



**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HIKINA WHAKATUTUKI

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# Safe mines: safe workers

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→ **DISCUSSION DOCUMENT SUMMARY**

**Implementing recommendations  
of the Royal Commission on the  
Pike River Coal Mine Tragedy**

May 2013

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# Have your say

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## ...On the government's proposed changes to health and safety regulation in New Zealand's mining sector.

Government is proposing significant changes to the health and safety regulations for mining in order to implement the recommendations of the Royal Commission on the Pike River Coal Mine Tragedy. It has committed to implementing these recommendations by the end of this year (2013).

It has released a discussion document that outlines regulatory proposals for improved mining and hazard and risk management, increased training and qualifications, strengthened worker participation systems, and new emergency measures – all issues that the Royal Commission said needed to be addressed.

The Ministry of Business, Innovation and Employment (the Ministry) is responsible for regulating the mining industry in New Zealand.

These proposals have been developed by the Ministry, assisted by an Expert Reference Group made up of independent mining and health and safety experts from New Zealand and Australia.

The proposals are aimed at bringing health and safety in the New Zealand mining industry into line with international best practice. They will help to create a viable mining sector in New Zealand that the public can have confidence in, and which will enhance safety for workers and improve performance in the sector.

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We're seeking your feedback on the following (see next pages for more detail):

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- Broadening the Royal Commission's recommendations concerning underground coal mines, to cover all types of mining
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- A new regulatory approach for mining, requiring processes for hazard management in mining operations (the Royal Commission's recommendation 2)
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- Strengthened training and competency requirements for safety critical roles in the mining industry (recommendations 8, 9, 10 and 12)
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- Increased worker participation in health and safety in mining operations (recommendation 11)
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- Improvements in emergency preparedness by mining operations and in the provision of mines rescue services and emergency management of incidents (recommendations 13, 14, 15, and 16), and
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- Transitional arrangements to allow duty holders time to comply.

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You can access the discussion document at:

[www.mbie.govt.nz/about-us/consultation](http://www.mbie.govt.nz/about-us/consultation)

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### **You can make a submission:**

- › On line: [www.mbie.govt.nz/about-us/consultation](http://www.mbie.govt.nz/about-us/consultation)
- › By email: [MiningConsultation@mbie.govt.nz](mailto:MiningConsultation@mbie.govt.nz)
- › By post: **Pike River Implementation Team, Discussion Document Submissions, Ministry of Business, Innovation and Employment, PO Box 1473, Wellington**

Say as little or as much as you like, and respond to either some or all of the proposals.

**Please make your submission by 1 July 2013.**

### **Other action**

There are separate processes underway to address the Royal Commission's recommendations concerning:

- › the establishment of a new health and safety regulator (recommendation 1)
- › the Crown minerals regime (recommendations 3 and 4)
- › directors' duties (recommendations 5, 6 and 7) and
- › the development of a number of codes of practice.

Some recommendations which had application beyond the mining sector have been referred to the Independent Taskforce on Workplace Health and Safety.

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# Broadening the Royal Commission's recommendations to all types of mining

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## What we propose

**The new regulations will cover the mining industry generally**, not just underground coal mines (the concern of the Royal Commission). This includes all types of mines – underground and opencast, coal and metalliferous – as well as larger and more complex quarries and tunnels.

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## A new regulatory approach

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### Key issues

Regulating the mining industry is essential to ensure those who work in it are kept safe. The regulatory framework needs to set clear expectations and processes for managing hazards, and ensure adequate oversight by the regulator. Our existing regulatory framework is not strong enough to ensure that this happens.

### What we propose

**The new mining regulations will focus on “principal hazards”**, which are hazards with the potential to cause multiple fatalities. Examples are mine shafts and winding operations, vehicle operating areas, fire and explosion, and spontaneous combustion. Other hazards will still be managed under the Health and Safety in Employment Act.

**The processes for managing principal hazards, and the necessary controls, will be regulated.** There will also be stronger minimum standards in key areas.

**All mines must have formal health and safety management systems.** These will include principal hazard management plans for every principal

hazard, and principal control plans for processes covering a number of principal hazards (e.g. ventilation, or emergency response).

Workers must be involved in developing these plans. The plans must be reviewed and audited regularly, and made available for review by the regulator.

**New safety critical positions will be established** (not all are required for all types of mining operation). These are:

- › Site senior executive – the person responsible for ensuring mine operators meet their obligations to manage health and safety
- › New technical specialist roles to ensure mine operators have the expertise to manage hazards – ventilation officer, electrical engineering manager, mechanical engineering manager and supervisor(s).

**There will be increased involvement by the regulator.** The intention is to increase regulator involvement in the design and development of mining operations and in the implementation of new health and safety systems. Principal hazard management plans will, for example, need to be submitted to the regulator at least three months before any new mining operations begin.

**A mining sector advisory group will be established** to advise the regulator on implementing the new regulatory framework. Members will include representatives from different types of mining operation, and worker health and safety representatives (union and non-union).

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## Training and qualifications

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### Key issues

Qualifications and competencies of mine workers are central to managing hazards, as a suitably trained workforce is one of the first lines of defence against a major accident. The Royal Commission recommended closer alignment with Australia, more quality assurance and greater government oversight to help improve the mining sector's qualifications and training.

### What we propose

**Competency requirements for all safety critical roles will be set out in the mining regulations** (at present, it is left to employers to appoint

a “competent person”). Competencies (including unit standards) will be aligned with Australia. Anyone appointed to one of the new safety critical roles must meet these competency requirements right away; other roles have a three year transition.

**Minimum training required for mine workers** will be a new New Zealand Certificate in Mining (Induction). Workers must be directly supervised until they hold this.

**An independent board will set the standards and examine mine workers’ competency, and will award certificates of competence.** The workplace health and safety regulator will establish a New Zealand Mining Board of Examiners, which will set requirements for the certificates of competency, assess applicants, and set requirements for continued professional development. This board will also work closely with its Australian counterparts to ensure equivalent standards and to progress joint New Zealand/Australia accreditation.

**Mine managers will have formal training in risk management and health and safety.** Risk management will be added to the competencies for the new safety critical roles, and mining sector managers will receive guidance on how to create a workplace culture that delivers good health and safety outcomes.

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## Worker participation

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### Key issues

The Royal Commission found that there was inadequate mine worker involvement in health and safety. Greater worker participation is expected to improve health and safety outcomes and also lead to a better workplace culture.

### What we propose

**All mining operations must have documented worker participation systems.** At present, there is no requirement to document these systems, and they are only required if a company employs at least 30 people or if an employee or union requests them.

**All workers, including contractors, will be covered** by worker participation systems and by the requirements for adequate training and supervision.

**Results of health and safety monitoring will be provided to all mine workers**, including general monitoring of workplace conditions and workers' health and safety. At present, these results are only provided on request.

**Site health and safety representatives will have new powers** including the ability to inspect a mining operation and to stop operations where there is immediate danger to workers. These powers will have checks and balances – including the need for training, that the site health and safety representatives must not unnecessarily impede mine production, and that their functions and powers must only be exercised for health and safety purposes. The regulator can also overturn a stop work order or remove site health and safety representatives who are not carrying out their functions satisfactorily.

**Industry health and safety representatives will be established.** They will operate industry wide, will be appointed and paid for by a union or other group of mine workers, and will have appropriate training and qualifications including a deputy's certificate of competence. There will be checks and balances on their functions and powers (as for site health and safety representatives).

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## Emergency management

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### Key issues

New Zealand's mining regulations are inconsistent with international best practice, as they do not require emergency procedures to be tested and audited. What is more, our current mining regulations do not sufficiently prescribe the minimum standards for self-escape equipment and facilities, or for emergency mine sealing and inertisation.

Mines rescue services also need to be better supported by legislation, and we need to improve the coordination between different emergency agencies.

## What we propose

**Emergency management procedures, as well as new, stronger minimum standards for emergency preparedness, will be set out in the regulations.** These will include procedures for self rescue by workers and rescue by emergency responders. The biggest change will be to the emergency equipment and facilities required.

**Underground mines must have emergency equipment or facilities** to monitor atmospheric conditions during and after an emergency, and seal and inertise a mine. Equipment and facilities required for self rescue will include: early warning systems, breathing devices, changeover stations, fresh air bases and refuges, second means of egress, navigational aids, vehicular exit, and communication and personnel location systems. What is required depends on the type of mine.

**All mines must have an emergency management plan.** This will:

- › Set out the processes for self rescue by workers and rescue by emergency responders
- › Specify the emergency facilities and equipment in a mine to support rescue
- › Be audited and tested regularly through emergency exercises
- › Be developed in consultation with workers and the Mines Rescue Service (or relevant emergency services).

**The Mines Rescue Service will have broader coverage and be better funded.** The Mines Rescue Trust Act 1992 will be amended to better reflect the role of the Mines Rescue Service (MRS) in training mines-rescue brigades, responding to emergencies, and helping operators with emergency planning.

The MRS will extend its coverage beyond coal mines to include underground metalliferous mines and large or long tunnels. All of these operations will need to contribute to its funding.

The MRS will also have limited liability for any damage caused by actions done in good faith during rescue operations.

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# Transitional arrangements

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## What we propose

**The new regulations will take effect from December 2013, but there will be a transition period to allow time to comply.** This will be 12 months for existing mine operators (and up to 36 months in special circumstances).

Statutory duty holders with existing certificates of competence can undertake their roles while these certificates remain current. Holders of life-time certificates must gain new, time-limited certificates within three years. Anyone appointed to one of the new safety critical roles must meet the proposed competency requirements right away.

The new Mines Rescue Trust board will assume office on 1 April 2014, and the new mines rescue levy will also apply from that date.

SOME KEY TERMS	
<b>Regulation</b>	The laws that need to be complied with
<b>Regulator</b>	The organisation that implements and enforces the new mining regime
<b>Competency</b>	The demonstrated skill and knowledge required to carry out tasks to the necessary standard
<b>Mine worker</b>	Everyone working in a mining operation, including employees, contractors and subcontractors
<b>Mining operation</b>	Mines, tunnels and quarries covered by the mining regulations
<b>Worker participation</b>	The ways workers can get involved in the health and safety of their workplace
<b>Inertise or Inertisation</b>	Removing the hazards of combustion in a coal mine by sealing a mine or district of a mine and by introducing a non-combustible atmosphere, usually by forced ventilation
<b>Metalliferous</b>	A mineral or other material, other than coal
<b>Statutory duty holders</b>	A person or organisation with obligations under the Health and Safety in Employment Act 1992

