder must comply with the requirements for the maintenance of competency scheme as part of the condition on their NSW Practising certificate.

(b) Practising certificate for multiple functions

Where a holder has a practising certificate for multiple statutory functions, they will satisfy the function(s) with the highest requirements for total hours in each discipline at each class of mine. The holder may claim learning completed against one or more functions, provided the learning completed is relevant to the topics to the areas of competence required for each function (refer to 2 in schedule 1).