

# FACTSHEET

## Quarry manager exemption for tier-3 quarries

### Quarry manager exemption (tier-3)

The regulator has recognised that the risks associated with small quarry operations are not necessarily proportionate with the requirement to have a qualified quarry manager holding a practising certificate. To help reduce regulatory burden the regulator has implemented a three-tier system to identify mines that do not require a certified quarry manager. These mines have been identified as tier-3 quarries.

Accordingly, the regulator has exempted tier-3 quarries<sup>1</sup> from certain requirements of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 (the regulation) in relation to the quarry manager statutory function.

The person carrying out the statutory function under this exemption is no longer required to hold a practising certificate. The exemption took effect on 28 February 2020.

#### Conditions

The operator of the mine may nominate an unqualified<sup>2</sup> individual in their organisational structure to be the quarry manager. However, the operator must ensure that the person nominated to perform the role of the quarry manager is a competent person.

#### Who is a competent person?

A **competent person** is a person who has acquired through training, qualification or experience the knowledge and skills to carry out the task of supervising mining operations at a mine, other than an underground mine or a coal mine, having regard to the location of the mine, the complexity of the mining operations at the mine and the nature of the material mined.

#### What is a tier-3 quarry?

A **tier-3 quarry** is a mine (other than an underground mine or a coal mine) where the mining operations meet the following three criteria:

- Has five or less workers fulltime equivalent workers (FTE<sup>3</sup>), including the Quarry Manager and contractors, and

<sup>1</sup> NSW Government Gazette No 58 of 27 March 2020 pages 1093 to 1094

<sup>2</sup> Unqualified means an individual who does not have the qualifications in clause 31 of Schedule 10 of the regulation

<sup>3</sup> Note: an FTE worker is equivalent to 2000 hours worked per year

- does **not** carry out any dredging or blasting (explosives) activities on the site, and
- does **not** extract more than 30,000 cubic metres of extractive material for sale or reuse per year.

**NOTE:** If the mine does not meet all three criteria above, it is not a tier-3 quarry and this exemption does **not** apply.

## What are tier 3 quarries exempt from?

The exemption applies to the mine operator of a tier-3 quarry who nominates an unqualified individual (the competent person) to be quarry manager at that mine and an unqualified individual (the competent person) carrying out the function of quarry manager at that mine.

The mine operator of a tier-3 quarry is exempt from:

- notifying the regulator of the identification and competency of the quarry manager at the commencement of mining operations (clause 129(4)(g) of the regulation)
- notifying the regulator when there is a change to the details of the quarry manager (clause 129(6A) of the regulation).

The mine operator of a tier-3 quarry may:

- nominate a competent person as quarry manager who does not hold a practising certificate (clause 136(3) of the regulation)
- nominate a competent person as quarry manager who ceases to hold a practising certificate (clause 136(4) of the regulation)
- have a quarry manager who does not hold a practising certificate supervise mining operations (clause 137(1) of the regulation).

An individual (the competent person) of a tier 3 quarry is exempt from:

- holding a practising certificate to be a quarry manager at a tier – 3 quarry (clause 136(3)-(4) of the regulation)
- notifying the operator if they no longer hold a practising certificate (clause 138 of the regulation).

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