

December 2023

Policy and procedure

Review of certificate of competence assessment outcome

For a candidate seeking review of their exam outcome

Policy statement

This policy provides a process for candidates to seek a review of assessment outcomes of examinations for certificates of competence under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022*.

The Resources Regulator administers examination assessments for certificates of competence on behalf of the NSW Mining and Petroleum Competence Board (the Board).

This policy applies to all candidates undergoing assessment for certificates of competence.

The review of assessment outcome will be based on how the assessment was conducted and marked, according to criteria set by examiners. Records are kept to facilitate and record the assessments, which however do not contain all the detail of what transpired during the assessment process, such as everything the candidate said in an oral exam, but instead sufficient summary notes against the marking criteria to justify the results.

Purpose and principles

The purpose of this policy is to ensure a fair, timely, efficient and transparent review process for candidates seeking a review of assessment outcomes of examinations for certificates of competence.

Key requirements

Notification of examination outcomes

1. At the completion of assessing exam papers (written and oral), examination panel members will compile their de-identified general comments on candidates' overall performance within 14 days. These comments are to be inserted into the candidates' notification of examination outcomes and the examination panels' report for the round of exams.
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2. The Resources Regulator's Mining Competencies and Authorisations unit (MCAU) will advise candidates of the examination outcome, including general comments by the examination panel for each examination paper.
3. A copy of each written examination paper will be published on the Resources Regulator website so candidates can compare their results to it. The paper will be removed once the following year's examination paper is published.

Review if within 5 marks of pass mark for a written examination paper

4. If a candidate is within 5 marks of the pass mark for a written examination paper, their paper will be reviewed by a member of the examination panel (or selected reserve examiner) who was not involved in the original marking, to confirm the marks awarded are correct.

Note: there are no overall pass mark for an oral examination paper as each question must be passed (assessed as competent).

Feedback on the assessment outcome for oral examination paper

5. A candidate may seek examiner feedback on their original assessment from the MCAU by emailing mca@regional.nsw.gov.au or replying to their exam results. A suitable time will be organised when MCAU can contact them to provide feedback verbally over the phone. Copies of candidate exam paper responses are not provided.
6. Any request for feedback must be made within 28 days of the date of the candidate being notified of the assessment outcome.
7. The MCAU will provide any specific examiner comments on the examination to the candidate, including information about any remarking of their assessment, which the examination panel or reserve examiner may have already undertaken.
8. If a candidate still seeks further feedback, they may request verbal feedback from an examiner on their assessment outcome. Any request must be:
 - a. received within 5 working days of receiving the examiner comments from the MCAU
 - b. in writing and contain reasons why additional feedback from an examiner is sought in addition to the feedback already supplied
 - c. emailed to mca@regional.nsw.gov.au
9. Requests for additional feedback will be considered by the examination panel convenor, although this may be declined by the examination panel convenor (the candidate will be provided with reasons why the request was declined). If agreed to, a suitable time and means to meet will be organised.

Formal review of assessment outcome

10. After receiving verbal feedback from an examiner (or being advised that such a request has been declined), candidates may request a formal review of their assessment outcome for written and oral examinations.
11. When requesting a formal review of their assessment outcome, candidates must:
 - a. phone the Mining Competence Team on 1300 814 609 (option 2 > option 3) to discuss why they believe their assessment outcome was deficient or in error, as this justification is required in the review request form
 - b. pay a fee of \$115. The fee will be refunded if the review results in an assessment outcome being amended in favour of the candidate. The fee may also be waived in exceptional circumstances. The payment link will be provided upon request
 - c. submit the 'review of examination outcome' form available on the Mining Worker's section of the Resources Regulator portal. The form is located under 'Certificates of Competence'
 - d. submit the request within 5 business days of receiving the verbal feedback (or being advised that such a request has been declined).
12. The review will be carried out by a member of the relevant examination panel or reserve examiner who did not participate in the original assessment.
13. The review will be conducted within one month of receipt of the request.
14. A formal review may confirm the original assessment outcome or result in an amendment of the assessment outcome.
15. Candidates will be notified in writing of the outcome of their review.

Late submissions / requests

16. All information and requests for feedback or review must be made in accordance with the timelines stipulated above. In exceptional circumstances, and at its sole discretion, the Resources Regulator may choose to accept a submission or request outside of the timeframes stipulated.

Reviewable decision to not grant a certificate of competence

17. Candidates who do not pass one or more required written or oral examination papers within an exam round (or within the 3-year credit system for existing candidates) will receive a written email notification one month or later after being notified of their assessment outcomes informing they will not be granted a certificate of competence and a review under this policy is no longer available. Candidates are advised they may seek a formal internal review of this decision to not grant a certificate of competence by the Resources Regulator under WHS legislation. Further information is available on the Resources Regulator website (<https://www.resourcesregulator.nsw.gov.au/our-role/legislation/review-of-regulator-or-inspector-decisions>).

Responsibilities

Manager, Mining Competencies and Authorisations

The Manager, Mining Competencies and Authorisations or their delegate, is responsible for:

- facilitating the processing of requests for examiner feedback and formal reviews of assessment outcomes in a timely manner
- determining whether late requests for examiner feedback or formal reviews are accepted or rejected
- determinations in respect of requests for reviews of assessment outcomes
- notifying candidates of deficiencies or problems with their requests
- waiving the fee for request for review of assessment outcome in exceptional circumstances.

Examination panel members

Examination panel members are responsible for, upon request, providing verbal feedback to candidates at their discretion and participating in formal reviews of assessment outcomes.

Candidates

Candidates are responsible for:

- submitting requests for examiner feedback, formal review or appeal within the set time frames
- ensuring that accompanying information and documents are accurate and complete
- providing any information requested by the examination panel or Resources Regulator.

Further information

For further information about this policy, contact the Mining Competencies and Authorisations Unit at mca@regional.nsw.gov.au or 1300 814 609 (option 2 > option 3).

Related documents

Other documents that relate to this policy:

- [Guide: applying for a certificate of competence](#)

Version control

Version	Date issued	Changes
1.0	9 November 2011	Original
2.0	2016	Legislation and references updated in Department of Industry format
3.0	18 February 2019	Revised scope of policy
4.0	4 June 2020	Revised scope of policy, procedure and updates to reflect department name change
5.0	8 December 2023	Revised policy due to changes in application procedure and contact details, and to include oral exams

Appendix 1 - Definitions

Term	Definition
Applicant	A person applying for a certificate of competence under the <i>Work Health and Safety (Mines and Petroleum Sites) Act 2013</i> .
Candidate	A person who has applied for a certificate of competence in relation to a statutory function at a mine or petroleum site.
Certificate of competence	A certificate granted by the regulator which is evidence of competence in respect of a statutory function under the <i>Work Health and Safety (Mines and Petroleum Sites) Act 2013</i> .
Department	Department of Regional NSW
Examination panel	A group of examiners approved by the board to be engaged by the Department to undertake assessments of candidates.

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