



COVERSHEET

Minister	Hon Iain Lees-Galloway	Portfolio	Workplace Relations and Safety
Title of Cabinet paper	Health and safety in mines and quarries – proposed regulatory changes	Date to be published	10 February 2020

List of documents that have been proactively released

Date	Title	Author
4/12/2019	<i>Cabinet Economic Development Committee Minute of Decision: DEV-19-MIN-0322</i>	<i>Cabinet Office</i>
4/12/2019	<i>Health and safety in mines and quarries – proposed regulatory changes</i>	<i>Office of the Minister for Workplace Relations and Safety</i>

Information redacted

NO

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Cabinet Economic Development Committee

Minute of Decision

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Health and Safety in Mines and Quarries: Proposed Regulatory Changes

Portfolio **Workplace Relations and Safety**

On 4 December 2019, the Cabinet Economic Development Committee:

Background

- 1 **noted** that substantial new health and safety mining regulations (the Regulations) were developed in 2013 to implement the recommendations of the Royal Commission on the Pike River Coal Mine Tragedy;
- 2 **noted** that the Ministry of Business, Innovation and Employment (MBIE), working with WorkSafe New Zealand (WorkSafe), undertook an implementation review of the Regulations in 2018 to 2019 to consider whether quarries and alluvial mines needed further regulatory hazard management requirements, and to test that the Regulations were working effectively in operation;
- 3 **noted** that the review found that:
 - 3.1 there was a case for further regulatory hazard management in quarries and alluvial mines, particularly in light of a series of fatalities in 2017;
 - 3.2 the Regulations were operating in a disproportionate way, imposing processes and costs on lower risk (especially surface) mining operations that were not intended in 2013;

Proposed amendments

- 4 **agreed** to further regulation for all quarries and alluvial mines to drive safety improvement, with the specific features set out below:
 - 4.1 requiring principal hazard risk assessment in the same way as mines for all quarries and alluvial mines that need a manager with an A-grade manager certificate of competence, for:
 - 4.1.1 ground and strata instability;
 - 4.1.2 roads and other vehicle operating areas;
 - 4.1.3 explosives;

- 4.1.4 worker health (particularly exposure to dust);
- 4.1.5 emergency management;
- 4.2 requiring a tailored documented health and safety management system for all quarries and alluvial mines that need a manager with a B-grade manager certificate of competence, and requiring geotechnical advice for high working faces and baseline health monitoring;
- 4.3 moderating other aspects of the Regulations for quarries and alluvial mines to:
 - 4.3.1 not require a site senior executive role;
 - 4.3.2 require notification of commencement;
 - 4.3.3 require some additional reporting and record keeping;
- 4.4 allowing a suitable transitional period for quarries and alluvial mines to meet new risk management requirements and role competency requirements;
- 5 **agreed** to the following technical changes to ensure that the Regulations operate proportionately for different types of mining:
 - 5.1 clarifying that principal hazard management is directed to the management of multiple fatalities or mass exposures to potentially fatal health hazards;
 - 5.2 ensuring that other aspects of the Regulations are proportionate for managing multiple fatality risks;
- 6 **agreed** to fix some technical standalone issues identified in the review, as follows:
 - 6.1 setting a revised risk test for B-grade quarry managers of no more than four workers ordinarily working;
 - 6.2 clarifying the requirement for two escapeways trafficable on foot for underground metalliferous mines, and allowing, but not requiring, a mechanical winder/cage for shafts longer than 60 metres;
 - 6.3 allowing a single exit in a new underground coal mine, but only while drive/s are excavated and before any coal extraction;
 - 6.4 clarifying that baseline health monitoring is only required for ongoing workers;
 - 6.5 clarifying the requirement for worker participation in the development of health and safety management systems;
- 7 **noted** that the proposed changes to the Regulations are expected to be well accepted by WorkSafe, the extractives industry, and sector unions;

Legislative implications

- 8 **invited** the Minister for Workplace Relations and Safety to issue drafting instructions to the Parliamentary Counsel Office to draft regulations to give effect to the above paragraphs;
- 9 **authorised** the Minister for Workplace Relations and Safety to make decisions on detail and to make changes consistent with the policy intent of the paper under DEV-19-SUB-0322, on any issues that arise during the drafting process;

- 10 **authorised** the Minister for Workplace Relations and Safety to release drafts of the regulatory amendments to WorkSafe, and key stakeholders such as E tū, MinEx, the Mining Board of Examiners, and the Extractives Industry Advisory Group;
- 11 **authorised** the Minister of Workplace Relations and Safety to determine whether wider consultation on draft regulations is required and, if so, to release a draft of the regulations, and related commentary, for public consultation.

Janine Harvey
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Kelvin Davis
Hon Grant Robertson (Chair)
Hon Nanaia Mahuta
Hon Kris Faafoi
Hon James Shaw

Officials present from:

Office of the Prime Minister
Officials Committee for DEV

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Minister for Workplace Relations and Safety

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