

Fact sheet

Mine operators managing workers under automatic mutual recognition

August 2024

Introduction

Mine operators may need to consider people wanting to exercise a NSW WHS statutory function(s) or licensed occupation by obtaining automatic mutual recognition (AMR), instead of recognition by being issued with a NSW authorisation. Mine operators may also want their workers to practise interstate temporarily under AMR. This factsheet sets out what is involved and how mine operators may manage AMR so only eligible people to practise do so at a mine in the jurisdiction. AMR is contingent on the person continuing to hold a current authority in the original home state.

AMR scheme in NSW ('deemed registration')

AMR was introduced in NSW and other participating states to enable interstate persons with occupation authorisations to work temporarily without paying a fee and obtaining the local authorisation. The persons home state is where their primary place of residence or work is.

People intending to work **temporarily** in NSW in an occupation requiring an authorisation may apply for AMR to the issuing authority for an equivalent occupation through the nsw.gov.au website. They may also apply for mutual recognition (MR), as explained [overpage](#). The interstate person must apply for AMR or MR. In both processes they will receive a confirming email that they have applied. The issuing authority has 30 days from receipt to assess and decide upon the application. During this time, the applicant may work in the occupation, until they are notified of the outcome.

If the outcome is AMR is granted then the person may use the notifying email and their interstate authorisation documentation to enable them to work in NSW for the occupation, plus proof of satisfying any other requirement in NSW, such as insurances. Depending on the occupation, their details may appear in any publicly required register to enable people to check on their validity.

NSW WHS mining practising certificates

For statutory functions requiring a practising certificate under schedule 10 of the WHS (Mines and petroleum sites) Regulation 2022, the NSW Resources Regulator (the Regulator) administers the AMR processes. The Regulator checks with the interstate issuing authority that the person:

- holds a current certificate for an equivalent occupation and any conditions restricting practise
- whether they are subject to any disciplinary proceedings that may remove the authorisation.

If the checks are okay, then the person will be notified by email from the Regulator they have AMR. Any employer, including mine operators, may verify the authenticity of documentation issued with

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the Regulator (refer further information below), provided written consent is supplied from the individual.

Maintenance of competence requirements

Under AMR for NSW WHS mining statutory functions requiring practising certificates, the person must comply with the condition for maintaining competence, as prescribed for NSW holders. The Resources Regulator will randomly audit AMR registrants for whether they are completing the required maintenance of competence learning for the length of time they have been practising in NSW, starting at a minimum of 3 months work plus. More information is available on the Regulator [website](#).

Mutual recognition (MR) via NSW practising certificate (substantive registration)

People intending to live or work **permanently** mainly in NSW as their home state, at any stage, **must** apply to the NSW issuing authority for MR of their interstate authorisation to obtain the equivalent NSW authorisation for the occupation. The processes are the same for those outlined for AMR above, except the applicant may applying directly to the issuing authority. For NSW mining WHS practising certificates, this will be through the online [portal](#) of the Regulator. If the application is approved, the person will receive the NSW certificate and must comply with the conditions listed on it, including [maintenance of competence](#) and maintaining contact and work details with the Regulator.

Key similarities and differences between AMR and MR

Similarities

- require applying and to be assessed by the NSW authority, including contacting the interstate issuing authority to verify authenticity and eligibility
- have issuing documentation from the NSW authority to prove AMR or MR
- the applicant can work in the occupation up to 30 days after applying, pending a decision

Differences

- AMR is for people intending to temporarily work in NSW, whereas MR is required for permanency
- MR usually requires an application fee, whereas AMR does not
- Proof of eligibility to work in an occupation is from the AMR approval documentation **and** the home state authorisation. For MR it is the NSW authorisation only.
- MR continues as the NSW authorisation is held, despite the person's authorisation may be lapsed in the original state. AMR does not.
- Conditions for MR NSW authorisations may or may not apply to AMR registrants, depending on the applicable NSW legislation prescribing it or not

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How mine operators should manage AMR in NSW

The mine operator should follow this process to determine whether a person has the necessary authorisation to work in the NSW equivalent occupation requiring authorisations:

1. The tenancy of the work – AMR or MR for temporary versus MR for permanent work only
2. Verified the authenticity of the authorisation with the issuing authority in NSW for AMR and MR. For AMR verify with the interstate authority for the home state authorisation as well. The Regulator can assist with providing interstate authority contact details.
3. Maintain details of workers exercising WHS mining statutory functions, or for other authorised only occupations, in their safety management system to demonstrate compliance applicable
4. Is the AMR or MR authorised person satisfying any requirements under NSW legislation, which will be at a maintenance of competence condition for both, and maintaining contact and work details with the Regulator for MR
5. Monitor if the tenancy of work or the person's primary place of work becomes permanently in NSW, then the person must apply for MR

AMR scheme in other states and New Zealand (NZ)

All other Australian states are participating in AMR, except Qld. AMR does not apply in NZ. People planning to work in Qld or NZ must apply to the relevant issuing authority for MR.

For participating other states, links to their AMR scheme are provided on the [NSW AMR website](#).

A mine operator could support their workers relocating to another state to obtain the necessary authorisation depending on the tenancy of work – temporary > AMR, permanent > MR.

Further information

Regulator Mining Authorisation and Competencies – mca@regional.nsw.gov.au or 1300 814 609 (option 2 > 3)

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