

## Guide

# Maintenance of competence for practising certificates

## Work Health and Safety (Mines and Petroleum Sites) Regulation 2022

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Amendment schedule		
		<ul style="list-style-type: none"> <li>10.2 Claim learning prior to implementation period</li> </ul>
February 2018	MEG/PUB18/	<ul style="list-style-type: none"> <li>Added advice that applicants should apply well in advance</li> <li>4.0 and 6.0 Table 2 Inserted Ventilation Auditor and Dust Control Measures Auditor</li> <li>7.2 Clarified that individual could do all formal learning to meet the requirements</li> <li>7.3 and 7.4.2 Clarified what can be claimed for formal learning type 3 for studying in table 6</li> <li>10.0 Scheme implementation - editing</li> </ul>
June 2019	MEG/PUB18/110	<ul style="list-style-type: none"> <li>5.0; 5.1; and 6.0 Updated requirements for the 'Learning from disasters' topic for the 'General WHS' area of competence and where to find list of Approved Training Providers.</li> <li>6.2 Mining Engineering Manager UG coal mine not required additionally to complete the Ventilation Officer requirements</li> <li>7.4.1 clarification of evidence for formal training course</li> <li>8.1 list of activities and hours not recognised as claimable</li> </ul>
July 2020	MEG/PUB18/110/	<p>Multiple sections updated for certificates of competence or qualifications are not recognised as practising certificates from 1 October 2020 (with gazettal link).</p> <ul style="list-style-type: none"> <li>4.1 next version of Guide to contain details of requirements for tier-2 quarry manager certificates</li> <li>5.1 Table 1. Requirements and topics for areas of competence – clarified topics are suggestive and not restricted</li> <li>6.2 - Electrical, mechanical and mining engineering managers/engineers complete the requirements for their function only</li> <li>7.3 Merged non-formal into the informal category of learning. Change reflected throughout Guide including 7.4.1. Table 6 - added specific details of evidence acceptable or when not required plus amendment to rules for formal learning. Incident investigations to be WHS reportable only and removed risk assessments having to be high level but still not task focused.</li> <li>8.4 Logbook example updated to improved website version</li> </ul>

Amendment schedule		
		<ul style="list-style-type: none"> <li>10.2 Claiming learning prior to implementation – clarified eligibility and how to claim bonus</li> </ul>
September 2020	MEG/PUB18/110/I	Amendments made to reflect changes to revised Maintenance of Competency Notice dated 28 July 2020 and new Maintenance of Competence Notice for Tier-2 Quarry Managers dated 8 September 2020. Learning for mining disasters requirements simplified.
March 2021	MEG/PUB18/110/	<ul style="list-style-type: none"> <li>6.2: clarification of requirements for multiple function practising certificate holders</li> <li>7.4.1 Improvements to clarify what is acceptable to satisfy the criteria for formal training courses.</li> <li>8. Records and auditing: removed logbook sample and clarified wording</li> <li>10.1 clarified eligibility for bonus period</li> </ul>
June 2021	MEG/PUB18/110/	7.4.3 Removed first aid courses so any type claimable
June 2023	MEG/PUB18/110/	Update legislation references
August 2024	MEG/PUB18/110/	Update to new branding and format template for revised certification pages on Regulator website.

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# 1. Introduction

This guide outlines the maintenance of competence scheme developed by the NSW Resources Regulator, in consultation with the Mining and Petroleum Competence Board (the board). The scheme is designed to maintain the currency of a practising certificate holder's knowledge and skills.

The maintenance of competence scheme applies as a condition on a practising certificate issued by us. If you hold a practising certificate you will be required to satisfy the condition to complete a required total amount of recognised learning in areas of competence over the five-year period of your certificate.

The maintenance of competence requirements for each statutory function are stated in a notice in the NSW gazette (refer to website). The requirements can be summarised as including:

- a practising certificate holder undertaking a specified number of hours of learning in competence areas over the five years, depending on the statutory function they are exercising, and
- recording learning activities and renewing their practising certificate with the regulator every five years.

We will monitor and audit compliance by individuals with the scheme.

Note: From 1 October 2020 a person will be required to hold a practising certificate to exercise a statutory function requiring such a practising certificate. Refer to gazettal order.

If you currently hold a certificate of competence you require a practising certificate to exercise specific statutory functions. Information on practising certificates, how to apply and an implementation timeline is available on our website.

This guide will be updated as the maintenance of competence scheme is implemented and any changes necessary are identified and effected. You should ensure that you are using the current version of this guide by being a subscriber to our Mine Safety News, which advises of changes to publications.

## 2. Purpose and objectives

### Purpose

This guide provides advice on the maintenance of competence scheme. It aims to assist a holder of a practising certificate in understanding the maintenance of competence requirements to enable them to exercise a statutory function in accordance with Schedule 10 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022.

### Objectives

The objective of the scheme is to ensure practising certificate holders keep up to date with knowledge and skills in exercising their statutory function, and ensure that they:

- understand and apply work health and safety (WHS) laws in relation to the work they are responsible for.
- have knowledge of the latest approaches to managing principal hazards and implementing critical controls in mining operations.
- keep up to date on current and emerging health and safety issues in mining operations.

The maintenance of competence system is similar to the New Zealand Continuing Professional Development Scheme for mining statutory positions regulated by SafeWork New Zealand, and the general principles of other professional development schemes operated by organisations that are relevant to mining WHS.

## 3. Overview

The key elements of the scheme and its implementation are set out in the figure below:

### Key steps of scheme

1. Apply for a practising certificate
2. Regulator issues your practising certificate and you start your maintenance of competence
3. Complete learning requirements according to your certificate
4. Record completed learning hours, topics covered and types of learning undertaken in logbook
5. Regulator undertakes audits and compliance with scheme requirements
6. Apply to renew your practising certificate with a declaration of competence every five years

## 4. Practising certificates

A practising certificate is required by anyone who works, or wishes to work, in certain safety-critical statutory positions in the NSW mining and petroleum industries.

Practising certificates will be issued with a condition requiring the holder to participate in the gazetted maintenance of competence scheme. Specific learning requirements must be met before a practising certificate can be renewed.

The maintenance of competence scheme applies to all practising certificates issued by us for:

### Underground coal mines

- Mining engineering manager
- Electrical engineering manager
- Mechanical engineering manager
- Undermanager
- Deputy
- Ventilation officer
- Ventilation auditor
- Dust explosion control measures auditor

### Coal mines other than underground mines

- Mining engineering manager
- Open cut examiner
- Electrical engineer
- Mechanical engineer

### Underground mines other than coal mines

- Mining engineering manager
- Underground mine supervisor
- Electrical engineer

### Mines other than underground mines or coal mines

- Quarry manager (Tier-1 or Tier-2 quarries – refer to 4.1 below)
- Electrical engineer

Note: you will only be required to complete the maintenance of competence requirements for the statutory function(s) listed on your practising certificate. Refer to 6.2 for certificates with multiple functions.

## 4.1. Quarry Manager practising certificate tiers 1 – 2

The Resources Regulator has introduced a tiering system for quarries that determines the practising certificate and maintenance of competence requirements:

Table 1. Tiering system

Tier level	Practising certificate type	Maintenance of competence requirements
Tier 1	All quarries at all tier levels in NSW	Yes – as per this Guide
Tier 2 – all quarries	Tier 2 quarry manager	Yes – as per this Guide
Tier 2 – Specific quarries only	Quarry manager with conditions for specific tier 2 locations. Note: only issued until 1 October 2022	Nil at present. All holders who want to continue holding a practising certificate from 1 October 2024, must upgrade to the above tier-2 all quarries certificate.
Tier 3	Mine operator can qualify themselves as being exempt from the gazetted requirements.	Not required.

## 4.2. Mutual recognition practising certificates

If you hold a NSW practising certificate in recognition of your interstate or New Zealand certificate of competence you must comply with the requirements for the NSW maintenance of competence scheme as part of the conditions of your certificate.

You may also choose to continue complying with maintenance of competence requirements in the issuing jurisdiction and credit that against the NSW requirements where possible.



# 5. Areas of competence

There are five areas of competence. A specified number of hours of learning must be completed for each area.

**Areas of competence:**

- 1. Mining and WHS systems
- 2. Legislation
- 3. Emergency management
- 4. Leadership and management
- 5. General WHS topics

Areas 2, 3 and 4 are grouped together in this guide for specifying requirements.

Figure 1. Areas of competence



Table 2. Areas of competence

1. Mining & WHS Systems	2. Legislation 3. Emergency Management 4. Leadership & Management	5. General WHS topics
<ul style="list-style-type: none"><li>• minimum one-third of total learning hours must be completed for this area</li><li>• complete learning in each of the 4 subject areas (no minimum amount for each)</li><li>• includes safety management system and principal hazards</li></ul>	<ul style="list-style-type: none"><li>• minimum one-third total learning hours must be completed for these 3 areas in total</li><li>• complete learning in each of the 3 areas (no minimum amount for each)</li></ul>	<ul style="list-style-type: none"><li>• maximum one-third total learning hours</li><li>• learning from mining disasters is required and may include</li><li>• completing the Regulator’s learning from disasters one-day program which is available through Approved Training Providers</li></ul> <p>OR</p>

1. Mining & WHS Systems	2. Legislation 3. Emergency Management 4. Leadership & Management	5. General WHS topics
		<ul style="list-style-type: none"> <li>• completing 7 hours or more of other formal learning on disasters</li> <li>• topics from areas 1 to 4 can be claimed for this area or any WHS topic related to statutory function</li> </ul>

## 5.1. Topic requirements

There are rules and guidelines to ensure you complete a sufficient amount of relevant learning for each area of competence. A list of topics is available to assist you in planning what may be appropriate for you to learn. You can also complete other topics outside of this list, if you can explain that it is directly relevant to the area of competence and your practising certificate function(s).

It is compulsory that you:

- complete topics relevant to the statutory functions you are practising in e.g. electrical engineering (refer to 6.2 for further guidance on multiple functions)
- complete learning in all four subjects for the 'Mining and WHS Systems' area of competence during the five-year period
- as a minimum, complete the Regulator's Learning from disasters one-day program (available through Approved Training Providers) OR a minimum 7 hours of other formal learning on the mining disasters topic for the 'General WHS' area of competence during the five-year period. A list of Approved Training Providers will be made available on our website.

You have the flexibility to undertake learning for any combination of topics, provided you meet the requirements for each area of competence for your practising certificate. For example, you may attend a seminar that covers topics for different areas of competence.

Table 3. Requirements and topics for areas of competence

Area	Topics
Mining and WHS systems (it is compulsory to complete learning in all four subjects)	<p>Subject A: Safety management system</p> <p>Suggested topics:</p> <ul style="list-style-type: none"> <li>• management of mine design and development</li> <li>• operational planning</li> <li>• methods of mining</li> <li>• processing</li> <li>• risk management</li> </ul> <p>Subject B: Principal hazards (catastrophic fatal hazards)</p> <p>Suggested topics:</p> <ul style="list-style-type: none"> <li>• slope stability</li> <li>• ground or strata management</li> </ul>

Area	Topics
	<ul style="list-style-type: none"> <li>• roads and vehicle operations</li> <li>• fire or explosion</li> <li>• mine shafts and winding systems</li> <li>• gas management</li> <li>• outburst management</li> <li>• inrush and inundation management</li> <li>• flammable dust management</li> <li>• spontaneous combustion management</li> <li>• air quality or dust or other airborne contaminants</li> <li>• subsidence</li> <li>• coal and rock bursts</li> </ul> <p>Subject C: Principal control plans</p> <p>Suggested topics:</p> <ul style="list-style-type: none"> <li>• mechanical engineering</li> <li>• electrical engineering</li> <li>• worker health management</li> <li>• explosives</li> <li>• ventilation</li> </ul> <p>Subject D: Specific control measures</p> <p>Suggested topics:</p> <ul style="list-style-type: none"> <li>• emplacement stability</li> <li>• shotfiring (from qualifications or units of competence)</li> <li>• conveyors</li> <li>• working at heights</li> <li>• confined spaces</li> <li>• lightning</li> </ul>
Legislation	<p>Suggested topics: relevant Acts, regulations, approved codes of practice, instruments, standards, and guidelines, including:</p> <ul style="list-style-type: none"> <li>• <i>NSW Work Health and Safety Act 2011</i> and Work Health and Safety Regulations 2011;</li> <li>• <i>NSW Work Health and Safety (Mines and Petroleum Sites) Act 2013</i> and Work Health and Safety (Mines and Petroleum Sites) Regulations 2022</li> <li>• <i>NSW Explosives Act 2003</i> and Explosives Regulation 2013</li> <li>• <i>NSW Radiation Control Act 1990</i> and Radiation Control Regulation 2013</li> <li>• approved codes of practice under the <i>NSW Work Health and Safety Act 2011</i></li> <li>• International and Australian/New Zealand Standards</li> </ul>
Emergency management	<p>Suggested topics:</p> <ul style="list-style-type: none"> <li>• emergency plans</li> </ul>

Area	Topics
	<ul style="list-style-type: none"> <li>• preparedness and response</li> <li>• first aid</li> <li>• incident management</li> </ul>
Leadership and management	<p>Suggested topics:</p> <ul style="list-style-type: none"> <li>• associated non-technical skills (ANTS) including:</li> <li>• communication</li> <li>• problem solving and decision making</li> <li>• teamwork</li> <li>• situational awareness</li> <li>• leadership</li> <li>• worker participation</li> <li>• human and organisational factors</li> <li>• innovation and continuous improvement</li> <li>• mentoring and coaching</li> </ul>
General work health and safety	<p>Individual can select topics that relate to WHS for their statutory function. Suggested topics may include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• mental health</li> <li>• bullying and harassment</li> <li>• stress</li> <li>• wellbeing</li> <li>• musculoskeletal disorders</li> <li>• noise</li> <li>• hazardous substances</li> <li>• learning from relevant past disasters (mandatory – as a minimum, must complete Regulator’s Learning from disasters one-day program (available through Approved Training Providers) OR minimum 7 hours of other formal learning). A list of Approved Training Providers will be made available on our website.</li> </ul>

## 6. Learning hours requirements

You are required to complete a total number of hours of learning over the five-year period of your practising certificate. Total learning hours requirements vary according to the statutory function(s) listed on your practising certificate. The total number of hours increases between statutory functions according to:

- level of supervising or managing in the mine (starting from front line supervisor to manager) and
- potential risks at the type of mine (from surface mines to underground coal mines).

You will also need to satisfy the number of hours for the areas of competence for the statutory function(s) on your practising certificate as outlined in the table below. Where there are multiple

statutory functions for the same or different disciplines and classes of mine, refer to 6.2 for possible further requirements.

Table 4. Learning hours requirements

Statutory function	Total hours of learning over 5 years	Mining and WHS systems Minimum of 33% of total hours of learning	Legislation, emergency management, leadership and management Minimum of 33% of total hours of learning	General WHS topics *Maximum of 33% of total hours of learning (as a minimum, must complete Regulator's Learning from disasters one-day program OR minimum 7 hours of other formal learning on disasters)
Underground coal mines				
Mining engineering manager	120	40	40	40
Undermanager	90	30	30	30
Deputy	60	20	20	20
Ventilation officer	90	30	30	30
Ventilation auditor	90	30	30	30
Dust control measures	90	30	30	30
Electrical engineering manager	120	40	40	40
Mechanical engineering manager	120	40	40	40
Coal mines other than underground mines				
Mining engineering manager	120	40	40	40
Electrical engineering	90	30	30	30
Mechanical engineer	90	30	30	30
Open cut examiner	60	20	20	20
Underground mines other than coal mines				
Mechanical engineering manager	120	40	40	40
Underground mine supervisor	60	20	20	20
Electrical engineer	90	30	30	30
Mines other than underground or coal				

Statutory function	Total hours of learning over 5 years	Mining and WHS systems Minimum of 33% of total hours of learning	Legislation, emergency management, leadership and management Minimum of 33% of total hours of learning	General WHS topics *Maximum of 33% of total hours of learning (as a minimum, must complete Regulator's Learning from disasters one-day program OR minimum 7 hours of other formal learning on disasters)
Quarry manager*	60	20	20	20
- can manage any Tier-1 quarry - can manage any Tier-2 quarry				
Electrical engineer	90	30	30	30

\* You will need to complete the indicated hours regardless of what tier quarry you are currently managing. Those who have a condition restricting them to exercise the statutory function at a specified quarry(s) (name/location) do not have to complete any maintenance of competence requirements for their current practising certificate as at 1 March 2021. Tier 3 quarries can be exempt from requiring a practising certificate holder.

## 6.1. Completion of hours over renewal period

Total learning hours need to be completed within the five-year renewal period. We encourage you to complete some learning each year, but we understand that due to individual circumstances, such as career breaks, you may not be able to do this.

When you undertake your learning hours you must:

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

The example given in the table below is for an undermanager required to complete 90 hours.

Table 5. Example - Completion of hours over renewal period

Year 1	Year 2	Year 3	Year 4	Year 5	Total Hours
1/3	1/3	0	1/3	0	1 (100%)
30 hours	30 hours	0	30 hours	0	90 hours

In this example, the scheme enables an individual to complete no learning for two years. This provides flexibility for individual circumstances.

## 6.2. Practising certificate for multiple functions

Where an individual holds a practising certificate for multiple statutory functions, then they will satisfy the function(s) with the highest requirements for one class of mine only, depending on which

disciplines<sup>1</sup> and classes of mines<sup>2</sup> the functions are for. The following table matrix summarises the differing requirements with a further explanation provided:

Class of mine	Discipline of the highest function	
	Same discipline for all functions	Different discipline for functions
One only	Complete for the function with the highest requirements. For example, the Mining Engineering Manager, where the certificate also lists the Undermanager, Deputy and Ventilation Officer functions at an Underground Coal Mine	Complete for the function with the highest requirements in each discipline
Multiple	For example, Mechanical Engineering Manager for mechanical engineering and Undermanager for mining engineering.	

Individuals can satisfy the highest function requirements in each discipline by:

- claiming ‘in common learning’ between disciplines against one or more of the functions. In this example, individuals would also complete specific learning applicable to each function(s) that cannot be claimed as in common.
- applying for a practising certificate for a lower level function of a discipline they have a certificate of competence for, despite holding a certificate of competence for a higher function.

For example, an individual may consider this appropriate if they intend to continue practising in the lower level function only. They would then complete relevant learning for that function to maintain their competence.

## 7. Learning types requirements<sup>3</sup>

You are required to have an appropriate mix of learning that can be obtained from the workplace and external sources:

- Formal learning - you must complete a minimum number of formal learning hours
- Informal learning - you can claim a maximum number of informal learning hours.

The mix of learning requirements depends on your practising certificate (see 7.2).

<sup>1</sup> Discipline is ‘a branch of instruction or learning’ (Macquarie Dictionary July 2017). For example, mining, electrical, mechanical and ventilation.

<sup>2</sup> Classes of mines are those listed in schedule 10 ‘Statutory functions at mines’ of the WHS (Mines and Petroleum Sites) Regulation

<sup>3</sup> *Organisation for Economic Co-operation and Development* (accessed 29 May 2016 - <http://www.oecd.org/edu/skills-beyond-school/recognitionofnon-formalandinformallearning-home.htm>)

## 7.1. Definitions of learning categories

- Formal learning: organised and structured learning usually with specific learning objectives. For example, seminars, training courses and studying for WHS mining related courses. Note: all formal training courses must satisfy specified criteria (refer to 7.4.1).
- Informal learning, learning that is:
  - semi organised and structured learning of a more ad hoc basis. For example, reading, field trips and emergency exercises
  - a by-product of experience in participating or carrying out an activity. For example, participating in high level risk assessments (not everyday types), and participating in reviewing principal hazard management plans. This would typically be gained on the job such as when exercising the statutory function.

## 7.2. Minimum and maximum learning requirements

The number of learning hours required varies according to the type of learning, level of management and technical specialist statutory functions as set out in the following table.

Table 7. Minimum and maximum learning requirements

High level manager	Middle managers/specialists	Supervisor
Minimum formal learning 2/3 total hours = 80 hours	Minimum formal learning 1/2 total hours = 45 hours	Minimum formal learning 1/3 total hours = 20 hours
Maximum informal learning (1/3 total hours = 40 hours)	Maximum informal learning (1/2 total hours = 45 hours)	Maximum informal learning (2/3 total hours = 40 hours)

Key:

- Supervisors (Deputy, Open cut examiner, Underground supervisor)
- Middle management/technical specialists (Undermanager, Ventilation officer, Electrical engineer, Mechanical engineer, Tier-1 Quarry manager – in this category because only 90 hours is required)
- Higher level managers (Mining, Electrical and Mechanical Engineering Managers)

The learning ratios are founded on the principle that different mixes of learning types are required according to the level and type of statutory function. At higher levels there is a greater external focus outside of the mine with formal learning types better able to support learning to maintain competence. For example, seminars and conferences on new technologies and standards. At lower levels there is a more internal focus within the mine and informal learning types are more available and suitable to achieve this. For example, investigations and principal hazards.

The key difference for the different types of learning as stated in 7.0 is formal learning has a minimum number of hours while informal has a maximum number.

You can complete a mix of minimum formal learning and maximum informal learning, or you could complete all formal learning to meet the maintenance of competence requirements.



## 7.3. Recognised types of learning

Formal and informal learning types that are recognised learning types and claimable as learning hours towards your maintenance of competency requirements are set out in the tables below in 7.3.1 – 7.3.2. The learning type claimed must be relevant to one or more functions listed on your practising certificate.

For some types of recognised learning there are a maximum number of hours that can be claimed. Claiming learning requires you to keep evidence (with some exceptions) to be able to prove the claim if requested in an audit. Details and examples of acceptable evidence is provided. Further guidance on records is provided in 8.1.

### 7.3.1. Formal

Table 8. Recognised types of learning - formal

Recognised types of formal learning	Claimable hours for formal learning	Details and examples of evidence
1. Attending industry seminars / webinars / workshops / conferences / forums with health and safety content, such as those run by industry or related organisations	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 or of the total formal hours you claim to satisfy the total hours required.	<ul style="list-style-type: none"> <li>a. Proof of attendance at an event and relevance of content to statutory function, which may include one or more of the following (or others) in the listed order of preference:</li> <li>b. Certificate of attendance or similar document such as email from organiser confirming you attended</li> <li>c. Email or document confirming registration for you to attend event</li> <li>d. Payment of fee for event indicated on receipt from organiser</li> <li>e. Copy of document or picture indicating content of event such as an agenda or program</li> <li>f. Copy of electronic diary where you accepted an invitation from the event organiser, where the event details are clearly shown in the diary entry.</li> </ul>
2. Successfully completing formal training	Actual hours.	<ul style="list-style-type: none"> <li>a. In addition to 7.4.1, proof of attendance for course and relevance of content to statutory function, which may include one or more of the following (or others) in the listed order of preference:</li> <li>b. Course completion document such as a certificate or statement from the organisation such as a Registered Training Organisation (RTO)</li> <li>c. Copy of document or picture indicating content of course such as an outline or timetable (see also 7.4.1 requirements)</li> <li>d. Payment of fee for event indicated on receipt from organisation</li> </ul>

Recognised types of formal learning	Claimable hours for formal learning	Details and examples of evidence
		e. Email or document confirming registration for you to attend event.
3. Completing study or training towards tertiary qualifications (see 7.4.2 for what can be claimed), including degrees and industry training qualifications that are pre-requisites for NSW certificates of competence examinations	Rule: this type of learning cannot account for more than half (50%) of the total formal hours required over the five years or of the total formal hours you claim to satisfy the total hours required.	<p>In addition to 7.4.2, proof of completion of study or training relevant to WHS and the statutory function for your practising certificate, which may include one or more of the following (or others) in the listed order of preference:</p> <ol style="list-style-type: none"> <li>Attendances or other form of direct interactions with the training organisation such as a timetable, calendar entries</li> <li>Completion of required assessments with results notification</li> <li>Organisation documentation setting out required reading (retain copy) and field excursions (evidence of attendance)</li> <li>Course completion document such as a certificate or statement from the organisation such as a university</li> <li>Copy of document or picture indicating content of course such as an outline or timetable.</li> </ol>
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 or of the total formal hours you claim to satisfy the total hours required	<p>In addition to 7.4.1, proof of attendance for course and relevance of content to the statutory function, which may include one or more of the following (or others) in the listed order of preference:</p> <ol style="list-style-type: none"> <li>Course completion document such as a certificate, statement, minutes, organisation training record or sign on sheet of attendees</li> <li>Email or copy of electronic calendar confirming your attendance from the organisation if documents for a) above are not available</li> <li>Copy of document or picture indicating content of course such as an outline or timetable (see also 7.4.1 requirements)</li> <li>Diary or calendar notes either typed or written as long as there are details referencing the training course details (date, title, venue, organisation etc).</li> </ol>
5. Attending equipment manufacturer's formal training courses *	Actual hours up to a maximum of four hours per year.	As above

Recognised types of formal learning	Claimable hours for formal learning	Details and examples of evidence
6. Attending Mines Rescue Brigades person formal training courses or similar*.	Actual hours up to a maximum of four hours per year.	As above

\* Formal training courses must satisfy criteria (refer to 7.4.1) in order to be claimed by the individual.

## 7.3.2. Informal

Table 9. Recognised types of learning - informal

Recognised types of learning	Claimable hours for informal learning	Details and examples of evidence
1. Reading publications such as (but not limited to): <ul style="list-style-type: none"> <li>• technical articles</li> <li>• technical publications</li> <li>• conference papers</li> <li>• presentations</li> </ul>	Actual hours up to a maximum of four hours per year.	No evidence required. Record sufficient details of the publications read in your logbook. Include details such as relevance to your statutory function, title, source, author, etc.
2. Relevant field trips to maintain competence 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.	No evidence required. Record sufficient evidence in your logbook, including date, purpose relating to WHS and carrying out the statutory function, location and who organised it.
3. Delivering or participating in workplace mentoring related to health and safety topics that is recorded in training records for the worker(s) involved or reports.	Actual hours up to a maximum of four hours per year.	Proof that you delivered or participated in workplace mentoring and its relevance of content to the statutory function: <ul style="list-style-type: none"> <li>a. Copies of training records or reports of the organisation involved showing you mentored the worker(s) and what was imparted/the content. An extract of relevant pages from a document are acceptable.</li> </ul>
4. Participation in emergency response exercises or drills.	Actual hours up to a maximum of four hours per year.	Proof of attendance of exercise or drill and relevance of content to the statutory function, which may include one or more of the following (or others) in the listed order of preference: <ul style="list-style-type: none"> <li>a. Participation or completion document such as a certificate, statement, minutes, report,</li> </ul>

Recognised types of learning	Claimable hours for informal learning	Details and examples of evidence
		<p>organisation records for who participated, or sign on sheet</p> <p>b. Email or copy of electronic calendar confirming your attendance from the organisation if documents for a) above are not available</p> <p>c. Copy of document or picture indicating content of event such as an outline or timetable (see also 7.4.1 requirements)</p> <p>d. Diary or calendar notes either typed or written as long as there are details referencing the event (date, title, venue, organisation etc.)</p>
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.	<p>Proof of attendance and relevance of content to the statutory function, which may include one or more of the following (or others) in the listed order of preference:</p> <p>a. Mine records of attendance such as minutes, reports or sign on sheets</p> <p>b. Email or copy of electronic calendar confirming your attendance from the organisation if documents for a) above are not available</p> <p>c. Copy of document or picture indicating content of event such as an agenda, outline or timetable</p> <p>d. Diary or calendar notes either typed or written as long as there are details referencing the event (date, title, organisation etc).</p>
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.	<p>Proof of attendance at expo and relevance of content to statutory function, which may include one or more of the following (or others) in the listed order of preference:</p> <p>a. Certificate of attendance or similar document such as email from organiser confirming you attended</p> <p>b. Email or document confirming registration for you to attend event if documents in a) are not available.</p> <p>c. Payment of fee for event indicated on receipt from organiser</p> <p>d. Copy of document or picture indicating content of expo such as an agenda or program</p> <p>e. Copy of electronic diary where you accepted an invitation from the event organiser, where the expo details are clearly shown in the diary entry.</p>

Recognised types of learning	Claimable hours for informal learning	Details and examples of evidence
7. Mines Rescue Brigades person exercises.	Actual hours up to a maximum of four hours per year.	<p>Proof of attendance at exercise and relevance of content to the statutory function, which may include one or more of the following (or others) in the listed order of preference:</p> <ol style="list-style-type: none"> <li>Participation or completion document such as a certificate, statement, minutes, report, organisation records for who participated, or sign on sheet</li> <li>Email or copy of electronic calendar confirming your attendance from the organisation if documents for a) above are not available</li> <li>Copy of document or picture indicating content of exercise such as an outline or timetable</li> <li>Diary or calendar notes either typed or written as long as there are details referencing the event (date, title, venue, organisation etc).</li> </ol>
8. Participation in risk assessments (this does not include day to day activities such as task focused risk assessment such as Take 5, JSA etc).	Actual hours up to a maximum of four hours per year.	<p>Proof of participation and relevance of content to the statutory function, which may include one or more of the following (or others) in the listed order of preference:</p> <ol style="list-style-type: none"> <li>Risk assessment records showing your name for participation such as the risk assessment, minutes, sign on sheets</li> <li>Note: extracts of relevant pages from documents are acceptable such as title page of risk assessment and list of participants</li> <li>References in principal hazard management plans or control plans that demonstrates the risk assessment is within the scope or required by that plan(s)</li> <li>Document control records that show the risk assessment was conducted, its nature and/or participants.</li> </ol>
9. Development or review of principal hazard management plans, or principal control plans.	Actual hours up to a maximum of four hours per year.	<p>Proof of involvement which may include one or more of the following (or others) in the listed order of preference:</p> <ol style="list-style-type: none"> <li>Extracts from principal hazard management plans or control plans showing your involvement e.g. document reviewer</li> </ol> <p>Note: extracts may include title page and where your name appears</p>

Recognised types of learning	Claimable hours for informal learning	Details and examples of evidence
		<ul style="list-style-type: none"> <li>b. Records for the development or review of plan(s) showing your name and nature of involvement such as the risk assessments, minutes and sign on sheets</li> <li>c. Document control records that show your involvement in developing or reviewing the plan and/or when.</li> </ul>
10. Participation in conducting investigations into incidents reportable under WHS legislation.	Actual hours up to a maximum of four hours per year.	<p>Proof of participation which may include one or more of the following (or others) in the listed order of preference:</p> <ul style="list-style-type: none"> <li>a. Extracts from incident investigation records showing: <ul style="list-style-type: none"> <li>i. your involvement such as name, role and date(s)</li> <li>ii. the incident was reportable (legislative reference)</li> <li>iii. dates (and times where available) for involvement.</li> </ul> </li> <li>b. Email or copy of electronic calendar confirming your attendance from the organisation if documents for a) above are not available</li> <li>c. Copy of document or picture showing an investigation plan with an outline or timetable relevant to your involvement</li> <li>d. Diary or calendar notes either typed or written as long as there are details referencing the investigation times being claimed (date, title, location, organisation etc).</li> </ul>
11. Attending industry representative meetings, such as (but not limited to): <ul style="list-style-type: none"> <li>• advisory groups</li> <li>• industry or specialist boards</li> <li>• panels of examiners membership</li> <li>• technical committees</li> </ul>	Actual hours (excluding administration and travel time).	<p>Proof of attendance and relevance of content to statutory function, which may include one or more of the following (or others) in the listed order of preference:</p> <ul style="list-style-type: none"> <li>a. Certificate of attendance or similar document such as email from organiser confirming you attended</li> <li>b. Minutes or sign on sheet for meeting</li> <li>c. Email or document confirming registration for you to attend meeting if documents in a) and b) are not available</li> <li>d. Document or picture indicating content of meeting such as an agenda or program</li> </ul>

Recognised types of learning	Claimable hours for informal learning	Details and examples of evidence
		e. Copy of electronic diary where you accepted an invitation from the meeting organiser, where meeting details are clearly shown in the diary entry.
12. Delivering industry seminars / workshops.	Actual hours per seminar/workshop (excluding travelling time and any other non-related activity).	<p>Proof of delivery and relevance of content to the statutory function, which may include one or more of the following (or others) in the listed order of preference:</p> <ul style="list-style-type: none"> <li>a. Email or copy of electronic calendar entry from the organisation involved confirming your attendance for dates/times to deliver or recognition/thank you for your involvement</li> <li>b. Event documentation showing you are delivering at the event such as marketing information, program or timetable</li> <li>c. Technical papers or other handouts prepared by yourself to be presented at the event with your details on them.</li> </ul>
13. The delivery of in-house formal training courses*	Actual hours up to a maximum of four hours per year.	<p>In addition to 7.4.1, proof of delivery for course and relevance of content to the statutory function, which may include one or more of the following (or others) in the listed order of preference:</p> <ul style="list-style-type: none"> <li>a. Training records detailing your delivery such as a training course, attendees, presentation or sign on sheet</li> <li>b. Email or copy of electronic calendar from the organisation for the training confirming your delivery</li> <li>c. Copy of document or picture indicating content of course such as an outline, program or timetable (see also 7.4.1 requirements)</li> </ul>
<p>14. Interactions between regulator staff and individuals for information and education programs.</p> <p>For example: attendance at meetings or information sessions.</p>	Actual hours up to a maximum of four hours per year.	<p>Proof of interaction and relevance of content to statutory function, which may include one or more of the following (or others) in the listed order of preference:</p> <ul style="list-style-type: none"> <li>a. Certificate of attendance or similar document (such as an email or sign on sheet) from organiser confirming you attended</li> <li>b. Electronic calendar entry or online booking confirmation from the Resources Regulator or supplier, where meeting details are clearly shown in the diary entry</li> </ul>

Recognised types of learning	Claimable hours for informal learning	Details and examples of evidence
		<p>c. Document or picture indicating content of event such as a program</p> <p>Note: interactions with the Resources Regulator for compliance matters are claimable (e.g. meetings and accompanying officials) but not for enforcement (e.g. formal interviews by an inspector in an investigation).</p>

## 7.4. Criteria for types of learning

### 7.4.1. Formal training courses

In order to be eligible to claim formal learning hours from undertaking a formal training course, you must obtain information from the training provider that the course meets the following criteria:

1. The course content, with or without 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 (including face to face, online and correspondence courses) 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 are statements that define the expected goal of a curriculum, course, lesson or activity in terms of demonstrable skills or knowledge that will be acquired by a student as a result of instruction. Also known as instructional objectives; learning outcomes and learning goals<sup>4</sup>.

You 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 you either in your logbook or separate documentation. For example, a certificate for an AQF (refer 7.4.2) unit of competence or qualification from a Registered Training Organisation (RTO) with details of times and location in a logbook will be sufficient. Alternatively, an email, agenda or record of training from a mine operator indicating it is a formal training course with sufficient details relevant to the criteria such as an outline of content, times, persons delivering and location.

For details of the person delivering the course, their title may be sufficient evidence of competence to deliver the training if it is:

- a statutory function for which they hold a practising certificate e.g. Mechanical Engineer, Quarry Manager, OCE, or
- Relevant to the training being delivered e.g. WHS mine superintendent for risk assessment, mine Technical Services Manager for strata support, or
- Coupled with a name of an organisation which can be assumed would employ people with sufficient competence e.g. OEM tyre supplier

Where the title and/or organisation of the person delivering may not sufficiently justify their competence to an auditor reading them, then records provided to the holder of the practising

<sup>4</sup> Source: edutechwiki.unige.ch/en/Learning\_objective, 10 November 2016



certificate attending could include a summary of qualifications and/or experience in brackets beside the name (Mining, 10 yrs mining exp.)

For whether the learning environment is appropriate, safe, and adequately resourced, you should have details of the training location provided in the records. For example, the title of the room or area used such as a training room or other suitable area. In the case of online training only, the name of the software used.

Note: a formal training course can be delivered within an event such as a meeting or toolbox talk with learning and time claimed for that portion of it only.

### 7.4.2. Tertiary qualifications

For the purposes of the scheme, tertiary qualifications refer to any post school qualification recognised under the Australian Qualifications Framework (AQF)<sup>5</sup>, which are accredited or issued by organisations authorised under government legislation in Australia, or any equivalent qualification.

Authorised issuing organisations for AQF qualifications include:

- Registered Training Organisations (RTOs) authorised by the Australian Skills Quality Authority (ASQA) and the government accrediting authorities in Victoria and Western Australia to issue AQF qualifications in vocational education and training
- non-self-accrediting higher education providers authorised by the Tertiary Education Quality and Standards Agency (TEQSA) to issue AQF qualifications in higher education
- self-accrediting universities and higher education providers authorised by the Tertiary Education Quality and Standards Agency (TEQSA) to issue AQF qualifications in higher education.

If you are completing a tertiary qualification you can claim study from your course that is relevant to WHS and the statutory functions on your practising certificate, but restricted to:

- face to face, electronic or other form of direct interaction between the 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.

### 7.4.3. Learning types and hours generally not recognised

Activities which are generally not accepted as relevant learning and/or hours under the maintenance of competence scheme include:

- unstructured conversations with other mine workers, unless they are part of a mentoring program, or equivalent
- time allocated to lunches and breaks at conferences, workshops, seminars, training courses
- general meetings with clients, lawyers, government officers, suppliers or similar

<sup>5</sup> Australian Qualifications Framework - Second Edition January 2013 (<http://www.aqf.edu.au/wp-content/uploads/2013/05/AQF-2nd-Edition-January-2013.pdf>)

- attending and contributing to community service organisation meetings or local council meetings, unless you are gaining relevant skills, (e.g. leadership and management)
- generic inductions where content does not specifically apply to exercising the statutory function
- interactions with the Resources Regulator for enforcement only (and not for compliance e.g. participating in a Regulator audit/assessment at a mine, an information/education program or another eligible learning type e.g. reviewing a principal hazard or control plan in preparation).

## 8. Records and auditing

### 8.1. Recordkeeping over five-year period

You are required to record all learning and hours in a logbook, either electronically or in hardcopy. A logbook template is available in this guide and in other guidance provided separately on our website. You should reference evidence documentation in the logbook, so it can be retrieved in the event of being audited.

You must retain evidence of all maintenance of competence scheme activities claimed during the current five- year renewal period and the previous renewal period. Note: if you permanently stop practising in the function (e.g. retirement) then records are to be kept up to this point.

Evidence may include but not limited to:

- course certificates
- a list of results from completed courses
- records of attendance at formal learning
- employer reports confirming completion of learning
- receipts of payment
- copies of the program for the continuing professional development activity
- copies of the article read retained electronically
- sign on sheets for activities
- minutes or records of participation in high level risk assessments.

The regulator will accept records from any substantiated source, including continuing professional development providers and app providers, as long as these records can show compliance with the scheme.

The organisation you work for may also support you with record keeping, which can then be submitted.

Refer to section 7.3 for specific details of evidence that may be suitable for each type of learning.

### 8.2. Auditing

The regulator conducts on going audits of logbooks and evidence to ensure compliance with the maintenance of competence scheme requirements. You may be randomly selected to be audited anytime during the five-year period of your practising certificate.

The regulator will audit a minimum of 5% of logbooks and evidence for those individuals renewing their practising certificate, with the aim to audit 10%.

### 8.3. Renewal

You are not required to submit evidence of learning at the time you apply to renew a practising certificate. However, you must be able to provide evidence when requested by us.

Records for the five-year period of each practising certificate will be treated separately so excess hours of learning completed cannot be carried between them as credits.

### 8.4. Logbooks

You should record in your logbook enough details necessary to provide evidence of all learning undertaken and hours being claimed. The Regulator may request you to submit your logbook for the purposes of an audit.

If you are recording learning hours for multiple statutory functions, you may use just one logbook but it must clearly show compliance for each function. A separate section for learning that is being claimed in common for all statutory functions would be acceptable.

An [Excel logbook template](#) is available on our website and it is highly recommended to use as is or as a standard for your own logbook to be equivalent to.

## 9. Non-compliance and late applications

### 9.1. Non-compliance with requirements

Compliance with the maintenance of competence requirements is a condition of a practising certificate. Failure to comply with the requirements may lead to suspension or cancellation of the practising certificate.

### 9.2. Late applications and renewals

If you allow your practising certificate to expire for more than 12 months or you don't apply for your certificate within two years of it being introduced in the scheme or other date published by the Regulator (refer gazettal order not recognising certificates of competence and qualifications from 1 October 2020), you will be issued with a new practising certificate with a condition requiring you to complete an additional 20% of your total learning hours requirements during the first 12 months of the five year period. This 20% is in addition to the standard requirements.

## 10. Further information

The practising certificate scheme commenced in a staged approach in September 2017.

From 1 October 2020, all individuals exercising a statutory function will require a practising certificate. Certificates of competence or qualifications will no longer entitle the holder to practise in the statutory function after that date without a practising certificate.

A practising certificate will be issued for five years, with a maintenance of competence condition which the holder must satisfy within the five-year period.

Further information on applying for a practising certificate, the practising certificate scheme and maintenance of competence requirements is available on our website.

## 10.1. Claiming learning prior to implementation

If your application for a practising certificate was received by us before the closing date of the bonus period for the statutory function, you will be able to claim any recognised learning you completed in the 12 months before the issue date of your certificate. If your practising certificate issue date was within the bonus period then your eligibility is recognised. For those who applied close to the end within the bonus period and have a practising certificate issue date outside of it, then the covering letter you received with your certificate will notify that you are entitled to claim the bonus year. As stated in the letter, you should retain it as proof you are eligible to claim the bonus year.

Claiming learning for the bonus year is to be treated as another year so you have 6 years from which to claim learning (assuming your practising certificate is issued for 5 years). Requirements will apply to the bonus year like any other year such as you can only complete a maximum of one third of your total learning hours.

If you applied after the bonus period, you will only be able to claim recognised learning for maintenance of competence from the issue date of your practising certificate.

## 10.2. Dispensation for impact of COVID-19

In response to the challenges posed by COVID-19, the Resources Regulator, in collaboration with the Mining and Petroleum Competence Board, has approved a 12-month (20% of learning hours) dispensation for MOC requirements. This applies to all practicing certificate holders who held a certificate between April 1, 2020, and March 31, 2021.

As a result, current certificate holders will only need to complete 80% of their MOC requirements during the five-year certificate period. This dispensation does not apply to holders of practising certificates granted after this time.