



Queensland

# Mining Legislation (Continuing Professional Development) Amendment Regulation 2022

## Subordinate Legislation 2022 No. 69

made under the

*Coal Mining Safety and Health Act 1999*

*Mining and Quarrying Safety and Health Act 1999*

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	3
<b>Part 2</b>	<b>Amendment of Coal Mining Safety and Health Regulation 2017</b>	
2	Regulation amended .....	3
3	Insertion of new ch 4A .....	3
	Chapter 4A Continuing professional development	
	370AA Purpose of chapter .....	3
	370AB Definitions for chapter .....	3
	370AC Requirement to complete CPD .....	4
	370AD Notice of completion .....	4
	370AE Approval of CPD activities and publication of practising certificate scheme .....	5
4	Insertion of new s 371AA .....	6
	371AA Information to be included in register—Act, s 193A .	6
5	Insertion of new ch 6, pt 11 .....	7
	Part 11 Transitional provision for Mining Legislation (Continuing Professional Development) Amendment Regulation 2022	
	411 Application of CPD requirements during transitional period 7	

Contents

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6	Amendment of sch 9 (Dictionary) . . . . .	8
<b>Part 3</b>	<b>Amendment of Mining and Quarrying Safety and Health Regulation 2017</b>	
7	Regulation amended . . . . .	9
8	Insertion of new ch 2A . . . . .	9
	Chapter 2A Continuing professional development	
	148A Purpose of chapter . . . . .	9
	148B Definitions for chapter . . . . .	9
	148C Requirement to complete CPD . . . . .	10
	148D Notice of completion . . . . .	10
	148E Approval of CPD activities and publication of practising certificate scheme . . . . .	11
9	Insertion of new s 150AA . . . . .	12
	150AA Information to be included in register—Act, s 185 . . . . .	12
10	Insertion of new ch 4, pt 5 . . . . .	13
	Part 5 Transitional provision for Mining Legislation (Continuing Professional Development) Amendment Regulation 2022	
	176 Application of CPD requirements during transitional period . . . . .	13
11	Amendment of sch 7 (Dictionary) . . . . .	14

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Mining Legislation (Continuing Professional Development) Amendment Regulation 2022*.

## Part 2 Amendment of Coal Mining Safety and Health Regulation 2017

### 2 Regulation amended

This regulation amends the *Coal Mining Safety and Health Regulation 2017*.

### 3 Insertion of new ch 4A

After chapter 4—

*insert—*

## Chapter 4A Continuing professional development

### 370AA Purpose of chapter

This chapter prescribes requirements for schedule 2 of the Act, part 2, section 29A.

### 370AB Definitions for chapter

In this chapter—

*CPD activity*, in relation to a certificate of

[s 3]

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competency or site senior executive notice, see section 370AE(1).

**CPD hours**, for a CPD activity that has been successfully completed by a relevant holder, means the number of hours worked out in accordance with the practising certificate scheme.

**CPD period**, for a relevant holder, means a period stated for the holder in the practising certificate scheme under section 370AE(3)(d).

**CPD total hours**, for a relevant holder, see section 370AE(3)(c).

**practising certificate** see section 370AE(3)(e).

**practising certificate scheme** see section 370AE(2).

**relevant holder** means the holder of a certificate of competency or site senior executive notice.

### **370AC Requirement to complete CPD**

A relevant holder must complete, for each CPD period and in accordance with the practising certificate scheme—

- (a) the CPD total hours for the relevant holder; and
- (b) each CPD activity identified in the practising certificate scheme as mandatory for the relevant holder.

Maximum penalty—3 penalty units

### **370AD Notice of completion**

As soon as practicable after completing CPD hours for a CPD activity, a relevant holder must give the board of examiners—

- 
- (a) a notice stating the CPD activity for which the CPD hours were completed; and
  - (b) if required under the practising certificate scheme—evidence of the holder’s successful completion of the CPD hours.

Maximum penalty—3 penalty units

### **370AE Approval of CPD activities and publication of practising certificate scheme**

- (1) The board of examiners may approve an activity as a *CPD activity* for a certificate of competency or site senior executive notice if the board is satisfied the activity is relevant to the competencies required by a holder of the certificate or notice.
- (2) The board of examiners must publish, on a Queensland government website, a scheme (the *practising certificate scheme*) about continuing professional development for relevant holders.
- (3) The practising certificate scheme must state the following matters—
  - (a) for each CPD activity for a certificate of competency or site senior executive notice—
    - (i) the name of the activity; and
    - (ii) whether the activity is mandatory for holders of the certificate or notice; and
    - (iii) the minimum and maximum number of CPD hours for the activity for a CPD period for a relevant holder; and
    - (iv) when a relevant holder may undertake the activity;
  - (b) in relation to a notice required under section 370AD—

[s 4]

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- (i) how a relevant holder may give the notice; and
- (ii) whether and, if so, how the holder must evidence successful completion of CPD hours for a CPD activity;
- (c) the total number of CPD hours for CPD activities that a relevant holder must complete during each CPD period for the holder (*CPD total hours*);
- (d) the first and last day of each CPD period for a relevant holder;
- (e) provisions relating to the issue, by the board of examiners to a relevant holder, of a certificate about continuing professional development (a *practising certificate*);
- (f) any other information the board decides is relevant to the continuing professional development of relevant holders.

#### 4 Insertion of new s 371AA

After section 371—

*insert—*

##### **371AA Information to be included in register—Act, s 193A**

For section 193A(2)(c) of the Act, the following information is prescribed for a certificate of competency or a site senior executive notice—

- (a) if the holder of the certificate or notice completes the holder's CPD total hours for a CPD period—the day the holder completed the CPD total hours;
- (b) if the holder does not complete the holder's CPD total hours for a CPD period—that the

holder did not complete the CPD total hours;

- (c) if a practising certificate has been issued to the holder—the day the certificate was issued.

## 5 Insertion of new ch 6, pt 11

Chapter 6—

*insert—*

### **Part 11**

## **Transitional provision for Mining Legislation (Continuing Professional Development) Amendment Regulation 2022**

### **411 Application of CPD requirements during transitional period**

- (1) Sections 370AC and 370AD do not apply to a holder of a certificate of competency or site senior executive notice during the transitional period.
- (2) Subsection (1) does not prevent the holder doing any of the following things during the transitional period—
  - (a) obtaining a practising certificate;
  - (b) completing CPD activities for the holder's certificate of competency or site senior executive notice;
  - (c) giving the board of examiners notice, and evidence, of CPD hours for completed CPD activities as mentioned in section 370AD.

[s 6]

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(3) In this section—

*transitional period* means the period starting on the commencement and ending on the day that is 3 years after the commencement.

## 6 Amendment of sch 9 (Dictionary)

Schedule 9—

*insert—*

*CPD activity*, in relation to a certificate of competency or site senior executive notice, see section 370AE(1).

*CPD hours*, for a CPD activity that has been successfully completed by the holder of a certificate of competency or site senior executive notice, see section 370AB.

*CPD period*, for the holder of a certificate of competency or site senior executive notice, see section 370AB.

*CPD total hours*, for the holder of a certificate of competency or site senior executive notice, see section 370AE(3)(c).

*practising certificate* see section 370AE(3)(e).

*practising certificate scheme*, for chapter 4A, see section 370AE(2).

*relevant holder*, for chapter 4A, see section 370AB.





[s 8]

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scheme under section 148E(3)(d).

***CPD total hours***, for a relevant holder, see section 148E(3)(c).

***practising certificate*** see section 148E(3)(e).

***practising certificate scheme*** see section 148E(2).

***relevant holder*** means the holder of a certificate of competency or site senior executive notice.

### **148C Requirement to complete CPD**

A relevant holder must complete, for each CPD period and in accordance with the practising certificate scheme—

- (a) the CPD total hours for the relevant holder; and
- (b) each CPD activity identified in the practising certificate scheme as mandatory for the relevant holder.

Maximum penalty—3 penalty units

### **148D Notice of completion**

As soon as practicable after completing CPD hours for a CPD activity, a relevant holder must give the board of examiners—

- (a) a notice stating the CPD activity for which the CPD hours were completed; and
- (b) if required under the practising certificate scheme—evidence of the holder's successful completion of the CPD hours.

Maximum penalty—3 penalty units

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### **148E Approval of CPD activities and publication of practising certificate scheme**

- (1) The board of examiners may approve an activity as a *CPD activity* for a certificate of competency or site senior executive notice if the board is satisfied the activity is relevant to the competencies required by a holder of the certificate or notice.
- (2) The board of examiners must publish, on a Queensland government website, a scheme (the *practising certificate scheme*) about continuing professional development for relevant holders.
- (3) The practising certificate scheme must state the following matters—
  - (a) for each CPD activity for a certificate of competency or site senior executive notice—
    - (i) the name of the activity; and
    - (ii) whether the activity is mandatory for holders of the certificate or notice; and
    - (iii) the minimum and maximum number of CPD hours for the activity for a CPD period for a relevant holder; and
    - (iv) when a relevant holder may undertake the activity;
  - (b) in relation to a notice required under section 148D—
    - (i) how a relevant holder may give the notice; and
    - (ii) whether and, if so, how the holder must evidence successful completion of CPD hours for a CPD activity;
  - (c) the total number of CPD hours for CPD activities that a relevant holder must

[s 9]

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- complete during each CPD period for the holder (*CPD total hours*);
- (d) the first and last day of each CPD period for a relevant holder;
- (e) provisions relating to the issue, by the board of examiners to a relevant holder, of a certificate about continuing professional development (a *practising certificate*);
- (f) any other information the board decides is relevant to the continuing professional development of relevant holders.

## 9 Insertion of new s 150AA

After section 150—

*insert—*

### **150AA Information to be included in register—Act, s 185**

For section 185(2)(c) of the Act, the following information is prescribed for a certificate of competency or a site senior executive notice—

- (a) if the holder of the certificate or notice completes the holder's CPD total hours for a CPD period—the day the holder completed the CPD total hours;
- (b) if the holder does not complete the holder's CPD total hours for a CPD period—that the holder did not complete the CPD total hours;
- (c) if a practising certificate has been issued to the holder—the day the certificate was issued.

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**10 Insertion of new ch 4, pt 5**

Chapter 4—

*insert—*

**Part 5 Transitional provision  
for Mining Legislation  
(Continuing  
Professional  
Development)  
Amendment Regulation  
2022**

**176 Application of CPD requirements during  
transitional period**

- (1) Sections 148C and 148D do not apply to a holder of a certificate of competency or site senior executive notice during the transitional period.
- (2) Subsection (1) does not prevent the holder doing any of the following things during the transitional period—
  - (a) obtaining a practising certificate;
  - (b) completing CPD activities for the holder's certificate of competency or site senior executive notice;
  - (c) giving the board of examiners notice, and evidence, of completed CPD activities as mentioned in section 148D.
- (3) In this section—

***transitional period*** means the period starting on the commencement and ending on the day that is 3 years after the commencement.

[s 11]

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## 11 Amendment of sch 7 (Dictionary)

Schedule 7—

*insert—*

***CPD activity***, in relation to a certificate of competency or a site senior executive notice, see section 148E(1).

***CPD hours***, for a CPD activity that has been successfully completed by the holder of a certificate of competency or site senior executive notice, see section 148B.

***CPD period***, for the holder of a certificate of competency or site senior executive notice, see section 148B.

***CPD total hours***, for the holder of a certificate of competency or site senior executive notice, see section 148E(3)(c).

***practising certificate*** see section 148E(3)(e).

***practising certificate scheme***, for chapter 2A, see section 148E(2).

***relevant holder***, for chapter 2A, see section 148B.

ENDNOTES

- 1 Made by the Governor in Council on 9 June 2022.
- 2 Notified on the Queensland legislation website on 10 June 2022.
- 3 The administering agency is Resources Safety and Health Queensland.

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