

WORK HEALTH AND SAFETY (MINES AND PETROLEUM SITES) REGULATION 2022

Notice of other criteria in respect of statutory functions (South Australian certificates of competence) 2022

I, **GARVIN BURNS**, Chief Inspector, with the delegated authority of the Secretary, Regional NSW, pursuant to section 138(2)(b) of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 do, by this notice, specify the criteria in column A of Schedule 1 below to be other criteria that an individual may meet for the purposes of satisfying the regulator that the individual is competent to exercise the relevant statutory function (prescribed in schedule 10 of the Regulation) in column B of Schedule 1.

Dated this 16th day of November 2022.

Garvin Burns
Chief Inspector of Mines
Resources Regulator
Department of Regional NSW

Explanatory Note: Under clause 138(2)(b) of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022, the regulator may be satisfied that an individual has the competence to exercise a statutory function if the individual meets other criteria specified by the regulator in respect of the function, by notice published in the NSW Government Gazette.

1. Name of notice

This notice is the *Notice of other criteria in respect of statutory functions (South Australian certificates of competence) 2022*.

2. Commencement of notice

This notice takes effect on the day it is published in the NSW Government Gazette and has effect until the notice is revoked.

3. Revocation

The *Notice of other criteria in respect of statutory functions (South Australian certificates of competence) 2021* published in the NSW Government Gazette No 273 of Friday 25 June 2021 is revoked.

Schedule 1

Column A - Criteria	Column B - Statutory function
South Australian 1 st Class Underground Mine Manager certificate of competence	Mining engineering manager of underground mines other than coal mines (section 25 of schedule 10)
South Australian 1 st Class Mine Manager certificate of competence	Quarry manager of mines other than underground mines or coal mines (section 31 of schedule 10)
South Australian Quarry Manager certificate of competence	Quarry manager of mines other than underground mines or coal mines (section 31 of schedule 10)

WORK HEALTH AND SAFETY (MINES AND PETROLEUM SITES) REGULATION 2022

Notice pursuant to Practising Certificate 2022

(Maintenance of Competency)

I, **GARVIN BURNS**, Chief Inspector, with the delegated authority of the Secretary, Regional NSW, pursuant to section 142 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 (the Regulation) make the following Notice.

Dated this 16th day of November 2022.

Garvin Burns
Chief Inspector of Mines
NSW Resources Regulator
Department of Regional NSW

1. Name of Notice

This Notice is the *Notice pursuant to Practising Certificate 2022 (Maintenance of Competency) (No 2)*.

2. Commencement

This Notice commences on the date it is published in the NSW Government Gazette and has effect until it is revoked.

3. Revocation

The *Notice pursuant to Practising Certificate 2020 (Maintenance of Competency)* published in the NSW Government Gazette No 171 of 7 August 2020 at pages 3884 to 3891 is revoked on the date of commencement of this notice.

The *2021 other criteria specified by the Regulator in respect of the quarry manager statutory function for Tier-2 quarries* published in the NSW Government Gazette No 23 of 22 January 2021 is revoked on the date of commencement of this notice.

4. Interpretation

In this Notice:

conditions mean the conditions specified at item 6 below in accordance with section 142 of the Regulation.

formal learning means organised and structured learning with specific learning objectives as referred to Table 3 of Schedule 1 and meets the criteria in schedule 1.

holder means a person who holds a practising certificate to exercise a statutory function.

informal learning means learning as a by-product of experience in participating or carrying out an activity as referred to in Table 3 of Schedule 1 as informal learning.

learning hours means the number of hours spent undertaking formal or informal learning.

other criteria means the criteria specified at item 5 below in accordance with section 138 of the Regulation.

practising certificate means a certificate issued by the regulator under section 140 of the Regulation enabling a person to exercise a statutory function as specified in Schedule 10 of the Regulation.

Quarry manager practicing certificate means a certificate issued by the regulator enabling a person to exercise the statutory function of a quarry manager as specified in section 31 Schedule 10 of the Regulation.

recognised learning types mean the types of learning specified in Schedule 1.

the Regulation means the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022.

risk profiling tool means the tool used by the regulator to assess the hazards and complexity of a specified mine.

Tier-2 quarry means a mine determined by the regulator using the risk profiling tool to be a Tier-2 quarry.

Terms used in this Notice have the same meaning as in the *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2017*, *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022*.

5. Exemption

Holders of practising certificates issued under the *Regulation* with a condition restricting them to practise at a specified mine or mines for Mines other than underground mines or coal mines, or Underground mines other than coal mines or any Teir-2 quarry are not required to comply with the requirements in this notice.

6. Conditions

The conditions specified in Schedule 1 below are the conditions which apply practicing certificates which contain a maintenance of competency condition that requires compliance with requirements published by the regulator in the NSW Government Gazette.

Schedule 1

Table 1

A. Maintenance of competency requirements	Holders of practising certificates are required to complete the specified amount of hours of recognised learning types in areas of competence over the period for which the practising certificate is granted, including completing the specified minimum or up to the 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 2 and Table 3.
B. 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 required for the statutory function(s) for which the practising certificate is held, as set out in Table 2: <ul style="list-style-type: none">• Mining and work health and safety (WHS) systems, including completion of hours in each of the following four compulsory subjects:

	<ul style="list-style-type: none"> ○ Safety management system ○ Principal hazards ○ Principal control plans ○ Specific control measures ● Legislation ● Emergency management ● Leadership and management ● General work health and safety topics (including learning from disasters). <p>The holder of a practising certificate must complete topics in each area of competence relevant to the statutory function(s) for which the practising certificate is held.</p>
C. Learning hours	<p>When completing learning hours, the holder of a practising certificate must:</p> <ul style="list-style-type: none"> ● 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. <p>Where a holder has a practising certificate for multiple statutory function(s), the holder must:</p> <ul style="list-style-type: none"> ● satisfy each function with the highest requirements for total hours in each engineering discipline at one class of mine for which they hold a certificate of competence or the gazetted qualifications required to hold a practising certificate for that function. ● 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. <p>Requirements for the specified number of hours are set out in Table 2</p>
D. Record keeping and auditing	<p>The holder of a practising certificate:</p> <ul style="list-style-type: none"> ● must record all learning and hours in a logbook, either electronically or in hardcopy. ● must retain evidence of all maintenance of competency scheme activities undertaken during the current five year renewal period and the previous renewal period. ● must maintain evidence of all maintenance of competency scheme activities until such time as the practising certificate expires. ● is required to provide a logbook(s) and evidence to the regulator for auditing purposes when requested.

Table 2: 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 informal learning requirements
		Mining & WHS systems	Legislation	Emergency management	Leadership & management		
		Minimum of 33% of total hours of learning	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 <i>Learning from disasters</i> one-day program OR minimum 7 hours of other formal learning on disasters)	Minimum percentage varies according to function and is expressed as hours	Maximum percentage varies according to function and is expressed as hours
Underground coal mines							
Mining Engineering Manager	120	40		40	40	80	40
Undermanager	90	30		30	30	45	45
Deputy	60	20		20	20	20	40
Ventilation officer	90	30		30	30	45	45
Ventilation auditor	90	30		30	30	45	45
Dust control measures auditor	90	30		30	30	45	45
Electrical engineering manager	120	40		40	40	80	40
Mechanical engineering manager	120	40		40	40	80	40
Coal mines other than underground mines							
Mining engineering manager	120	40		40	40	80	40
Electrical engineer	90*	30		30	30	45	45
Mechanical engineer	90*	30		30	30	45	45
Open cut examiner	60	20		20	20	20	40

Underground mines other than coal mines						
Mining engineering manager	120	40	40	40	80	40
Underground mine supervisor	60	20	20	20	20	40
Electrical engineer	90	30	30	30	45	45
Mines other than underground or coal						
Quarry manager	90	30	30	30	45	45
Electrical engineer	90	30	30	30	45	45

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.
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.
4) Participation in emergency response exercises or drills.	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.
6) Attending industry expos, relevant to health and safety for the maintenance of competence.	Actual hours up to a maximum of four hours per year.
7)) Mines Rescue Brigades person exercises.	Actual hours up to a maximum of four hours per year.
8) Participation in high level risk assessments (does not include day to day activities involving task focused risk assessment such as Take 5, JSA).	Actual hours up to a maximum of four hours per year.
9) Development or review of principal mining hazard management plans, or principal control plans.	Actual hours up to a maximum of four hours per year.
10) Participation in conducting investigation/s into incidents reportable under WHS legislation.	Actual hours up to a maximum of four hours per year.
11) 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).
12) Delivering industry seminars / workshops.	Actual hours per seminar / workshop (excluding travelling time and any other non-related activity).
13) Delivering in-house formal training courses	Actual hours up to a maximum of four hours per year.
14) Interactions between regulator staff and individuals for information and education programs. For example: attendance at meetings, mine site assessments or information sessions.	Actual hours up to a maximum of four hours per year.