

# FACT SHEET

## Notification of mutual recognition of statutory functions

March 2022

This fact sheet is provided to help people notify for mutual recognition to carry out a Work Health and Safety (WHS) statutory function at a NSW mine by being issued a practising certificate.

A person may seek registration for an equivalent occupation under the *Mutual Recognition (New South Wales) Act 1992* or the *Trans-Tasman Mutual Recognition (New South Wales) Act 1996* in relation to the equivalent statutory functions under Schedule 10 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014. In NSW, the Resources Regulator is the registration authority for these statutory functions.

Applying the mutual recognition principle<sup>1</sup>, 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.

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<sup>1</sup> See section 17 of the Schedule in the *Mutual Recognition (New South Wales) Act 1992* and section 16 of the Schedule in the *Trans-Tasman Mutual Recognition (New South Wales) Act 1996*.

## 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 2014) in NSW, that person must notify the Resources Regulator to seek registration for the equivalent occupation in accordance with the mutual recognition principle.

Statutory functions in NSW for which interstate and New Zealand authorisations may be recognised for equivalence are listed within the application notification form. To find out if your authorisation may be recognised, contact us on 02 4063 6461 or [mca@planning.nsw.gov.au](mailto:mca@planning.nsw.gov.au).

## How to notify

Complete and submit an online notification form through the Resources Regulator [portal](#). To do this you must be a portal user, which can be applied for and obtained from the login page.

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).

A statutory declaration must be provided with your notification. If you are making your declaration within NSW, you must sign the statutory declaration in the form in the presence of a qualifying witness. 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 you are not in NSW, you must use the state's statutory declaration form where you are making it. The declaration must be witnessed by an authorised witness in that state.

When making your declaration you must state that:

1. the statements and information provided in the notification are true and correct to the best of your knowledge
2. any registration document attached to the notification is either the original or a complete and accurate copy of the original.

The declaration must be included in your notification. Failure to submit a properly completed declaration will delay processing of your notification.

You only submit one application and fee for the highest NSW statutory function you may be eligible for and seeking recognition.

## Applying for statutory functions

In completing the application form, you can select the highest-level NSW statutory function that your interstate or New Zealand certificate enables you to exercise as an equivalent occupation. Refer to the [Guide: Statutory functions](#) on our [Practising certificates overview page](#).

When issuing a practising certificate for the highest-level function, lower-level functions are also listed for the classes of mine applicable, as summarised below with two examples:

### Underground coal mines

Mining engineering manager

This statutory function also allows you to practise in the following roles:

Undermanager of underground coal mines

Ventilation officer of underground coal mines

Deputy of underground coal mines

Mining engineering manager of coal mines other than underground mines

Open cut examiner of coal mines other than underground mines

### Underground mines other than coal mines

Mining engineering manager

This statutory function also allows you to practise in the following roles:

Underground mine supervisor

Quarry manager

Whichever is the highest function you apply for will determine how much [maintenance of competence](#) you must complete to satisfy the condition on your practising certificate.

So you may choose to apply for a function that is lower if you intend to only carry out that function as the highest, but still have the lower levels one listed. You do not have to complete maintenance of competence for the lower level ones.

## Authorised witnesses

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

- Justice of the Peace (with a registration number in the state in which they are registered)
- Police officer
- Judge of a court
- Sheriff's officer

- Barrister
- Solicitor
- Health professional registered with the Australian Health Practitioner Regulation Agency (e.g. doctor, pharmacist, optometrist, nurse)

## Fees

There is a fee for a mutual recognition notification. You must pay the fee via the online payment system (see instructions on the notification form) with the link to pay in our Factsheet: fee schedule for certificates on our [Applying for a practising certificate page](#). If you are notifying for mutual recognition of multiple statutory functions, you are only required to make one payment. All statutory functions recognised will be recorded on the one practising certificate.

## Notice of decision

You will be sent written notice through the [Resources Regulator portal](#) of the Regulator's decision to grant registration of mutual recognition, or to postpone or refuse the grant of registration.

## Grant of registration

The Regulator may impose conditions on registration to achieve equivalence of occupations.

## Postponement or refusal of registration

The Regulator may postpone 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 Regulator decides that the occupation in which registration is sought is not an equivalent occupation.

In addition, the 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

Applications must be submitted online via the Resources Regulator portal. For assistance contact the Mining competencies team:

+61 (02) 4063 6461

[mca@planning.nsw.gov.au](mailto:mca@planning.nsw.gov.au)

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (March 2022). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the NSW Department of Regional NSW or the user's independent advisor.

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