NOTIFICATION OF MUTUAL RECOGNITION OF STATUTORY FUNCTIONS

Fact sheet

May 2019

This information sheet is provided to help people apply for mutual recognition to carry out a statutory function in a NSW mine. A person may seek registration for an equivalent occupation under the Mutual Recognition (New South Wales) Act 1992 (MR Act) or the Trans-Tasman Mutual Recognition (New South Wales) Act 1996 (TTMR Act) in relation to the equivalent statutory functions under Schedule 10 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 (WHS (Mines and Petroleum Sites) Regulation). In NSW, the regulator (i.e. head of the Department of Planning and Environment) is the local registration authority for these statutory functions.

Applying the mutual recognition principle, a person holding a registration in one State or Territory or in New Zealand is entitled to be registered for the equivalent occupation in another State or Territory or in New Zealand, after providing notification.

Mutual recognition of occupations provides:

- increased opportunities for Australians to work across the country, and for Australians and New Zealanders to work in each other’s country
- certainty for workers considering moving between jurisdictions
- employers with mobile work forces greater ease to relocate workers more quickly across state and territory borders.

The mutual recognition principle does not apply to the recognition of occupations (for example certificates or permits between authorities) within the same Australian state or territory. Other mutual recognition schemes may apply and you are encouraged to contact the relevant local registration authorities.

When to notify for mutual recognition

When a person (who is registered for an occupation in another Australian state (i.e. other than New South Wales) or Territory or New Zealand) seeks to carry on the equivalent occupation in relation to statutory functions (see Schedule 10 of the WHS (Mines and Petroleum Sites) Regulation) in NSW, that person must notify the regulator to seek registration for the equivalent occupation in accordance with the mutual recognition principle.

Notification to the Resources Regulator

Complete and submit the notification form to the NSW Resources Regulator.

Your written notice must be accompanied by a copy of your existing registration document (or, if there is no such document, sufficient information to identify you and your registration must be provided). You must sign the statutory declaration in your application in the presence of a qualifying witness (see 2.1) for your signature. This witness must state their qualification (for example Justice of the Peace) and cross out the text ‘does not apply’ between the two signatures. If not in New South Wales you may use your current state’s statutory declaration form and appropriate signature witness.

Authorised witnesses

There are many people from a broad spectrum of professions who can certify copies of original documents. The Resources Regulator will accept any of the following:

- a Justice of the Peace (with a registration number in the state in which they are registered)
- a police officer
- a judge of a court
- a Sheriff's officer
- a barrister
- a solicitor
- a health professional registered with the Australian Health Practitioner Regulation Agency (e.g. doctor, pharmacist, optometrist, nurse)
Fees for certain statutory functions

The fees below are payable when notifying the regulator (i.e. submitting the notification form) in relation to certain statutory functions.

Note: The list of statutory functions below is not exhaustive. It includes statutory functions under Schedule 10 of the WHS (Mines and Petroleum Sites) Regulation that have equivalent occupations in other Australian States or Territories or New Zealand. If you are seeking registration of an equivalent occupation in relation to a statutory function that is not listed below, contact 02 4063 6461.

<table>
<thead>
<tr>
<th>Statutory functions</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mining engineering manager of underground coal mines</td>
<td>$380</td>
</tr>
<tr>
<td>Electrical engineering manager of underground coal mines</td>
<td>$380</td>
</tr>
<tr>
<td>Undermanager of underground coal mines</td>
<td>$360</td>
</tr>
<tr>
<td>Deputy of underground coal mines</td>
<td>$340</td>
</tr>
<tr>
<td>Mining engineering manager of coal mines other than underground coal mines</td>
<td>$380</td>
</tr>
<tr>
<td>Open cut examiner of coal mines other than underground coal mines</td>
<td>$340</td>
</tr>
<tr>
<td>Mining engineering manager of underground mines other than coal mines</td>
<td>$200</td>
</tr>
<tr>
<td>Quarry manager of mines other than underground mines or coal mines</td>
<td>$200</td>
</tr>
</tbody>
</table>

You may pay the fees via:

- credit card on the online payment system (see instructions in the notification form), or
- a cheque or money order (attach this with your notification form) made payable to the NSW Department of Planning and Environment.

Notification of decision

You will be sent written notice of the Resources Regulator’s decision to grant registration, or to postpone or refuse the grant of registration.

Grant of registration

The Resources Regulator may impose conditions on registration in order to achieve equivalence of occupations.
**Postponement and/or refusal of registration**

The Resources Regulator may postpone and/or refuse the grant of registration, if:

- any of the statements or information in the notice (as required by section 19 of the Schedule in the MR Act or section 18 of the Schedule in the TTMR Act) are materially false or misleading; or

- any document or information (as required by section 19(3) of the Schedule in the MR Act or section 18(3) of the Schedule in the TTMR Act) has not been provided or is materially false or misleading; or

- the Resources Regulator decides that the occupation in which registration is sought is not an equivalent occupation.

In addition, the Resources Regulator may also postpone the grant of registration, if:

- the circumstances of the person lodging the notice have materially changed since the date of the notice or the date it was lodged.

**Further information**

We prefer that applications be submitted via email. Alternatively, you may mail your application to us. Please only submit your application via one method.

**Email:** minesafety.competence@planning.nsw.gov.au (preferred option)

**Mail:** Mining Competence Team, Department of Planning and Environment, PO Box 344, HRMC NSW 2310