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Safe mines: safe workers



New laws on mining health and safety

A quick guide for
mine operators



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

Ministry of Business, Innovation and Employment (MBIE)

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MBIE develops and delivers policy, services, advice and regulation to support economic growth and the prosperity and wellbeing of New Zealanders.

MBIE combines the former Ministries of Economic Development, Science + Innovation, and the Departments of Labour and Building and Housing.

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Introduction

The Government has recently made changes to the laws concerning health and safety in the mining industry. This is in response to the recommendations of the Royal Commission on the Pike River Coal Mine Tragedy and will bring New Zealand's approach to mining health and safety into line with international best practice. The changes affect open cast and underground coal and metalliferous mines and some tunnelling operations. Quarries, clay pits, alluvial gold and ironsand operations are only covered to a limited extent.

The new legal requirements have been developed with help from an expert reference group of mining, health and safety and regulatory experts from New Zealand and abroad. The Government has also worked closely with people in the industry and would like to thank MinEx, the health and safety council for the New Zealand mining industry, for its commitment to the process.

This is a guide for mine operators and others interested in mining health and safety. We outline the new requirements and explain who is affected and when. We also provide more detailed information (with links to the new legislation) for the five key areas: health and safety management systems; minimum standards; safety critical roles, training and competencies; worker participation; and emergency management. The guide is not a substitute for reading the legislation itself. We recommend that operators familiarise themselves with the new mining regulations and the changes to the Health and Safety in Employment Act 1992.

If you would like to talk to someone about the new regime for mining health and safety please contact WorkSafe New Zealand on 0800 030 040. You can also contact MinEx on 0800 464 396.

New requirements for mining health and safety

New Zealand's new mining health and safety regime is set out in:

- **new mining regulations:** the [Health and Safety in Employment \(Mining Operations and Quarrying Operations\) Regulations 2013](#) (the mining regulations)
- **revised electrical regulations:** the [Electricity \(Safety\) Regulations 2010 as amended by the Electricity \(Safety\) Amendment Regulations 2013](#)
- the **Health and Safety in Employment Act 1992:** as amended by the [Health and Safety in Employment Amendment Act 2013](#)
- the [Health and Safety in Employment \(Tunnelling Operations – Excluded Operations\) Order 2013](#),
- the new [Mines Rescue Act 2013](#), and
- **codes of practice and guidance documents.**

The diagram in [appendix one](#) shows the different parts of the regime in a diagram.

The new mining regulations replace the *Health and Safety in Employment (Mining Administration) Regulations 1996* and the *Health and Safety in Employment (Mining-Underground) Regulations 1999*.

They require mining operators to:

- put in place health and safety management systems
- appoint people to new safety critical roles
- make sure their workers meet new competency requirements
- comply with strengthened minimum standards
- meet new requirements for emergency preparedness and management, and
- meet notification and reporting requirements.

The amendments to the Electricity (Safety) Regulations 2010 complement the new mining regulations by:

- ensuring the competency of those carrying out electrical work at a mining operation
- improving design requirements, periodic assessment and verification of safety requirements of electrical equipment in mining operations, and
- regulating technical requirements for underground mining operations and prescribing equipment, testing and maintenance obligations.

The Government has also made some changes to the *Health and Safety in Employment Act 1992* (the HSE Act) that affect mining. These include:

- Placing new health and safety obligations under the regulations on 'mine operators' and 'mine workers' rather than on 'employees' and 'employers'. Mine operators will be responsible for the health and safety of everyone who works at the operation and is exposed to hazards, regardless of whether they are employees, contractors or labour hire workers. The definition of mine workers includes those people who work in mines and tunnelling operations.

- Increasing the opportunities for workers to participate in health and safety at mining operations. Again, the new requirements apply to mine operators and mine workers.
- Empowering mines inspectors to take preventative action by issuing prohibition notices if they reasonably believe that to continue operations would give rise to the risk of serious harm.
- Creating a New Zealand Mining Board of Examiners (the Board of Examiners) to help the new health and safety regulator, WorkSafe New Zealand (WorkSafe), to set and assess the competencies of people working in the mining industry.

These new requirements apply in addition to the more general obligations already in the HSE Act. The Government is currently undertaking a more general review of health and safety law, in response to the recommendations of the Independent Taskforce on Workplace Health and Safety, which will also affect the mining industry. The Health and Safety at Work Bill, which will replace the HSE Act, is expected to be introduced to Parliament early next year.

Who is affected

The new mining health and safety regime applies to:

- underground and surface coal mines
- underground and surface metalliferous mines (except alluvial gold and ironsand operations)
- tunnelling operations, except those that meet all the following criteria¹:
 - not more than two workers ordinarily work below ground at any one time, and
 - explosives are not used below ground at the operation, and
 - the operation relates to a tunnel or shaft that is, or is intended to be, no more than 15 metres long, and
 - the concentration of methane is not likely to be more than 0.25 per cent of the general body of air in the working area at the operation.

These mines and tunnelling operations are referred collectively to as ‘mining operations’ in both the regulations and the HSE Act.

Some of the new requirements apply to all mining operations, while others only apply to certain types of operation. The diagram in [appendix two](#) shows which parts of the new mining regulations apply to which types of mining operations.

Some requirements also apply to quarries, clay pits, alluvial gold and ironsand operations:

- the regulations set out the competency requirements for the managers of quarries and alluvial gold and ironsand operations
- people obtaining these competencies are subject to the new Board of Examiners’ process, and
- quarries, clay pits and alluvial and ironsand operations must also comply with aspects of the revised electrical safety regulations.

We are currently working on specific health and safety guidelines for the quarry industry. These will be supplemented by quarry-specific regulations in the longer term.

When the new laws come into force

The new mining regulations and amended HSE Act come into force on 16 December 2013.

Mining operations that start on or after this date must comply with the new laws right away (except for the competency requirements, as explained below). Existing mining operations have a bit longer and there are other transition times as follows:

- Existing mining operations have an extra year to comply (i.e. until 31 December 2014) but can do so earlier. We expect that most operations will adopt the new regime progressively over the next 12 months.

¹ These criteria are set out in the Health and Safety in Employment (Tunnelling Operations – Excluded Operations) Order 2013.

- Existing mining operations can also apply to WorkSafe for more time to meet specific requirements (a maximum of 36 months, on top of the initial one year transition period).
- The new competency requirements will be introduced in stages (refer to safety critical roles, training and competencies for details).

For underground coal mines, there are some additional transitional provisions:

- All seals and ventilation control devices installed in existing mining operations from 16 December 2013 must comply with the new requirements from 1 January 2015. Seals installed before 16 December 2013 are exempt, subject to risk assessment and management (under the hazard management processes set out in the regulations).
- Existing underground coal mines have a further 10 years (i.e. until December 2024) to meet the new requirement for a second intake.

Unions or other groups of mine workers can appoint industry health and safety representatives, who will have functions and powers in relation to underground coal mines, from 16 December 2013.

WorkSafe's support for the changes

The new mining health and safety regime will be promoted and enforced by the Extractives Inspectorate Team of WorkSafe's High Hazards Unit.

These inspectors will make every effort to discuss the new requirements with you and provide support as you put them into practice.

WorkSafe will also work with the mining industry to update existing codes of practice and guidance documents and produce new ones, to help you better understand how to comply with the new regime.

- Guidance produced in 2013 relating to hazard management systems for mines and developing safety management systems for the extractives industry will be updated to reflect the new regime.
- Codes of practice for fire and explosion and ventilation have already been developed. Over the next couple of years, these will be joined by new codes of practice relating to:
 - strata management
 - emergency response
 - spontaneous combustion
 - inundation and inrush
 - air quality
 - occupational health
 - roadways
 - gas outbursts
 - mechanical engineering
 - explosives,
 - surveying, and
 - quarries.

A mining sector advisory group will also be established by WorkSafe, to provide advice on the effectiveness of the new mining health and safety regime.

You can expect more support from the regulator than in the past. In return, the regulator will expect more from the mining industry. Operators and WorkSafe will need to work closely together to improve health and safety performance in the New Zealand mining industry.

A snapshot of the new regime

The following tables summarise the new mining health and safety requirements for:

- [health and safety management systems](#)
- [minimum standards](#)
- [safety critical roles, training and competencies](#)
- [worker participation](#), and
- [emergency management](#).

The references in the tables are to the mining regulations unless otherwise specified. We have included links to the mining regulations and the other legislation, on [page 3](#), for more detail.

Health and safety management systems		
Mine operators must put in place health and safety management systems, carry out risk assessments, and prepare principal hazard management plans and principal control plans.		
Key requirements	What's involved	Where to look
Health and safety management systems	<p>The health and safety management system must contain minimum documentation such as the operator's health and safety policy, risk assessment process, management structure for dealing with health and safety, processes for monitoring health and safety, reporting processes, principal hazard management plans and principal control plans.</p> <p>These systems must be reviewed and audited regularly.</p> <p>Mine workers must be consulted in the development and review of the systems. They must be provided with information about these systems before they start work at an operation.</p>	Part 2 (of the regulations)
Risk appraisal and assessment	A risk appraisal and assessment process must be used when developing a health and safety management system, identifying hazards, assessing the risk of harm to workers from hazards, and in developing appropriate controls.	Part 2
Principal hazard management plans (PHMPs)	PHMPs must be developed for each principal hazard that is identified at a mining operation. Their purpose is to identify the principal hazards and set out the measures that will be used to manage them.	Part 3

	<p>Principal hazard means any hazard that could create a risk of multiple fatalities in a single accident or in a series of recurring accidents at the mining operation. There are general requirements for the preparation, review and audit of PHMPs, and specific requirements for the preparation of PHMPs for the following principal hazards:</p> <ul style="list-style-type: none"> • ground and strata control • inundation and inrush • mine shafts and winding systems • roads and other vehicle operating areas • tips, ponds and voids • air quality, dust and other airborne contaminants • fire or explosion • explosives • gas outbursts, and • spontaneous combustion. 	
<p>Principal control plans (PCPs)</p>	<p>PCPs must be prepared if the relevant principal hazards exist. Their purpose is to document control measures, such as ventilation, electrical or mechanical engineering systems, which may be used in the management of one or more principal hazards. Unlike PHMPs, which describe the management of a single principal hazard only, PCPs describe the key health and safety management processes of the mining operation.</p> <p>There are general requirements for the preparation, review and audit of PCPs, and specific requirements for the preparation of the following PCPs:</p> <ul style="list-style-type: none"> • mechanical engineering • electrical engineering • ventilation • emergency management, and • worker health. 	<p>Part 4</p>

Minimum standards

Mine operators must comply with strengthened minimum standards or duties for managing hazards. Principal hazard management plans and principal control plans will show how the operator complies with these standards.

Key requirements	What's involved	Where to look
<p>Minimum standards for all types of mining operation:</p> <ul style="list-style-type: none"> • Underground and surface coal mines • Underground and surface metalliferous mines • Tunnelling operations* 	<p>All mining operations will need to comply with minimum standards in the following areas:</p> <ul style="list-style-type: none"> • ground and strata support • roads and other vehicle operating areas • explosives • conveyer belts, and • emergency preparedness. 	<p>Part 6 (of the regulations)</p>
<p>Additional standards for underground coal and metalliferous mines and tunnelling operations</p>	<p>Underground mining operations, including tunnelling operations, will need to comply with additional minimum standards in the following areas:</p> <ul style="list-style-type: none"> • inundation and inrush • mine shafts and winding operations • ventilation • fire and explosion, and • emergency processes and equipment. 	<p>Part 7</p>
<p>Further standards for underground coal mines</p>	<p>Underground coal mines will need to comply with additional and more stringent requirements in the following areas:</p> <ul style="list-style-type: none"> • ventilation • sealing a mine • fire and explosion • methane monitors, and • dust sampling. 	<p>Part 8</p>

*Refer to [Who is affected](#) for the types of tunnelling operation covered by the new laws.

Safety critical roles, training and competencies

Mine operators will be required to appoint people to carry out key safety critical roles and to make sure these people meet the competency requirements set out in the regulations. People carrying out these roles may be employees or contractors. They may be full time or part time, or even brought in from time to time, depending on the amount of work required.

The new requirements for safety critical roles and competencies will be phased in over the next couple of years.

Key requirements	What's involved	Where to look
<p>Site senior executive (SSE)</p>	<p>All mine operators will need to appoint an SSE, who will be the most senior representative of the mine operator at the mining operation. The SSE is to be appointed when an operation begins. For coal mining operations, this includes the exploration phase.</p> <p>The primary responsibility of the SSE is to develop and maintain the health and safety management systems for a mining operation. The regulations assign a number of responsibilities to the SSE. It is expected that mining operations will develop policies or processes to determine how the SSE will work with the manager of the operation.</p> <p>An SSE must hold an SSE certificate of competence that includes unit standards in role assessment health and safety, emergency management, mining legislation and human factors. Other competency requirements will depend on the type of mining operation.</p> <p>In the case of underground mining operations the SSE must hold a manager's certificate of competence.</p>	<p>Part 1, subpart 1 (of the regulations)</p>
<p>Manager</p>	<p>The mine operator must appoint a person to manage the mining operation and supervise the health and safety aspects of the operation on a day-to-day basis.</p> <p>The manager must hold a current certificate of competence for the type of mining operation concerned. The required competencies will include unit standards in risk management, health and safety, emergency management and human factors in addition to the existing competencies.</p>	<p>Part 1, subpart 2</p>

	<p>The regulations specify certificates of competence for managers of:</p> <ul style="list-style-type: none"> • metalliferous mining operations • underground coal mining operations • opencast coal mining operations • tunnelling operations • quarrying operations • alluvial operations, and • ironsand operations. 	
Electrical superintendent	An electrical superintendent must be appointed if an electrical control plan is required. The person appointed must hold a certificate of competence as an electrical superintendent.	Part 1, subpart 3
Mechanical superintendent	A mechanical superintendent must be appointed if a mechanical control plan is required. The person appointed must hold a certificate of competence for a mechanical superintendent.	Part 1, subpart 3
Mine surveyor	All underground mining operations and all tunnelling operations must appoint a mine surveyor. The person appointed must hold a certificate of competence as a mine surveyor, or in the case of a tunnelling operation, be a licensed cadastral surveyor. The operator must also consider a number of other factors in making the appointment such as education, knowledge and experience.	Part 1, subpart 3
Ventilation officer	A ventilation officer must be appointed if a ventilation control plan is required. The person appointed must hold a certificate of competence for a ventilation officer.	Part 1, subpart 3
Underviewer	Underground coal mining operations must have an underviewer appointed for each production shift. The persons appointed must hold a certificate of competence as an underviewer. Unit standards in risk management, health and safety, emergency management and human factors will be required in addition to the existing competencies for an underviewer.	Part 1, subpart 3
Supervisor	<p>Other types of mining operation (ie all those other than underground coal mines) must have a supervisor for each production shift. The minimum competency requirements are:</p> <ul style="list-style-type: none"> • for an underground metalliferous mine: a B-grade tunnel manager certificate of competence 	Part 1, subpart 3

	<ul style="list-style-type: none"> • for an opencast coal mine: a B grade opencast coal mine manger certificate of competence • for an opencast metalliferous mine: a B grade quarry manager, and • for a tunnel: B grade tunnel manager. <p>Unit standards in risk management, health and safety, emergency management and human factors will be required in addition to existing competencies.</p>	
Deputy and winding engine driver	Coal mine deputies and winding engine drivers must hold current certificates of competence.	Part 1, subpart 3
One person can hold more than one safety critical role	<p>The SSE can appoint a person to more than one safety critical role. It is also possible for the SSE to carry out one or more of the safety critical roles as well as being SSE.</p> <p>In these cases the SSE must be satisfied that the person holds the required certificates of competence for each role and can carry out each role effectively. However, WorkSafe can give notice at any time that it considers the person cannot carry out more than one role.</p>	Part 1, subpart 3
Mine workers	<p>WorkSafe will prescribe competency requirements for a mine worker to be able to work unaccompanied. This will include unit standards in fire-fighting, isolating machinery, conducting pre-start checks and job safety assessments, and basic mining knowledge.</p> <p>Mine operators must still comply with their obligations to ensure that every mine worker either:</p> <ul style="list-style-type: none"> • has the knowledge and experience to ensure that their work is not likely to cause harm to themselves or other people, or • is supervised by someone with the necessary knowledge and experience. 	<p>Part 1, subpart 3</p> <p>HSE Act section 13AA</p>
Certificates of competence – the role of WorkSafe and the Board of Examiners	<p>WorkSafe will set the:</p> <ul style="list-style-type: none"> • qualifications (including unit standards) and level of experience required to obtain the certificates of competence, and • continuing education requirements for renewing certificates of competence. <p>WorkSafe will set these requirements by notice in the <i>New Zealand Gazette</i> and after advice from the Board of Examiners.</p> <p>Applications for certificates of competence and their renewal will be to the Board of Examiners. Applicants</p>	<p>Part 1, subpart 4</p> <p>Also refer to the HSE Act sections 20D - 20H</p>

	<p>must show they have the prescribed qualifications and experience and that they are 'fit and proper'. The Board of Examiners may ask for more information and may also appoint examination panels for this purpose.</p> <p>These certificates of competence will last for five years. Holders of existing lifetime certificates can keep these. However, they must obtain additional unit standards and comply with continuing education requirements if they want to hold any safety critical roles.</p>	
<p>Transitional provisions</p>	<p>The new requirements for safety critical roles and competencies will be phased in over the next couple of years. This allows time for the new competency and assessment framework to be developed and for mine operators and mine workers to comply.</p> <p>Appointing new positions:</p> <ul style="list-style-type: none"> • SSEs must be appointed on or before 30 June 2014 and must meet the relevant competency requirements by 1 January 2016. • Other safety critical appointments must be made by 1 March 2015. When they need to meet the new competency requirements varies: <ul style="list-style-type: none"> ○ a person appointed as manager who already has a certificate of competence will not be required to obtain the additional competencies until: <ul style="list-style-type: none"> ▪ if the certificate of competence has an expiry date, the earlier of 12 months following the expiry date or 31 December 2016 ▪ if the certificate of competence has no expiry date, 31 December 2017 ○ people appointed as electrical superintendents, mechanical superintendents or ventilation officers do not need to have the relevant certificates of competence until 1 January 2016. <p>Existing roles:</p> <p>Anyone holding a safety critical role when the new regulations come into force (ie at 16 December 2013) can continue to hold that position. This applies to mine managers, quarry managers, coal mine deputies, coal mine underviewers, gas testers, mine surveyors and</p>	<p>Schedule 1</p>

winding engine drivers. However, they will be subject to the new renewal requirements.

Certificates of competency:

- Applications for certificates of competency should be made to MITO until 31 December 2014. This allows a year for WorkSafe to establish this board.
- Where applications have been made to MITO before 31 December 2014, but no decision has been made by that date, the application will be transferred to the Board of Examiners. These applications will be considered in accordance with the procedure under the Health and Safety in Employment (Mining Administration) Regulations 1996 and not under the new mining regulations.

Worker participation

There are a number of new requirements to involve mine workers in health and safety. Most are in the HSE Act, while the regulations spell out some details.

Key requirements	What's involved	Where to look
Worker participation systems	<p>Mine operators must make sure there is a <u>documented</u> worker participation system providing reasonable opportunities for mine workers to participate effectively in ongoing processes to improve health and safety.</p> <p>WorkSafe will produce guidance for developing worker participation systems. The regulations provide a default scheme if mine operators do not put one in place.</p>	<p>HSE Act section 19Q</p> <p>Schedule 2 to the regulations</p>
All workers, including contractors, will be covered	<p>New worker participation requirements for the mining industry will apply to all mine workers. This includes employees, contractors and labour hire workers.</p> <p>Mine operators' obligations under the HSE Act to take practicable steps to ensure competency to work safely will apply in respect of all mine workers at the mining operation, not just their employees.</p>	HSE Act section 13AA
Health and safety monitoring	The results of general monitoring of workplace conditions and the health and safety of workers must be given to all mine workers, not just made available on request.	HSE Act section 12A
Functions of site health and safety representatives	<p>Site health and safety representatives have new functions, which are:</p> <ul style="list-style-type: none"> • to represent mine workers in matters relating to health and safety • to investigate complaints from mine workers regarding health and safety • if requested by a mine worker, to represent that worker in a matter relating to health and safety • to identify hazards in the mining operation • to monitor measures taken by the mine operator • to provide feedback to the mine operator or SSE, and • to promote the interests of mine workers who have been harmed at work. 	HSE Act section 19W

<p>Powers of site health and safety representatives</p>	<p>Site health and safety representatives have new powers to:</p> <ul style="list-style-type: none"> • attend interviews with mine workers on matters related to health and safety • enter and inspect a mining operation • examine and copy documents • request assistance • accompany and consult an inspector • issue hazard notices, and • suspend operations. <p>They can only exercise these functions and powers, or use any information they obtain while doing so, for health and safety purposes. Site health and safety representatives also have certain protections for exercising their powers, and mine operators must allow representatives sufficient time and access to facilities.</p>	<p>HSE Act sections 19Z - 19ZQ</p>
<p>Competency requirements for site health and safety representatives</p>	<p>WorkSafe will set (by notice in the <i>New Zealand Gazette</i>) the competency requirements that site health and safety representatives must have to:</p> <ul style="list-style-type: none"> • enter and inspect an operation, or • suspend operations. <p>These competencies will include:</p> <ul style="list-style-type: none"> • a minimum of two years' experience in the type of mining operation they are in, and • unit standard 26856 (on risk management). 	<p>HSE Act section 19Y Gazette notice</p>
<p>Industry health and safety representative</p>	<p>A union or other group of mine workers will be able to appoint an industry health and safety representative who will have functions and powers relating to underground coal mines only.</p> <p>The industry health and safety representative has the same functions and powers as a site health and safety representative plus two additional functions:</p> <ul style="list-style-type: none"> • to participate in investigations into accidents in mining operations that resulted, or could have resulted, in serious harm, and • to assist with industry-wide initiatives to improve health and safety in mining operations. <p>An industry health and safety representative must hold a certificate of competence either for a first-class coal mine manager, a coal mine underviewer, or for coal mine deputy. The representative must also complete any other competency requirements</p>	<p>HSE Act section 19ZU</p> <p>HSE Act section 19ZW</p> <p>Gazette notice</p>

	<p>prescribed by WorkSafe. This will include unit standards in risk management, health and safety, emergency management and human factors.</p> <p>The union or other group of mine workers must advise WorkSafe of the appointment or cessation of appointment of an industry health and safety representative.</p> <p>WorkSafe will issue identity cards to, and maintain a register of, industry health and safety representatives.</p> <p>Industry health and safety representatives may be appointed and may carry out their functions and powers from 16 December 2013.</p>	<p>HSE Act section 19ZV</p> <p>HSE Act sections 19ZY, 19ZZ and 19ZB</p>
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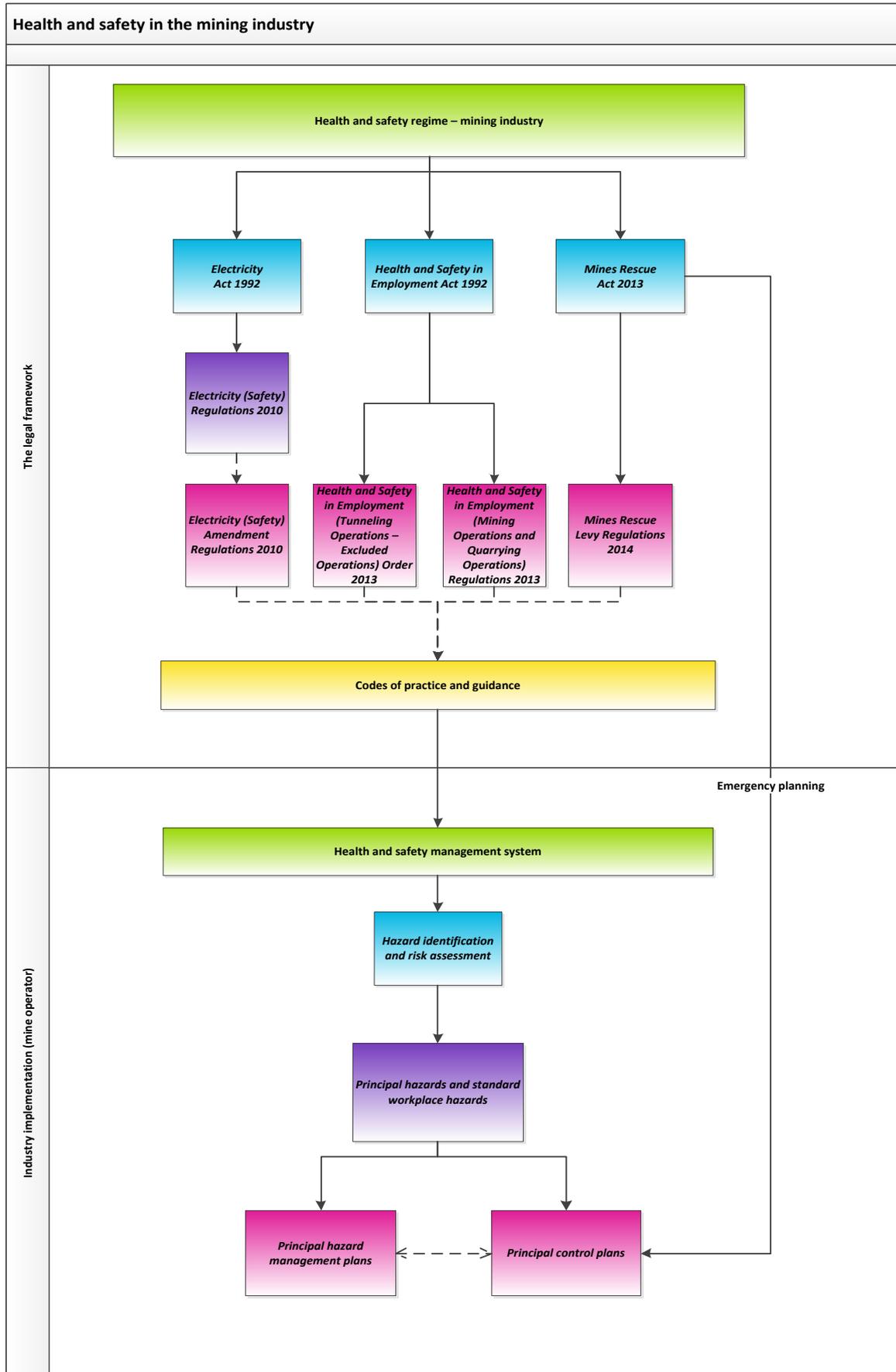
Emergency management

The mining regulations contain a number of new requirements and processes for emergency management. This table also explains changes concerning the Mines Rescue Service, and provides information about the new interagency protocol on responding to major underground mines (and tunnel) emergencies.

Key requirements	What's involved	Where to look
Emergency management plans	<p>Mine operators must develop emergency management plans covering a range of processes and roles required in the event of an emergency, emergency equipment, and training. An emergency management plan is one of the principal control plans required under the mining regulations.</p> <p>The plans have to be developed in consultation with relevant emergency services. This includes the Mines Rescue Service for all coal mines, underground metalliferous mines, and tunnels longer than 150 metres.</p>	Part 4, subpart 4 (of the regulations)
Minimum standards for emergency management	<p>There are strengthened minimum standards for emergency management.</p> <p>Some standards apply to all operations, such as dealing with crush injuries, treatment and transport of injured workers, and resuscitation equipment.</p> <p>There are additional requirements for underground mines and tunnels. These concern having a competent person at the surface, emergency contact details, self-rescuers, breathing apparatus, escapeways, changover stations and refuges, navigational aids, communications systems, and atmospheric monitoring.</p> <p>Underground coal mines must also comply with requirements for the sealing of a mine in an emergency.</p>	Part 6 Part 7 Part 8
Mines Rescue Service	<p>There is a new Mines Rescue Act 2013 that expands the coverage of the Mines Rescue Service (MRS) to all coal mines (not just those in rescue areas), underground metalliferous mines, and tunnels longer than 150 metres.</p>	Mines Rescue Act 2013

	<p>The new Act clarifies the MRS functions as the traditional roles of training rescue brigades and responding to emergencies, with a new role of assisting mine operators within scope with emergency planning.</p> <p>The new Mines Rescue Act will come into effect when the Minister of Labour is satisfied that the MRS has a new board in place representing the wider coverage, and that it is ready to deliver the functions in the Act. The expanded Mines Rescue Service is expected to be operational by April 2014.</p>	
Mines Rescue Levy	<p>A new mechanism has been developed for calculating the levy paid by mine operators to fund the MRS. The levy will be based on the annual estimated costs of the MRS, with components for emergency preparedness and emergency response readiness. All operations will pay the same amount for emergency preparedness (except for micro operations, which will pay less), while the rates for emergency response readiness will be depend on the number of mine workers, and an industry risk weighting based on the type of mining operation.</p> <p>The new mechanism will be set out in regulations, which will be approved in February. Prospective levy payers have been involved in the development of the mechanism.</p>	Mines Rescue Act 2013 and Mines Rescue Levy Regulations (in development)
Interagency protocol for responding to major underground mining emergencies	<p>An emergency response protocol has been developed between government, emergency services and industry to ensure a coordinated response to any future major underground mining emergency.</p> <p>Issued by WorkSafe New Zealand, the protocol provides for a person with mining expertise to be the incident controller of the rescue operation, and the role is supported by legislation.</p> <p>The protocol is based on principles in the Coordinated Incident Management System (CIMS) used by New Zealand’s emergency services, and will be regularly tested and improved.</p>	<p>Emergency protocol document</p> <p>Mines Rescue Act 2013</p>

Appendix one



Appendix two

Safe mines: safe workers finding your way around the new laws on mining health and safety							
What's required	Where to find it	Who it affects					
		Underground coal	Underground metalliferous	Tunnels	Opencast coal	Open cast metalliferous	Quarries
Safety critical roles and competency requirements Note: roles will depend on type of operation and principal hazards present	Part 1 HSE Act (re Board of Examiners)	✓	✓	✓	✓	✓	✓
Health and safety management systems	Part 2	✓	✓	✓	✓	✓	
Principal hazard management systems	Part 3	✓	✓	✓	✓	✓	
Principal control plans	Part 4	✓	✓	✓	✓	✓	
Worker participation systems	Part 5 HSE Act	✓	✓	✓	✓	✓	
Specific duties in all mining operations	Part 6	✓	✓	✓	✓	✓	
Specific duties in underground mining operations (including tunnels)	Part 7	✓	✓	✓			
Specific duties in underground coal mining operations only	Part 8	✓					
Notifications and reporting	Part 9	✓	✓	✓	✓	✓	
	Schedules	1-8	1-4, 6-8	1-4, 6-8	1-3, 6-8	1-3, 6-8	1-2

KEY:
 Part: refers to parts of the *Health and Safety in Employment (Mining Operations and Quarrying Operations) Regulations 2013*
 HSE Act: refers to the *Health and Safety in Employment Act 1992* (as amended by the *Health and Safety in Employment Amendment Act 2013*)
 Schedules: refer to the schedules to the *Health and Safety in Employment (Mining Operations and Quarrying Operations) Regulations 2013*

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