

Guideline for notification for recognition of an equivalent occupation in the NSW mining industry

Mutual Recognition (New South Wales) Act 1992 *Trans-Tasman Mutual Recognition (New South Wales) Act 1996*

This document provides information and guidance when notifying the Department of Trade & Investment, Regional Infrastructure & Services (the Department) under the *Mutual Recognition (New South Wales) Act 1992* or *Trans-Tasman Mutual Recognition (New South Wales) Act 1996* when seeking recognition of registration for an equivalent occupation under the *Coal Mine Health and Safety Act 2002* or the *Mine Health and Safety Act 2004*.

The *Coal Mine Health and Safety Act 2002* and *Mine Health and Safety Act 2004* are administered by the Department and are concerned with regulating health and safety in NSW coal, metalliferous and extractive mines.

1. WHAT IS MUTUAL RECOGNITION

The mutual recognition principle maintains that a person who is registered for an occupation in one Australian State or Territory or New Zealand is entitled to carry on the equivalent occupation in another State or Territory or New Zealand, after being registered for the equivalent occupation with the appropriate authority of the second State or Territory or New Zealand.

Mutual recognition is intended to overcome any legislation requirements or work practices which may unduly restrict the mobility of labour between Australian States and Territories and New Zealand and is intended to allow a person to practice an equivalent occupation.

The *Mutual Recognition (New South Wales) Act 1992* commenced on 2 November 1992 for the purpose of establishing the mechanisms for facilitating the mutual recognition process. The *Trans-Tasman Mutual Recognition (New South Wales) Act 1996* commenced on 4 December 1996. The Acts require the State registration authorities to prepare and make available guidelines and information regarding the operation of mutual recognition in relation to occupations for which an authority is responsible. This document serves to fulfil this requirement.

The *Mutual Recognition (New South Wales) Act 1992* does not apply to persons who seek recognition of certificates or permits between authorities within the same State. Other legislation provisions apply and these persons are encouraged to seek advice from relevant authorities.

The registration authority in NSW for occupations relating to mining is the Department.

2. WHEN TO NOTIFY FOR MUTUAL RECOGNITION

When a person from another State or Territory or New Zealand seeks to practice their occupation in the mining industry of NSW, that person may have their registration recognised by the Department under the provisions of the *Mutual Recognition (New South Wales) Act 1992* or the *Trans-Tasman Mutual Recognition (New South Wales) Act 1996*.

3. WHAT ARE STATUTORY OCCUPATIONS IN NSW MINING

Persons engaged in occupations such as:

- manager of mining engineering at an underground coal mine
- manager of mining engineering at an open cut coal mine
- mining supervisor (undermanager of an underground coal mine)
- mining supervisor (deputy of an underground coal mine)
- mining supervisor (examiner of an open cut coal mine)
- production manager of an above ground mine (metalliferous and extractives)
- production manager of an underground mine (metalliferous and extractives)

are all required to have statutory qualifications under the *Coal Mine Health and Safety Act 2002* or the *Mine Health and Safety Act 2004*.

4. NOTIFYING THE DEPARTMENT

The steps in notifying the Department when seeking mutual recognition are:

- Identify the relevant NSW occupation for which mutual recognition is sought (see list above)
- Complete the **Notification for mutual recognition of an equivalent occupation** form and forward to the Department with supporting documents. You do not have to lodge the documentation in person
- Attach copies, certified by a Justice of the Peace, of all relevant statutory documents issued by a registering authority for the occupation which you are currently engaged
- Attach copies, certified by a Justice of the Peace, of your birth certificate or passport.

5. REGISTRATION OF OCCUPATION

The Department will give the person who lodges a notice seeking mutual recognition a notice in writing of its decision to grant registration, or to postpone or refuse the grant of registration, or to impose conditions on registration.

A notification of registration under the *Mutual Recognition (New South Wales) Act 1992* or the *Trans-Tasman Mutual Recognition (New South Wales) Act 1996* may be refused if any statements, documents or information are misleading, false, incomplete, or if the occupation is not equivalent (even by the imposition of conditions on the registration).

6. WHERE TO OBTAIN A NOTIFICATION FORM

Notification forms can be obtained from the Department's website at:

www.dpi.nsw.gov.au/minerals/safety/resources/qualifications/recognition-procedures

or

Phone: 02 4931 6625 Fax: 02 4931 6706
Email: coalcompetence.board@industry.nsw.gov.au

7. WHERE TO LODGE A NOTIFICATION

A completed application for mutual recognition should be forwarded to:

Mining Industry Competencies Unit
Mine Safety Performance
NSW Trade & Investment
PO Box 344
Hunter Region Mail Centre NSW 2310

Phone: 02 4931 6625 Fax: 02 4931 6706
Email: coalcompetence.board@industry.nsw.gov.au

8. FEES

The fees below (nil GST applicable) are payable when lodging a notification:

Occupation	Fee
manager of mining engineering at an underground coal mine	\$380
manager of mining engineering at an open cut coal mine	\$380
mining supervisor (undermanager of an underground coal mine)	\$360
mining supervisor (deputy of an underground coal mine)	\$340
mining supervisor (examiner of an open cut coal mine)	\$340
production manager of an above ground mine	\$100
production manager of an underground mine	\$100

Your payment details and appropriate fee should be completed on your application form before lodgement.