**September 2022**

The NSW Resources Regulator has reporting requirements for holders of licences for overhauling, repairing or modifying activities that may affect the explosion-protection properties of explosion-protected plant. These reporting requirements need to occur in instances where certified explosion protected (Ex) equipment has been identified as not complying with the applicable certificate of conformity (CoC) or mining design registration (MDR).

The following condition is contained in licences granted under section 153(2)(b) of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022:

*Where any non-compliance of explosion protected plant is identified by, or reported to, the licensed facility, and no evidence of any prior assessment by a facility licensed by the Regulator can be identified, the licence holder must report such non-compliance to the Regulator within 14 days of becoming aware of the non-compliance.*

The equipment may have been supplied as a ‘new’ item to the licensed workshop before the equipment was placed in service at a mining operation, or it may have been in service but there was no evidence to suggest it had been previously assessed by a licensed facility.

Reports are to be provided to us using this notification form. A copy of each submitted notification form must be kept by the licence holder for five years.

Completed forms are to be submitted to us at [mca@regional.nsw.gov.au](mailto:mca@regional.nsw.gov.au).

Additional information that assists in identifying the non-conformance should also be included. This may include photographs, records of findings and measurements, copies of the relevant CoC or MDR and certification drawings.

**Note:** Where equipment has been in service, overhauled or repaired, any non-compliant equipment should be notified directly to the relevant mine operator. This will enable the mine operator to comply with notification requirements under section 124 (in-service failure of the explosion protection characteristics) of the Regulation.

Contact us on 1300 814 609 for further information.

# Ex-certified equipment non-compliance notice

For licences granted under section 153(2)(b) of the Regulation for undertaking overhauling, repairing or modifying activities that may affect the explosion-protection properties of explosion-protected plant.

|  |  |
| --- | --- |
| **Details of non-compliant equipment** | |
| Ex equipment make and model: |  |
| Details of the identified non-compliance: |  |
| CoC/MDR number (copy to be provided, including all relevant drawings): |  |
| CoC/MDR issue/revision number: |  |
| Serial number: |  |
| Certificate holder: |  |
| Manufacturer: |  |
| Date of manufacture: |  |
| Equipment supplier: |  |

|  |  |
| --- | --- |
| **Details of end user equipment** | |
| Plant type: |  |
| Plant number: |  |
| Plant owner: |  |
| Equipment supplier: |  |

|  |  |
| --- | --- |
| **Details of the reporting entity** | |
| Licence holder: |  |
| Licence number: |  |
| Name of person making report: |  |
| Signature: |  |
| Date: |  |

# Submitting the notification form

Requests must only be sent to the addresses below.

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

Mail: Mining Competencies and Authorisation Unit

NSW Resources Regulator

PO Box 344

HRMC NSW 2310

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