

February 2025

Policy

Breach of exam rules

Policy Statement

The assessments provide an industry framework that ensures holders of certificates of competence for statutory functions in NSW are competent. The policy provides a framework for dealing with allegations for breach of rules, ensuring the department takes a consistent approach to breach of exam rules to maintain the integrity of the assessment process.

Scope

This policy applies to candidates undertaking written examinations for certificates of competence under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

Requirements

1. The NSW Resources Regulator and the Mining and Petroleum Competence Board are committed to upholding standards of integrity and honesty in the assessment of persons exercising functions at a mine or petroleum site that may impact on the health and safety of any person.
2. All applicants are to adhere to the Guide: Examination rules and responsibilities, upholding the values of honesty, responsibility and respect when participating in the assessment process.
3. Exam supervisors who become aware of any breach of exam rules are ethically bound to report suspected breaches to the relevant Officer or Manager Mining Competence Team.
4. Candidates under investigation for breach of exam rules will not be eligible for a certificate of competence until the matter is resolved.
5. The Resources Regulator will deal appropriately, consistently and fairly with allegations and substantiated cases of breach of exam rules.
6. Candidates who are alleged to have breached exam rules will be subject to a process of investigation.
7. The Regulator is responsible for making an assessment and determination.
8. On completion of the investigation, if the allegation is upheld, the Resources Regulator may declare the examination results null and void if satisfied that the applicant has breached exam rules.
9. The Resources Regulator will maintain a register of all findings of breach of exam rules.

Procedures

Breach of exam rules procedure.

Roles and responsibilities

Applicants

- adhering to the Guide: Examination rules and responsibilities
- participating in the assessment process in an honest and respectful manner.

Examination supervisors

- ensuring that the examinations are conducted in a professional manner and that examination procedures are followed
- reporting any breaches of examination rules to the Mining Competence Team in a timely and accurate manner.

Manager Mining Competence Team

- reviewing the information provided to determine if grounds for allegation of breach.

Chief Inspector

- making an assessment and determination.

Delegations

- Regulator: requires that certain criteria be satisfied in determining that an individual is competent to exercise a statutory function.

Definitions

- Candidate: a person approved to undertake an assessment of competence by the regulator.
- Examination panel: a group of examiners appointed by the regulator to undertake assessments of candidates.
- Convenor: the chairperson of an examination panel, appointed by the regulator.
- Examiner: a member of an examination panel, appointed by the regulator.
- Supervisor: a person engaged to assist with the day-to-day operation of examination venues.
- Statutory function: as specified in Schedule 10 and Schedule 10A in the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022.
- Regulator: The Secretary of the NSW Department of Primary Industries and Regional Development.

Legislation

- *Work Health and Safety (Mines and Petroleum Sites) Act 2013*
- *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022*

Related policies

- MEG/POL14/4 Review of exam outcome

Other related documents

- Guide: Examination rules and responsibilities

Superseded documents

This policy replaces:

- N/A

Contact

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