

Understanding the legislation exams for statutory positions

Do you need to pass a statutory examination as one of the criteria to be appointed to a statutory position? The examinations process is handled through the mine statutory positions portal or MSPP. Information about what happens in a statutory examination and how to prepare for the day is covered by another MSPP Help video.

This video aims to support effective exam preparation.

It will help you to better understand the legislation exams themselves, what is examined and how exams are presented. The video covers the knowledge that will be tested by exams and provides examples of the different types of questions.

Where do the exam questions come from? An exam is drawn from three pools of questions with the selection and order randomised so that no candidate will have the same set of questions as someone else sitting the exam in the same session.

Each pool has a specific pass mark assigned to it. Pool one consists of mandatory questions and requires a 90% or higher mark to pass. Pool two contains general questions and requires an 80% or higher mark to pass, and pool three contains role specific questions and requires a 90% or higher mark to pass.

Let's examine these categories in more detail.

The mandatory pool of questions tests the core knowledge that all statutory positions are expected to know. These questions are derived from the work health and safety laws. They are primarily drawn from sections of the Work Health and Safety Act dealing with duties, consultation, obligations and the powers of functions of the regulator. Questions drawn from the WHS Mines regulations are focused on provisions covering mine safety management systems and hazard and risk management.

The second pool contains general questions and is designed to test a candidate's capability to navigate through the legislation. The questions are randomly selected from a substantive bank of questions relating to any component of the Act or Regulations. The third and final pool contains questions specific to the statutory position for which the candidate is sitting the exam. These questions are primarily drawn from the sections of the Regulations that have a bearing on the particular statutory position, noting that a mine safety management system is applicable to all statutory positions.

The questions may also be drawn from applicable codes of practice. This will be advised on the WorkSafe website in the information for the statutory position.

Let's look at how this approach works in practice.

Site senior executives have large parts of the Act and Regulations that apply to their role, and therefore the bank of questions is larger than, for example, a noise officer. The role specific questions for a noise officer would differ from those for an authorised mine surveyor reflecting the differences in their responsibilities.

For example, some of the role specific questions for noise officers are based on the code of practice for managing noise and preventing hearing loss at work.

So what sorts of questions might you need to answer?

There are three types of questions. Yes/no or true/false questions, multiple choice questions and fill in the blanks questions.

For the first type of question, you will need to read the question or statement and will need to decide whether the content is correct or not. You might be asked to indicate yes or no regarding its accuracy, or select whether it is true or false.

Here are two examples.

The question being asked here is: must a person conducting a business or undertaking or PCBU consult, so far as is reasonably practicable, with workers who carry out work for the business or undertaking and who are, or are likely to be, directly affected by a matter relating to work health or safety.

To answer this question, you need to select the correct answer. Is it yes or no? This question is based on section 47 of the WHS Act, and the answer is yes.

This question asks you to assess the truthfulness of the following statement. A person who holds a general construction induction training card must not intentionally or recklessly alter the card.

You need to select the correct answer. Is it true or false?

This question is based on Regulation 327 of the WHS Mines Regulations, and the statement is true.

For the second type of question you read a question or statement and need to select a response or responses based on whether you are asked to select the correct answer or answers, in other words, those that are true or identify the answer or answers that are not correct, meaning those that are false or inaccurate. You will need to read the questions and instructions carefully to see whether you are being asked to identify the correct or incorrect answer or answers.

Here are three examples.

This question asks, what is one of the circumstances when a duty holder must review and as necessary revise control measures implemented to maintain, so far as is reasonably practicable, a work environment that is without risks to health or safety?

You are asked to select the correct answer from the following statements.

There is a change in the person conducting the business or undertaking, a new relevant hazard or risk is identified or new health and safety representatives are elected for the workplace.

This question is based on Regulation 38 of the WHS Mines Regulations, which covers the review of control measures.

The second answer is listed under Regulation 38 (2), the others are not.

Therefore, the second answer should be selected as it is correct.

Click inside one of the circles to select your answer. For a multiple choice question, circles indicate that only one answer can be selected.

This question asks the WHS Mines Regulations require the mine operator of a mine to keep a record of certain reviews of control measures.

Please select the answer that is not correct.

This time around, you are asked to select the incorrect answer from the following statements.

The work health and safety issues arising from an incident, recommendations arising from considering an incident or health monitoring results or recommendations arising from incidents at other mines.

This question is based on Regulation 619 of the WHS Mines Regulations in part 10.2 division one, which is about the general requirements for managing risks.

The first two answers are listed under regulations 619 (2). The third answer is not, and whilst it might be sound practice to consider the learnings from incidents elsewhere, they are not required to be entered into a mine's records. The mine's records relate to the activities of that mine only. So for this question, the third answer should be selected as it is not correct.

Just like the previous example, the circles indicate that only one answer can be selected.

This example presents you with a statement followed by a question.

It reads The WHS Mines Regulations have general duties for plant and structure with regard to guarding on a plant, what duties does the person with management or control of the plant have?

This question asks you to select the two correct answers from the following options.

Undertake integrity testing of the guarding, ensure the guarding is of solid construction and securely mounted to resist impact or shock, ensure the plant is operational by other persons if guarding is removed while the plant is being maintained or cleaned or ensure the guarding is properly maintained.

Firstly, it's important to note that two answers need to be selected.

A multiple choice question where more than one answer can be selected has squares for you to select rather than circles.

So let's look at how we answered this question.

This question is based on Regulation 208 of the WHS Mines Regulations. In part 5.1, division 7 covering the general duties of a person conducting a business or undertaking involving the management or control of plant. The second and fourth answers provided are listed under Regulation 208(3). The first and third answers are not.

While integrity testing may be arranged with the person with management or control of the plant to confirm the guarding is properly maintained, it is not their duty personally to do that testing. Whilst under some circumstances plant may be operated while being maintained or

cleaned, Regulation 295 indicates that the plant cannot be restarted unless the guarding is replaced.

So, the second and fourth answers should be selected as they are correct.

For the third type of question you read a question or statement for which related text is provided, but some of the words are missing. For each blank you are provided with a dropdown list of words from which you select an answer to complete the text.

Here's an example.

This question presents you with the following statement.

The WHS Act covers the duty to preserve incident sites. It then provides you with a corresponding statement where you need to fill in the blanks with the correct terms from the dropdown boxes. The second statement reads, The blank at which a notifiable incident has occurred must ensure, so far as is reasonably practicable, that the site where the incident occurred is blank until an inspector arrives at the site or any earlier time that blank directs.

These are the possible answers for the first blank, mine operator of a mine, person conducting a business or undertaking at a mine or person with management or control of a workplace.

These are the possible answers for the second blank, quarantined, not disturbed or secured.

These are the possible answers for the third blank, the person with management or control of the workplace, an inspector or the regulator.

This question is based on section 39 of the WHS Act, which is in part three on incident notification. The words chosen to complete the blanks must match the text in the section. This section reads, The person with management or control of a workplace at which a notifiable incident has occurred must ensure, so far as is reasonably practicable, that the site where the incident occurred is not disturbed until an inspector arrives at the site or any earlier time that an inspector directs.

So now you know what the questions will cover and how the questions will be asked, what else can you do to prepare for the exam?

It's important to know that the legislation exams are open book and you can use this to your advantage. This means candidates may bring their own marked up versions of the Act and Regulations and codes of practice, if applicable, or you can use the copies provided on your desk at the exam session.

Because the exams are open book it's a good idea to be familiar with the contents pages of the permitted publications. This will help you to navigate quickly to the relevant provisions so you can answer the questions, and remember, if you do bring your own copies of the Act and Regulations, ensure your versions include any legislative changes since they were printed, as these are part of the body of the law from which the questions are drawn.

For example, in December 2022, the WHS Regulations were amended to include psychosocial hazards.

Please note that mobile phones, pens, markers and sticky notes, essentially anything that could be used to jeopardize the integrity of that question bank will not be allowed on your desk during the exam.

Secondly, we strongly recommend that you visit the WorkSafe website. We have support materials, including more help videos to guide you through the booking and exam processes.

Familiarity with the processes should help reduce uncertainty and stress levels.

Candidates who have a disability, illness and or medical condition affecting their capacity to apply for or sit a statutory examination may wish to apply for a reasonable adjustment. Information and the application are available on our website.

In particular as your exam day draws closer, we recommend you watch the MSPP Help series video titled Preparing for a statutory examination.

You can also sign up for our regular safety news alerts and subscribe to Th!nk Safe magazine to stay up to date with the latest news.

We hope this video has helped you prepare for your exam and think about when you'll book your exam session.

If you require further assistance, please get in touch with our contact centre by calling 1300 307 877 during business hours.

Thank you for watching this video.