

7 June 2016

MinEx has updated the flow sheet issued in April 2015 following comments on the first version, feedback at the MinEx & WorkSafe H&S Forums, the introduction of the new act and regulations in April 2016 and the release of the good practice guideline *Health and Safety at Opencast Mines, Alluvial Mines and Quarries*.

## Is my site a quarry operation and am I a quarry operator?

The flow-sheet in this document has been developed to assist a number of industries in understanding their potential obligations under the Health and Safety at Work Act 2015 and the Health and Safety at Work Mining Operations and Quarrying Operations Regulations 2016.

There are many instances across New Zealand where companies engage in activities falling under the definition of Quarry Operations as defined in the Act. These operations are subject to a number of codes, guidelines and regulations that companies need to be aware of and to follow.

However some activities which technically meet this definition are not considered quarries by WorkSafe. The industries where confusion is most likely are:

- Earthmoving whether it be via contractors or a company's own equipment;
- Forestry operations;
- Road construction; and,
- Farming.

The Good Practice Guideline *Health and Safety at Opencast Mines Alluvial Mines and Quarries* issued in November 2015 provides assistance in interpreting the definition of a quarry.

A quarry includes:

- all the surface extraction workings including preparatory and abandonment works;
- tips (or dumps) associated with and in the vicinity of the site where the material is extracted, crushed or screened;
- working stockpiles associated with and in the vicinity of the site where the material is extracted, crushed or screened;
- settling ponds associated with and in the vicinity of the site where the material is extracted, crushed or screened;
- areas used for processing extracted materials (including washing, drying and bagging), where the processing is carried out on site where the extraction is undertaken;
- areas used for crushing or screening extracted or processed materials, regardless of whether it is at the place the material was extracted;
- the buildings and structures at the quarry used for the working of the quarry;
- common areas (eg quarry roadways and railways, but not public roads or railways under the control of a rail company); and,
- quarries in a forest, on a farm or on Crown or public land (eg council reserves or river beds) regardless of whether the extraction is of an intermittent nature or not.

### Meaning of quarrying operation

(1) In this schedule, **quarrying operation**—

- (a) means an activity carried out above ground for the purpose of—
  - (i) extracting any material, other than any coal or any mineral, from the earth; or
  - (ii) processing any material, other than any coal or any mineral, at the place where the material is extracted; and
- (b) includes the place where an activity described in paragraph (a) is carried out; and
- (c) includes any place in which any material extracted or processed in a quarry is crushed or screened.

(2) Subclause (1) applies whether or not the material is to be extracted or processed for commercial gain and whether or not the material is extracted or processed by the use of explosives.

Clause 3, schedule 3 Health and Safety at Work Act 2015

**Mineral** means a naturally occurring inorganic substance beneath or at the surface of the earth, and—

- (a) includes metallic minerals, non-metallic minerals, and precious stones; but
- (b) does not include clay, coal, gravel, limestone, sand, or stone

Clause 1, schedule 3 Health and Safety at Work Act 2015

# AM I A QUARRY OPERATOR?

The following are **not** considered to be quarries:

- civil or building construction sites (both residential and commercial) where cut to fill is undertaken unless the construction is associated with the development of the quarry;
- secondary processing facilities (eg hot mix or concrete) unless the extracted material is crushed and screened at the secondary processing facility;
- recycling aggregate plants;
- stockpiles at dormant quarries and dormant river gravel extraction sites;
- small scale, non-complex extraction carried out on farmland solely in support of farming (ie no tips, highwalls, explosives or processing);
- small scale, non-complex extraction carried out in forests solely in support of forestry operations (ie no tips, highwalls, explosives or processing); and
- non-complex extraction of gravel from river beds where there is no mechanical processing.

The use of static grizzlies to remove oversize material is not considered to be mechanical processing.

In addition to these helpful hints you should also work your way through the attached Flowsheet.

If your site fits the definition of a quarry explained above and after application of the Flowsheet then there are three main issues that all quarry operators need to be aware of are:

- You will need to have a person in charge of each quarry site that holds a Certificate of Competency (CoC) issued by the Board of Examiners;
- Your operation falls under certain sections of the 2016 regulations referred to above; and,
- You will need to be aware of and should follow a number of WorkSafe guidelines and approved codes of practice, the most important of which is the WorkSafe good practice guideline entitled: *Health and Safety at Surface Mines, Alluvial Mines and Quarries* issued in November 2015.

## Certificates of competency

A CoC is proof that the holder has achieved the required level of knowledge (unit standards) and relevant experience to safely operate a quarry. A Board of Examiners was established by Worksafe late in 2014 and consists of a number of industry sectors experts. The quarry sector board members are Andy Loader, Steve Ellis and Dean Torstonson and details of the board can be found on the WorkSafe website [here](#).

The Board has a number of duties including:

- Advising WorkSafe on competency requirements for mine and quarry workers;
- Examine applicants, or have applicants examined for certificates of competence; and,
- Issue, renew, cancel and suspend certificates of competence.

The certificates of competency required at a quarry operation is either an A Grade Quarry Certificate or a B Grade Quarry certificate and the flowsheet will assist you in determining which of these you require.

## Application of the 2016 regulations

Most of the regulations currently only apply to Mining Operations. However *Quarry Operations* are subject to the following sections:

- Part 1 - Safety-critical roles and competency requirements - excluding sub-parts 1 & 3;
- Part 11 - Transitional provisions, revocations, and consequential amendments; and,
- Schedule 1 - Application, savings, and transitional provisions.

# AM I A QUARRY OPERATOR?

## Will I be shut down if I continue to operate without a CoC holder?

The answer to that is no. WorkSafe (High Hazard Unit or HHU) has issued a position paper on this issue that can be found [here](#).

If a quarry manager does not have the required certificate of competence, an HHU Extractives inspector will consider issuing an improvement notice for a period of up to one year to enable the quarry manager to gain the certificate of competence. If this improvement notice is issued it will state that the quarry may continue to operate while the quarry manager gains the relevant certificate of competence.

Before an inspector makes a decision to issue an improvement notice the quarry operator will need to advise HHU Extractives on how health and safety systems are being implemented in the quarrying operation and satisfy HHU Extractives that safety is being appropriately managed.

**Any operation that, having worked through the Flowsheet, decides they are a *Quarry Operation* and does not have the appropriate CoC holder managing the operation, should contact WorkSafe and advise them of the situation.**

**If you meet the definition of a quarry as set out here and wish to commence training for the required CoC then contact the following organisations who are able to arrange or provide your training:**

- Tai Poutini Polytech – Peter O’Sullivan at [petero@tpp.ac.nz](mailto:petero@tpp.ac.nz)
- Mines Rescue – Pat Russell at [patricia.russell@minerescue.org.nz](mailto:patricia.russell@minerescue.org.nz)
- ACT Safety – Graham Platts at [graham@actsafety.co.nz](mailto:graham@actsafety.co.nz)
- MITO – website at <https://mito.org.nz/extractive>

**Les McCracken  
CEO MinEx  
7 June 2016**

# AM I A QUARRY OPERATOR?

