**September 2022**

# Sampling or analysing diesel engine exhaust

## About this form

This form is to be used to apply for a licence to carry out any sampling or analysing of diesel engine exhaust.

[Part 10](https://www.legislation.nsw.gov.au/%22%20%5Cl%20%22/view/regulation/2014/799/part9) of the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022* (the Regulation) sets out the requirements for licensed activities at, or with respect to, underground coal mines.

This application form is for one licence and facility location. If you require multiple licences, please submit separate application forms.

1. Guidance

Applicants must ensure that their application demonstrates how any sampling and analysis of diesel engine exhaust will be carried out and

To assist the regulator in assessing this application, applicants must provide evidence of:

* 1. all accreditations held for the sampling or analysis of diesel engine exhaust issued by:
		1. the National Association or Testing Authorities Australia (NATA) in accordance with their laboratory accreditation program under ISO/IEC 17025 General requirements for the competence of calibration and testing laboratories or
		2. an assessment body accredited by signatories to the International Laboratory Accreditation Corporation through their Mutual Recognition Agreement.
	2. how testing of diesel engines and exhaust will be carried out in accordance with, or to a standard equivalent with, sections 5.3, 5.4, 6.2, 6.3 and 7 of Mining Design Guideline MDG 29, Guideline for the management of diesel engine pollutants in underground environment, and
	3. how (if applicable) the ‘Testing requirements’ specified in section 3 of MDG 43 Technical Standard for the design of diesel engine systems for use in underground coal mines will be met.

**Note:** The regulator has specified MDG 43 as the standard applying to diesel engine systems at underground coal mines, in accordance with section 187 (5) of the WHS (MPS) Regulation (refer to the [*Registration of Diesel Engine Systems Design Order 2018*](https://www.resourcesregulator.nsw.gov.au/__data/assets/pdf_file/0008/566378/Govt-Gazette-9-Nov-2018-plant-design-registration-orders-diesel-engine-systems.pdf)).

Applicants must attach to this application evidence to demonstrate that all activities carried out under the licence (if granted) will:

* 1. be supervised by a competent person and
	2. be carried out by workers who have had training in safe working methods in relation to the activity and that each of those workers will have completed a course of training specified by the regulator (if any) in relation to the activity or will have appropriate experience or training in the carrying out of the activity and
	3. be carried out using procedures, equipment and facilities that are suitable for those activities.

The mine operator of an underground coal mine must ensure that exhaust emissions from diesel engines located underground are sampled and analysed every six months by a person holding a licence under Part 3 of the Regulation (section 56 of the Regulation).

A person must not carry out sampling or analysis of exhaust emissions from diesel engines located underground at, or with respect to, an underground coal mine, unless the activity is carried out under, and in accordance with, a licence (section 154 (1) of the Regulation).

The mine operator of an underground coal mine must ensure that no person carries out sampling or analysing of exhaust emissions from diesel engines located underground at, or with respect to, an underground coal mine, unless the activity is carried out under, and in accordance with, a licence (section 154 (2) of the Regulation).The regulator may grant a licence unconditionally, or subject to conditions (section 158 (1) of the Regulation). The regulator may suspend or cancel a licence in certain circumstances (section 160 of the Regulation).

1. Type of licence application

Tick which applies:

|  |  |
| --- | --- |
| Type of application | [ ]  New licence (please select if the facility **does not hold an existing licence** for sampling or analysing of diesel engine exhaust) |
| [ ]  New licence (please select if the facility **currently holds an existing licence** for sampling or analysing of diesel engine exhaust, and provide the previous licence number below) |
| **Note:** Amendment of details on an existing licence are to be completed on *Application form – Licensed Activities – Change of information* |
| Existing licence number (if applicable) |       | Existing licence expiry date (if applicable) |       |

1. Applicant details
	1. Body corporate (if applicable)

Registered name

|  |
| --- |
|       |

| **ACN** |   |   |   |  |   |   |   |  |   |   |   |
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Registered business (trading) name, if applicable. (If the organisation is a trustee for a trust, include the name of the trust. Attach a certificate or other written evidence of the registration of the business name to the application.

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| **ABN** |   |   |  |   |   |   |  |   |   |   |  |   |   |   |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |

* 1. Individual or contact person for body corporate

|  |  |
| --- | --- |
| First name |       |
| Other given name |       |
| Last name |       |
| Salutation |       |
| Position title |       |
| Email address\* |       |
| Daytime contact telephone number (contact will primarily be via email) |       |
| Mobile number |       |

\* The primary means of correspondence will be via email. The contact person for a body corporate should provide a generic email address so that throughout organisational changes in your company, the regulator can maintain contact with the legal entity. Failure to maintain up to date contact details may result in suspension or cancellation of a licence.

* 1. Street address (must NOT be a PO Box)

Body corporate to provide their registered business address. Individuals to provide their residential address.

|  |  |
| --- | --- |
| Unit/Street/Property |       |
| Street name |       |
| Suburb |       |
| State |       |
| Postcode |       |
| Country (if other than Australia) |       |

* + 1. Postal address

[ ]  Same as the street address above

|  |  |
| --- | --- |
| Unit/street/property |       |
| Street name |       |
| Suburb |       |
| State |       |
| Postcode |       |
| Country (if other than Australia) |       |

* 1. Facility address

[ ]  Same as the street address above

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| --- | --- |
| Unit/Street/Property |       |
| Street name |       |
| Suburb |       |
| State |       |
| Postcode |       |

1. Proposed activities to be carried out under the licence

What proposed activities will be carried out under the licence?

Tick **all** that apply:

**Mandatory** sampling and analysing of diesel engine exhaust under clause 75

[ ]  carbon dioxide (CO2)

[ ]  carbon monoxide (CO)

[ ]  oxides of nitrogen (NOx)

[ ]  diesel particulate/elemental carbon (DP/EC)

Provide further information below if required:

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1. Facilities and location

Location

Specify the location where the proposed activities will be carried out under the licence. Provide address/es of all locations. Include fixed locations, as well as the number of mobile vans that will be operating under this licence, if applicable.

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Facilities

Specify what sampling or analysis will be carried out at each location listed in 5.1 above, including sampling or analysis that will be carried out in mobile vans.

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1. Supervision by a competent person

In this section, provide details of the competent person(s) who will supervise the proposed activities under the licence.

Attach the following information:

1. the organisation’s management structure;
2. position descriptions for the competent person(s) who will supervise the proposed activities;
3. responsibilities and reporting arrangements relating to the licence; and
4. qualifications, training and experience with the proposed licence activity.

List the attachments below.

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| List **of attachments** |
|       |

1. Workers’ training

Provide details of the training that is provided to workers before the work begins, which relates to the licence.

Provide details of the training of workers who will carry out activities under the licence.

Include the positions of all workers who will carry out an activity under the licence and the training they will have before commencing that work.

If the facility currently holds a licence, provide details of any changes since the last application.

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1. Procedures

Procedures for the proposed activities

1. Set out what procedures will be used to carry out activities under the licence and why those procedures are suitable for those activities. Provide supporting documents.

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1. Attach copies of laboratory test methods, work sheets and test reports that are in place for the analysis of diesel engine exhaust.

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1. Identify the organisation that issued accreditation for the specified tests and provide a copy of:
* accreditation certificate; and
* last assessment report.

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Procedures for subcontracting

1. Provide details on all proposed activities under the licence that will be sub-contracted.
**Note:** A sub-contractor must not carry out the sampling or analysis of diesel engine exhaust activity unless that person holds a licence.

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1. Provide details on what procedures will be used to manage sub-contracted activities under the licence.
If the facility currently holds a licence, provide details of any changes since the last application.

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Procedure for keeping of records and reports

1. What procedures are in place for the maintaining of records and reports in relation to activities carried out under the licence? Provide a summary of these procedures.
If the facility currently holds a licence, provide details of any changes since the last application.

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1. Provide an example of a report that will be used to report on activities carried out under the licence after they have been completed.

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1. Equipment

Provide details of the equipment that will be used to carry out the proposed activities under the licence at the locations listed in 5.1 above, including the brand and model of the equipment:

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1. Attachments

List all attachments to this application. If you are submitting your document electronically and the attachment is a separate document, list the document title.

You will need to complete the whole application before completing this table.

|  |  |  |
| --- | --- | --- |
| Title | Reference number | Date of document |
|       |       |       |
|       |       |       |
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1. Fees

A fee is payable for an application for a licence. The Resources Regulator uses a third-party secure payment service to receive payments. Refer to [our website](https://www.resourcesregulator.nsw.gov.au/safety-and-health/applications/licensed-activities/schedule-of-fees-for-authorisations) for instructions on how to make payment.

Enter your receipt number below:

|   |   |   |   |   |   |   |   |   |   |
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1. Applicant’s declaration

I declare that:

* the information supplied in this application is true and correct to the best of my knowledge; and
* in making this application, I have not failed to provide material information relating to the matters addressed above; and
* I am authorised to provide this information on behalf of the applicant; and
* I consent to the department making enquiries and exchanging information with SafeWork NSW and other work health and safety regulators in other states regarding any matter relevant to this application.

|  |  |
| --- | --- |
| Name |       |
| Position title |  |
| Signature |  |
| Date |       |

Note: Giving false or misleading information is a serious offence under section 268 of the *Work Health and Safety Act 2011*, and Part 5A of the *Crimes Act 1900.*

1. Checklist

## Applicant details

[ ]  Have you completed all the relevant fields in the applicant details?

[ ]  Have you attached the certificate or other written evidence of the registration of the business name? (if applicable)

## Proposed activities

[ ]  Have you provided details of the proposed activities you propose to carry out under this licence?

## Facilities and location

[ ]  Have you provided details of the facilities and location?

## Supervision by competent person

[ ]  Have you provided supervision details?

## Workers training

[ ]  Have you provided workers training details?

## Procedures

[ ]  Have you provided details on the procedures for activities carried out under the licence? Do procedures cover:

[ ]  how the proposed activities are carried out

[ ]  laboratory test methods

[ ]  accreditation certificate and last assessment report

[ ]  subcontracting

[ ]  reporting and records

## Equipment

[ ]  Have you provided details of equipment that will be used?

## Attachments

[ ]  Have you listed all attachments included with your application?

## Application fee

[ ]  Have you made payment according to the instructions in this form?

## Declaration

[ ]  Has the applicant signed and dated the applicant declaration?

1. Submitting the form

Email this form and all accompanying documentation to the Mining Authorisation Team of Regional NSW - Resources Regulator at:

* Email: mca@regional.nsw.gov.au

**Please note:** applications can only be accepted by email.

If you have any queries or need assistance submitting your supporting documentation, please contact the Resources Regulator on 1300 814 609 or at mca@regional.nsw.gov.au

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