



# Mine Safety LEGISLATION UPDATE

No. 2/2009 (LU09-02)

22 October 2009

## Licences for high-risk work and certificates of competency for other work

The *Occupational Health and Safety Regulation 2001* (OHS Regulation) - Part 9.1A requires that people doing certain types of high-risk work must hold a licence or recognised qualification to show that they are competent to undertake the work. Part 9.1 requires certificates of competency for other work.

People working in coal workplaces or mining workplaces undertaking high-risk work (refer schedule clause 264B, OHS Regulation) for which such a licence or recognised qualification or other work for which a certificate of competency is required must have obtained this by 1 September 2009.

From 1 September 2009, Registered Training Organisations (RTOs) will manage all of the training and assessment for high-risk work licences in NSW.

Following the successful completion of a national unit of competency and a formal licence assessment conducted by the RTO WorkCover NSW will issue a photo licence with a duration of five years.

The broad types of high-risk work for which a licence or recognised qualification is required are (Part 9.1A):

### Operation and use of:

- Cranes and Hoists – including tower, derrick, portal boom, bridge or gantry, vehicle loading and mobile cranes; personal and material hoists; boom-type elevated work platforms; and vehicle mounted concrete-placing boom
- Forklift trucks
- Pressure equipment – including boilers, steam turbines.

### Undertaking of:

- Scaffolding
- Rigging – including dogging.

The broad types of other work for which a certificate of competency is required are (Part 9.1):

For further information contact your local Industry and Investment NSW Mine Safety office:

Maitland: 4931 6666 Armidale: 6738 8500 Broken Hill: 08 8088 9300 Cobar: 6836 6000

Lightning Ridge: 6829 9200 Lithgow: 6350 7888 Orange: 6360 5333 Singleton: 6571 8788 Wollongong: 4222 8333



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- Operation and use of load shifting machines other than forklift and order picking forklift.
- Application of pesticides
- Use of fumigants

There are many subclasses within each of these categories and you will need to refer to the OHS Regulation to see what licences, recognised qualifications or certificates of competency may be required. Licences are nationally recognised and show that holders are competent to undertake the type of work anywhere in Australia.

For general industry, the OHS Regulation requires a licence to operate forklift trucks (clause 264B 4.1-4.2) and a certificate of competency to operate load-shifting equipment (clause 266, 10.3 – 10.7), which includes:

- draglines
- excavators
- front end loaders/backhoes
- front end loader of skid steer type.

OHS Regulation requirements to hold a licence for forklift trucks and a certificate of competency for load-shifting equipment do **not** apply to the mining industry.

In addition an exemption will be issued to provide transitional arrangements when dogging and rigging high-risk work is being undertaken underground in a coal workplace or underground in a mining workplace. This exemption is conditional and will have effect until:

- 30 June 2010, where the load being lifted is 10 ton or greater
- 31 August 2011 where the load being lifted is greater than 1 ton
- 31 August 2012 where the load being lifted is less than 1 ton

A copy of this exemption will be published on the Industry and Investment NSW website at [www.dpi.nsw.gov.au/minerals/safety/legislation](http://www.dpi.nsw.gov.au/minerals/safety/legislation)

### Note:

**rigging** means the exercising of direct control of the movement of equipment and associated gear necessary for the purpose of:

- (a) setting up or dismantling a crane or hoist, or similar plant configured for operation as a crane or hoist, or
- (b) placing or securing plant or a load relating to, and including the structural members of, a building or structure, or

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- (c) ensuring the stability of the structural members of a building or structure.

**dogging** means:

- (a) the application of slinging techniques, including the selection or inspection of lifting gear, to safely sling a load, or
- (b) the directing of a crane operator or hoist operator in the movement of a load when the load is out of the operator's view.

OHS Regulation - Part 9.2 (which includes formwork and using explosive-powered tools) also does **not** apply to the mining industry.

Training and assessment for high risk work licences is undertaken by a registered training organisation (RTO). A photo licence must be held by the person and is issued by WorkCover upon application. For details of national high risk licences visit:

[www.workcover.nsw.gov.au/QuickLinks/Certification/Certificateclasses/Pages/default.aspx](http://www.workcover.nsw.gov.au/QuickLinks/Certification/Certificateclasses/Pages/default.aspx)

For an RTO in your area visit the WorkCover website at:

[www.workcover.nsw.gov.au/WorkcoverOnline/HRWTraining/Pages/HRWTrainingOrganisationSearch.aspx](http://www.workcover.nsw.gov.au/WorkcoverOnline/HRWTraining/Pages/HRWTrainingOrganisationSearch.aspx)

For more information on obtaining a licence contact WorkCover NSW on 13 10 50, visit the website at:

[www.workcover.nsw.gov.au/OHS/NationalCertificatesCompetency](http://www.workcover.nsw.gov.au/OHS/NationalCertificatesCompetency)

Alternatively, contact your local Industry and Investment NSW Mine Safety office.

The OHS Regulation can be accessed online at:

[www.dpi.nsw.gov.au/minerals/safety/legislation/general](http://www.dpi.nsw.gov.au/minerals/safety/legislation/general)