

**NSW
Resources
Regulator**

GUIDE

Statutory functions

Work Health and Safety (Mines and Petroleum Sites) Legislation



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May 2018	3	<p>Updated to reflect amendments to the Work Health and Safety (Mines and Petroleum Sites) Regulation, including requirements for statutory functions of:</p> <ul style="list-style-type: none"> → electrical engineer → mechanical engineer → underground mine supervisor → electrical engineer (only required if total connected power at mine is greater than 1,000 kilowatts or if high voltage is utilised).

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About statutory functions

There are some functions at mines and petroleum sites that can only be performed by people who are both eligible and have been nominated by the operator of their mine or petroleum site to do so. These functions are called 'statutory functions'. The list of statutory functions is given in schedule 10 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014. Different statutory functions apply for different types of mines or petroleum sites. For each type of mine or petroleum site, appendix A sets out:

- the title and a description of each statutory function
- whether you need a practising certificate to perform the function
- the eligibility requirements for performing the function or the qualification requirements to obtain a practising certificate¹.

Key statutory functions

Additional rules apply to certain statutory functions known as 'key statutory functions'. Petroleum sites do not have key statutory functions.

Due to the key nature of these functions, a mine operator is prohibited from undertaking certain activities known as 'mining activities'² if the operator has not nominated someone to perform a key statutory function at the mine for more than seven days. Mining activities includes activities for the purpose of extracting minerals from the ground so this is an important restriction. However, other mining operations such as transporting minerals that have already been extracted can be undertaken.

The key statutory functions at mines are:

- electrical engineer
- electrical engineering manager
- mechanical engineer
- mechanical engineering manager
- mining engineering manager
- quarry manager
- ventilation officer.

A key statutory function can only be exercised by one person at any time.

¹ These requirements are set out variously in schedules 10 and 10A of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 and in orders dealing with recognition of existing qualifications and other related matters published in the NSW Government Gazette (refer to <https://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/safety-and-health/legislation/gazettals/whs-mines-legislation-gazettals>).

² The term mining activities is defined in section 7 of the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

Some mines operate multiple shifts, including shifts of crews who work 7-days-on/7-days-off. However, the rule that only one person can be nominated to perform a key statutory function still applies. For example, at an underground coal mine there might be several people who are eligible to be nominated as the mechanical engineering manager but only one person can be nominated to exercise this statutory function at the mine, not one person per roster. This rule promotes the coordination of key statutory function activities across the different shifts.

End of eligibility

People are not able to carry out their statutory function if they cease to be eligible to exercise it. This could happen if, for example, the function requires a practising certificate and the person's practising certificate has been cancelled. If this happens, the legal effect is that the person is no longer nominated to the statutory function.

Multiple statutory functions

A person can perform more than one statutory function (including at different mines or petroleum sites) if they are readily able and capable of exercising those statutory functions. For example, a person could be a quarry manager for several quarries. However, the mine operator must not nominate someone to be a quarry manager to manage multiple quarries if, due to the distance between the quarries, they will not be readily available to exercise the function at each quarry.

More than one person can perform a statutory function (except for a key statutory function).

Obligations of the mine or petroleum site operator

The mine or petroleum site operator must ensure that:

- no one performs a statutory function at the mine or petroleum site unless they meet the eligibility requirements
- the person nominated to perform a statutory function at a mine or petroleum site is readily available to exercise, and is capable of exercising, the statutory function
- only one person is nominated to exercise a key statutory function at any one time
- no mining activities are undertaken if a key statutory function is vacant for more than 7 days (except non-mechanical exploration)
- in the case of a coal mine, the Regulator is notified of changes to people nominated to exercise key statutory functions using the [Notification of other matters including reportable events](#) form.

Obligations of the nominated person

If you are nominated to perform a statutory function then you have an obligation to tell the mine or petroleum site operator if there is any matter that could interfere with your ability to exercise the function.

An example of this is if you require a practising certificate and your practising certificate is suspended or cancelled.

Mining supervisors

Additional regulatory requirements apply for functions that are named as mining supervisors. For example, in underground coal mines there is a duty on the mine operator to equip mining supervisors with portable gas detectors, and to ensure a mining supervisor is present in the production area whenever extraction takes place.

A 'mining supervisor' at a mine means a person who is nominated to exercise any of the following statutory functions at the mine:

- deputy
- mining engineering manager
- open cut examiner
- quarry manager
- undermanager
- underground mine supervisor.

Eligibility criteria and previous qualifications

Appendix A contains a description of the statutory functions and a summary of the eligibility requirements for each statutory function, including whether a practising certificate is required.

In some cases, a practising certificate may satisfy the eligibility requirements for other statutory functions. For example, a practising certificate to be a mining engineering manager for an underground coal mine also allows the person to exercise the statutory function of mining engineering manager for a surface coal mine.

Transitional arrangements are currently in place to recognise certain 'former certificates' as being equivalent to practising certificates or certificates of competence. These former certificates include certain certificates of competence, permits, licences or other qualifications granted or required under previous mine safety legislation (the *Mine Health and Safety Act 2004* (MHS Act) or the *Coal Mine Health and Safety Act 2002* (CMHS Act)). Any former certificates that are recognised are listed in Appendix A.

Practising certificates

Practising certificates are being launched in stages, by type of practising certificate, from September 2017 over a 20-month period. Practising certificates are issued for five years and require holders to undertake ongoing learning to maintain their competency. If you currently hold a certificate of competence where a practising certificate is required, you will need to apply for a practising certificate.

Further information about the practising certificate scheme, including details of when and how to apply for a practising certificate is available on the [NSW Resources Regulator website](#) and in the **Guide to the maintenance of competence scheme for practising certificates**.

Only people who are 21 years of age or older are eligible for a practising certificate.

Appendix A

Please note:

- If a practising certificate is required, the last column sets out the qualifications required for that practising certificate. Other eligibility criteria will also apply to the practising certificate scheme, such as requirements to maintain competency.
- While practising certificates are being phased in, someone can be nominated to perform a statutory function if they meet one of the requirements in the last row. See the page for [practising certificates](#) on the NSW Resources Regulator website for more information.
- If there is more than one eligibility requirement listed, you are only required to meet one of these requirements.

Mines other than underground mines or coal mines

Statutory function title	Quarry manager
Function	Supervise mining operations at the mine.
Practising certificate	Quarry manager
Eligibility requirements or qualifications for a practising certificate (minimum of one)	<ul style="list-style-type: none"> → Certificate of competence - quarry manager <p>Former certificates</p> <ul style="list-style-type: none"> → Certificate of competence - production manager for an above-ground mine (MHS Act) → Certificate of competence - production manager for an underground mine (MHS Act) → Production manager permit (limited by and subject to all the conditions of the permit) granted under: <ul style="list-style-type: none"> → MHS Act, or → Schedule 12 of the WHS (Mines and Petroleum Sites) Regulation before 1 February 2017.
Statutory function title	Mining surveyor (only required if mine survey plan is required)
Function	Prepare and certify the mine survey plan.
Practising certificate	Not required
Eligibility requirements or qualifications	Registered mining surveyor within the meaning of the <i>Surveying and Spatial Information Act 2002</i> .

Statutory function title	Electrical engineer (only required if total connected power at mine is greater than 1,000 kilowatts or high voltage is used)
Function	Develop and review the standards and procedures for the installation, commissioning, maintenance and repair of electrical plant and installations at the mine, and supervise the installation, commissioning, maintenance and repair of electrical plant and installations at the mine.
Practising certificate	Yes (or registration on the National Engineering Register)
Eligibility requirements	<ul style="list-style-type: none"> → Certificate of competence - Electrical engineering manager (underground coal mines), or → Certificate of competence - Electrical engineer manager (coal mines other than underground coal mines) <p>Former certificates</p> <ul style="list-style-type: none"> → Certificate of competence - mine electrical engineer (underground I) (under CMHS Act) → Certificate of competence - mine electrical engineer (surface) (under CMHS Act) <p>National Engineering Register</p> <ul style="list-style-type: none"> → Evidence of compliance with Australian Engineering Competency Standards Stage 2 in respect of mining operations at a mine and be registered on the National Engineering Register as a professional electrical engineer, an electrical engineering technologist, or an electrical engineering associate.

Statutory function title	Qualified electrical tradesperson
Function	Supervise the installation, commissioning, maintenance and repair of electrical plant and installations at the mine.
Practising certificate	Not required
Eligibility requirements or qualifications	<ul style="list-style-type: none"> → Supervisor certificate that authorises performing electrical wiring work, or → Proficiency certificate (issued by State Training Services) in an electrical trade, or → Have been continuously employed as an electrical tradesperson at a mine since 20 December 2005.

Underground mines other than coal mines

Statutory function title	Mining engineering manager
Function	Develop, supervise, monitor and review the mining engineering standards and procedures forming part of mining operations at the mine.
Practising certificate	Mining engineering manager for an underground mine other than a coal mine.
Eligibility requirements or qualifications for a practising certificate (minimum of one)	<p>→ Certificate of competence - mining engineering manager for an underground mine other than a coal mine</p> <p>Former certificates</p> <p>→ Certificate of competence - production manager for an underground mine (under MHS Act)</p> <p>→ Production manager permit (limited by and subject to all the conditions of the permit) granted under:</p> <ul style="list-style-type: none"> → MHS Act, or → Schedule 12 of the WHS (Mines and Petroleum Sites) Regulation before 1 February 2017.
Statutory function title	Underground mine supervisor (Note: the requirement to nominate a person to carry out this statutory function came into effect on 1 February 2018)
Function	Supervise workers and inspect work areas in a part of the mine for a shift during which production is taking place.
Practising certificate	Underground mine supervisor
Eligibility requirements or qualifications for a practising certificate (minimum of one)	→ Certificate of competence - underground mine supervisor.

Statutory function title	Electrical engineer (only required if total connected power at mine is greater than 1000 kilowatts or high voltage is used)
Function	Develop and review the standards and procedures for the installation, commissioning, maintenance and repair of electrical plant and installations at the mine, and to supervise the installation, commissioning, maintenance and repair of electrical plant and installations at the mine.
Practising certificate	Yes (or registration on the National Engineering Register)
Eligibility requirements	<ul style="list-style-type: none"> → Certificate of competence - Electrical engineering manager (underground coal mines), or → Certificate of competence - Electrical engineer manager (coal mines other than underground coal mines) <p>Former certificates</p> <ul style="list-style-type: none"> → Certificate of competence - mine electrical engineer (underground) (under CMHS Act) → Certificate of competence - mine electrical engineer (surface) (under CMHS Act) <p>National Engineering Register</p> <ul style="list-style-type: none"> → Have evidence of compliance with Australian Engineering Competency Standards Stage 2 in respect of mining operations at a mine and be registered on the National Engineering Register as a professional electrical engineer, an electrical engineering technologist, or an electrical engineering associate.
Statutory function title	Mining surveyor (only required if mine survey plan is required)
Function	Prepare and certify the mine survey plan.
Practising certificate	Not required
Eligibility requirements or qualifications	Registered mining surveyor within the meaning of the <i>Surveying and Spatial Information Act 2002</i> .

Statutory function title	Qualified electrical tradesperson
Function	Supervise the installation, commissioning, maintenance and repair of electrical plant and installations at the mine.
Practising certificate	Not required
Eligibility requirements or qualifications	<ul style="list-style-type: none"> → Supervisor certificate that authorises the doing of electrical wiring work, or → Proficiency certificate (issued by State Training Services) in an electrical trade, or → Have been continuously employed as an electrical tradesperson at a mine since 20 December 2005.

Coal mines other than underground coal mines

Statutory function title	Mining engineering manager (only required at mines where extraction occurs)
Function	Develop, supervise, monitor and review the mining engineering standards and procedures forming part of mining operations at the mine (but only to the extent that those standards and procedures relate to extraction).
Practising certificate	Mining engineering manager for a coal mine other than an underground coal mine
Eligibility requirements or qualifications for a practising certificate (minimum of one)	<ul style="list-style-type: none"> → Certificate of competence - mining engineering manager for an underground coal mine → Certificate of competence - mining engineering manager for a coal mine other than an underground coal mine <p>Former certificates (under the CMHS Act)</p> <ul style="list-style-type: none"> → Certificate of competence - manager of a mine (underground) → Certificate of competence - manager of an open cut mine.

Statutory function title	Open cut examiner (only required at mines where extraction occurs)
Function	Supervise workers and inspect work areas in a part of the mine.
Practising certificate	Open cut examiner
Eligibility requirements or qualifications for a practising certificate (minimum of one)	<ul style="list-style-type: none"> → Certificate of competence - mining engineering manager for an underground coal mine → Certificate of competence - mining engineering manager for a coal mine other than an underground coal mine → Certificate of competence - open cut examiner <p>Former certificates (under the CMHS Act)</p> <ul style="list-style-type: none"> → Certificate of competence - manager of a mine → Certificate of competence - manager of an open cut mine → Certificate of competence - examiner of an open cut mine.

Statutory function title	Mining surveyor
Function	Prepare and certify the mine survey plan.
Practising certificate	Not required
Eligibility requirements or qualifications	Registered mining surveyor within the meaning of the <i>Surveying and Spatial Information Act 2002</i> .

Statutory function title	Electrical engineer
Function	Develop and review the standards and procedures for the installation, commissioning, maintenance and repair of electrical plant and installations at the mine, and supervise the installation, commissioning, maintenance and repair of electrical plant and installations at the mine.
Practising certificate	Yes (or registration on National Engineering Register)
Eligibility requirements or qualifications	<ul style="list-style-type: none"> → Electrical engineer practising certificate (coal mines other than underground coal mines) that is in force, or → Electrical engineering manager practising certificate (underground coal mines) that is in force, or <p>Former certificates (under the CMHS Act)</p> <ul style="list-style-type: none"> → Certificate of competence - mine electrical engineer (underground) → Certificate of competence - mine electrical engineer (surface). <p>National Engineering Register</p> <ul style="list-style-type: none"> → Have evidence of compliance with Australian Engineering Competency Standards Stage 2 in respect of mining operations at a mine and be registered on the National Engineering Register as a professional electrical engineer, an electrical engineering technologist, or an electrical engineering associate.

Statutory function title	Mechanical engineer
Function	Develop and review the standards, mechanical engineering practice and procedures for the life cycle of mechanical plant and installations at the mine, and supervise the installation, commissioning, maintenance and repair of mechanical plant at the mine.
Practising certificate	Yes (or registration on National Engineering Register)
Eligibility requirements or qualifications	<ul style="list-style-type: none"> → Certificate of competence - Mechanical engineering manager (underground coal mines) → Certificate of competence - Mechanical engineer (coal mines other than underground coal mines). <p>Former certificates (under the CMHS Act)</p> <ul style="list-style-type: none"> → Certificate of competence - mine mechanical engineer (underground) → Certificate of competence - mine mechanical engineer (surface). <p>National Engineering Register</p> <p>Have evidence of compliance with Australian Engineering Competency Standards Stage 2 in respect of mining operations at a mine and be registered on the National Engineering Register as a professional electrical engineer, an electrical engineering technologist, or an electrical engineering associate.</p>

Statutory function title	Qualified electrical tradesperson
Function	Supervise the installation, commissioning, maintenance and repair of electrical plant and installations at the mine.
Practising certificate	Not required
Eligibility requirements or qualifications	<ul style="list-style-type: none"> → Supervisor certificate that authorises electrical wiring work, or → Proficiency certificate (issued by State Training Services) in an electrical trade, or → Have been continuously employed as an electrical tradesperson at a coal mine since 21 December 2004.

Statutory function title	Qualified mechanical tradesperson
Function	Supervise the installation, commissioning, maintenance and repair of mechanical plant at the mine.
Practising certificate	Not required
Eligibility requirements or qualifications	<ul style="list-style-type: none"> → Proficiency certificate (issued by State Training Services) in a mechanical trade, or → Have been continuously employed as a mechanical tradesperson at a coal mine since 21 December 2004, or → Have a qualification that the Regulator has declared, by notice published in the Gazette, to be a qualification equivalent to a qualification referred to above.

Underground coal mines

Statutory function title	Mining engineering manager
Function	Develop, supervise, monitor and review the mining engineering standards and procedures forming part of mining operations at the mine.
Practising certificate	Mining engineering manager for an underground coal mine
Eligibility requirements or qualifications for a practising certificate (minimum of one)	<p>→ Certificate of competence - mining engineering manager for an underground coal mine</p> <p>Former certificate (under the CMHS Act)</p> <p>→ Certificate of competence - manager of a mine.</p>
Statutory function title	Electrical engineering manager
Function	Develop, supervise, monitor and review the electrical engineering standards and procedures forming part of mining operations at the mine, and supervise the installation, commissioning, maintenance and repair of electrical plant and installations at the mine.
Practising certificate	Electrical engineering manager
Eligibility requirements or qualifications for a practising certificate (minimum of one)	<p>→ Certificate of competence - Electrical engineering manager (underground coal mines)</p> <p>Former certificate (under the CMHS Act)</p> <p>→ Certificate of competence - mine electrical engineer (underground).</p>
Statutory function title	Mechanical engineering manager
Function	Develop, supervise, monitor and review the mechanical engineering standards and procedures forming part of mining operations at the mine, and supervise the installation, commissioning, maintenance and repair of mechanical plant at the mine.
Practising certificate	Mechanical engineering manager
Eligibility requirements or qualifications for a practising certificate (minimum of one)	<p>→ Certificate of competence - Mechanical engineering manager (underground coal mines)</p> <p>Former certificate (under the CMHS Act)</p> <p>→ Certificate of competence - mine mechanical engineer (underground).</p>

Statutory function title	Undermanager
Function	Supervise the mining operations at the mine for a shift during which there are more than 15 people underground, or secondary extraction is occurring at the mine, or major changes are being made to the ventilation system for the mine.
Practising certificate	Undermanager
Eligibility requirements or qualifications for a practising certificate (minimum of one)	<ul style="list-style-type: none"> → Certificate of competence - mining engineering manager of an underground coal mine → Certificate of competence – undermanager of an underground coal mine <p>Former certificate (under the CMHS Act)</p> <ul style="list-style-type: none"> → Certificate of competence - undermanager of a mine → Certificate of competence - manager of a mine.

Statutory function title	Ventilation auditor
Function	Audit the ventilation system and ventilation control plan for the mine.
Practising certificate	Ventilation auditor
Eligibility requirements or qualifications for a practising certificate (minimum of one)	<ul style="list-style-type: none"> → Graduate Diploma in Mine Ventilation from the University of New South Wales, and <p>Exemplar Global certified OH & AU Occupational Health and Safety Management Systems certificate of attainment; or Exemplar Global certified OH, AU, TL Occupational Health and Safety Management Systems Lead Auditor certificate of attainment; or equivalent certificate of attainment certified by Exemplar Global</p> <p>Former certificates (under the CMHS Act)</p> <ul style="list-style-type: none"> → Licence for auditing of ventilation arrangements under the Coal Mine Health and Safety Regulation 2006.

Statutory function title	Ventilation officer
Function	Control and manage the ventilation activities and standards forming a part of the mining operations at the mine.
Practising certificate	Ventilation officer
Eligibility requirements or qualifications for a	<ul style="list-style-type: none"> → Certificate of competence to be a mining engineering manager of an underground coal mine, or

Statutory function title	Ventilation officer
practising certificate (minimum of one)	<ul style="list-style-type: none"> → Statutory Coal Mine Ventilation Officer’s Qualification from the University of New South Wales, or → Graduate Diploma in Mine Ventilation from the University of New South Wales
	Former certificate (under the CMHS Act)
	<ul style="list-style-type: none"> → Certificate of competence to be a manager of a mine.

Statutory function title	Dust explosion control measures auditor
Function	Audit the dust explosion control measures and standards used at the mine and report the results of those audits to the mine operator.
Practising certificate	Dust explosion control measures auditor
Eligibility requirements or qualifications for a practising certificate (minimum of one)	<ul style="list-style-type: none"> → Certificate of competence to be a manager of a mine; or Certificate of competence to be an undermanager of a mine; or Certificate of competence to be a deputy; and Exemplar Global certified OH & AU Occupational Health and Safety Management Systems certificate of attainment; or Exemplar Global certified OH, AU, TL Occupational Health and Safety Management Systems Lead Auditor certificate of attainment; or equivalent certificate of attainment certified by Exemplar Global
	Former certificate
	<ul style="list-style-type: none"> → Licence to audit dust explosion management plans under: → the CMHS Act, or → Schedule 12 of the WHS (Mines and Petroleum Sites) Regulation before 1 February 2017.

Statutory function title	Deputy
Function	Supervise workers and inspect work areas in a part of the mine.
Practising certificate	Deputy
Eligibility requirements or qualifications for a practising certificate (minimum of one)	<ul style="list-style-type: none"> → Certificate of competence to be a mining engineering manager of an underground coal mine → Certificate of competence to be an undermanager of an underground coal mine → Certificate of competence to be a deputy of an underground coal mine

Statutory function title	Deputy
	<p>Former certificate (under the CMHS Act)</p> <ul style="list-style-type: none"> → Certificate of competence to be a manager of a mine → Certificate of competence to be an under manager of a mine → Certificate of competence to be a deputy.
Statutory function title	Mining surveyor
Function	Prepare and certify the mine survey plan.
Practising certificate	Not required
Eligibility requirements or qualifications	Registered mining surveyor within the meaning of the <i>Surveying and Spatial Information Act 2002</i> .
Statutory function title	Fire officer
Function	Inspect and maintain firefighting equipment at the mine.
Practising certificate	Not required
Eligibility requirements or qualifications	Have demonstrated competency in the Nationally Recognised Training unit RIIERR201D Conduct fire team operations (or any Nationally Recognised Training unit that is equivalent to that unit).
Statutory function title	Roadway dust sampler
Function	Take roadway dust samples at the mine and ascertain the level of incombustible material in those samples.
Practising certificate	Not required
Eligibility requirements or qualifications	Have completed a course on the sampling and testing of roadway dust conducted by the NSW Department of Planning and Environment (or formerly by the NSW Department of Industry or the NSW Department of Trade and Investment).

Statutory function title	Qualified electrical tradesperson
Function	Supervise the installation, commissioning, maintenance and repair of electrical plant and installations at the mine.
Practising certificate	Not required
Eligibility requirements or qualifications	<ul style="list-style-type: none"> → Supervisor certificate that authorises the doing of electrical wiring work, or → Proficiency certificate (issued by State Training Services) in an electrical trade, or → Have been continuously employed as an electrical tradesperson at a coal mine since 21 December 2004.

Statutory function title	Qualified mechanical tradesperson
Function	Supervise the installation, commissioning, maintenance and repair of mechanical plant at the mine.
Practising certificate	Not required
Eligibility requirements or qualifications	<ul style="list-style-type: none"> → Proficiency certificate (issued by State Training Services) in a mechanical trade, or → Have been continuously employed as a mechanical tradesperson at a coal mine since 21 December 2004, or → Have a qualification that the Regulator has declared, by notice published in the Gazette, to be a qualification equivalent to a qualification referred to above.

Petroleum sites

Statutory function title	Rig manager (drilling operations)
Function	Manage all drilling rig operations at the petroleum site.
Practising certificate	Not required
Eligibility requirements or qualifications	Nationally Recognised Training unit RII50815 Diploma of Drilling Oil & Gas (On shore) (or any equivalent Nationally Recognised Training unit).

Statutory function title	Rig manager (well workover and well servicing operations)
Function	Manage all drilling rig operations for well workovers and well servicing at the petroleum site.
Practising certificate	Not required
Eligibility requirements or qualifications	Nationally Recognised Training unit RII51015 Diploma of Well Servicing Operations (or any equivalent Nationally Recognised Training unit).

Statutory function title	Driller (drilling operations)
Function	Supervise the conduct of drilling, well control and other work carried out in connection with drilling at the petroleum site.
Practising certificate	Not required
Eligibility requirements or qualifications	Nationally Recognised Training unit RII41115 Certificate IV in Drilling Oil & Gas (On shore) (or any equivalent Nationally Recognised Training).

Statutory function title	Driller (well workover and well servicing operations)
Function	Supervise the conduct of drilling, well control and other work carried out in connection with well workovers and well servicing at the petroleum site.
Practising certificate	Not required
Eligibility requirements or qualifications	Nationally Recognised Training unit RII41215 Certificate IV in Well Servicing Operations (or any equivalent Nationally Recognised Training unit).