



COVERSHEET

Minister	Hon Michael Wood	Portfolio	Workplace Relations and Safety
Title of Cabinet paper	Health and Safety at Work (Mining Operations and Quarrying Operations) Amendment Regulations 2022	Date to be published	19 July 2022

List of documents that have been proactively released

Date	Title	Author
2 June 2022	Cabinet paper: Health and Safety at Work (Mining Operations and Quarrying Operations) Amendment Regulations 2022	Office of the Minister of Workplace Relations and Safety
2 June 2022	Health and Safety at Work (Mining Operations and Quarrying Operations) Amendment Regulations 2022 LEG-22-MIN-0088 Minute	Cabinet Office
5 May 2022	Mining and quarrying regulations: confirming final policy decisions, and providing draft LEG	MBIE

Information redacted

No

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Health and Safety at Work (Mining Operations and Quarrying Operations) Amendment Regulations 2022

Portfolio **Workplace Relations and Safety**

On 2 June 2022, the Cabinet Legislation Committee:

- 1 **noted** that in December 2019, the Cabinet Economic Development Committee agreed to:
 - 1.1 bring quarries and alluvial mines into the risk management framework used by mines, modified to be proportionate to the level of risk at quarries and alluvial mines; and
 - 1.2 make some technical changes to how the regulations apply to mines, to restore the proportionality that was intended when the regulations were first made and to fix some technical errors;

[DEV-19-MIN-0322]
- 2 **agreed** to amend the means for setting competency requirements for workers performing key safety functions in the extractives industry to be via a safe work instrument;
- 3 **agreed** to apply the offences and penalties framework for the health and safety at work regulatory regime to the changes;
- 4 **agreed** to the phased approach to commencement and transition of the regulations, to allow the regulator and regulated parties time to comply with the new requirements;
- 5 **noted** that the Health and Safety at Work (Mining Operations and Quarrying Operations) Amendment Regulations 2022 will give effect to the decisions referred to in paragraphs 1, 2, 3 and 4 above;
- 6 **noted** that section 217 of the Health and Safety at Work Act 2015 (the Act) requires the responsible Minister to consult with persons and organisations that the Minister considers appropriate before recommending the making of any regulations;
- 7 **noted** that section 219 of the Health and Safety at Work Act 2015 requires the responsible Minister to, before making a recommendation to declare an incident to be notifiable in regulations, have regard to the purpose of the Act and to be satisfied that any additional notifiable incidents declared in regulation are not broader than reasonably necessary;
- 8 **noted** the advice of the Minister for Workplace Relations and Safety that these requirements have been met;

- 9 **authorised** the submission to the Executive Council of the Health and Safety at Work (Mining Operations and Quarrying Operations) Amendment Regulations 2022 [PCO 23398/34.0];
- 10 **noted** that the Health and Safety at Work (Mining Operations and Quarrying Operations) Amendment Regulations 2022 come into force in stages, starting on 18 July 2022, with other requirements coming into force on 18 July 2023, 2024 and 2025.

Rebecca Davies
Committee Secretary

Present:

Hon Andrew Little
Hon David Parker
Hon Nanaia Mahuta
Hon Poto Williams
Hon Kris Faafoi
Hon Michael Wood (Chair)
Keiran McAnulty, MP (Senior Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG