

# Submission on Changes to the Mining Operations and Quarrying Operations Regulations, Interpretive Guidelines November 2022

---

## MinEx

MinEx is the national Health and Safety Council for New Zealand's extractive sector - the mining, tunnelling and quarrying industry. Our principal purpose is to help the industry achieve its goal of being free from fatalities, injuries and diseases. MinEx is funded by the mining and quarry sectors – through the respective associations and a number of individual companies – with a mandate to;

1. be the main point of contact with the Ministry of Business, Innovation and Employment (MBIE), WorkSafe New Zealand (“WorkSafe”) and other agencies on all extractive sector matters related to health and safety, and
2. through leadership and consultation develop an industry view on relevant legislation, regulations, guidelines and training matters, and work with MBIE, WorkSafe and other agencies to adopt and implement those views, as appropriate.

We make the following submissions in relation to your request for feedback on the interpretive guidelines - Changes to the Mining Operations and Quarrying Operations Regulations.

## Quarrying and Alluvial Mining guidance

### What are A-grade and B-grade operations, and certificates of competence?

We believe it should be clearer that there will be no change for existing CoC holders and suggest addition of the wording in red:

*Alluvial Mines.*

*If explosives are used and you are a new applicant, your CoC will specify whether explosives can be used at your site. **There is no change required for existing CoC holders.***

*Quarries.*

*From 18 July 2023, if explosives are used and you are a new applicant, your CoC will specify whether explosives can be used at your site. **There is no change required for existing CoC holders.***

### Health and Safety Management System (HSMS)

Our suggested changes here are in red. The Table 1 change below is to pick up the competency needed for shotfiring.

#### **What is a responsible person?**

*In this guidance, this is any person conducting a business or undertaking in quarrying or alluvial mining operations. **It can be a legal entity** such as a company, or a self-employed person. All **quarrying and alluvial mining operations** need a responsible person.*

*Table 1.*

*A person using, handling, and issuing explosives at the operation must meet certain competence requirements, for example having a controlled substance licence **and competence as a certified handler.***

## Record keeping requirements

As a number of smaller sites do not have a site office we suggest the following change of wording:

*Operation records: These must be kept at the site and be available for workers to inspect at any time.*

## What are principal control plans (PCPs)

Here we suggest removing the second paragraph as it may confuse quarries as they are not required to complete PCPs for the 5 subparts, only Worker Health and Emergency Management. Proposed wording is below with the addition of the section in red:

*A PCP explains the control measures, systems, and processes in place to manage risks associated with more than one hazard. This may include principal hazards and other significant hazards, and the control measures are applied to the whole operation. If you do not have any principal hazards, you do not need a PCP.*

**From 18 July 2023**, the PCPs that may be required for A-grade quarrying and alluvial mining operations are:

- emergency management (including events that trigger activation of the plan)
- worker health (including how certain hazards like noise and dust are monitored and controlled).

For more information, see Part 5 of the Regulations.

## Mining and Tunnelling operations

We suggest adding Tunnelling to the heading so that tunnelling operations do not assume this is only for mining operations.

## General changes to how duties are referenced

This section should also include tunnels as indicated in red:

*Some regulations that only applied to mining operations, now also apply to quarries and alluvial mines. Where that is the case, the term 'relevant operator' is used and this can refer to mines, **tunnels**, quarries, or alluvial mines.*

## Supervision (managers and supervisors (production shifts)) and metalliferous mines

In the Supervision section of the table we suggest the words in red below are added to reflect the fact that the supervision must be appropriate for the nature of the work being conducted:

*There also needs to be adequate supervision in place during other work at the operation. For example, by competent workers who may not hold a CoC, but have the relevant skills and experience to supervise **the work being conducted**.*

Wayne Scott  
Chief Executive Officer

[MinEx](#)

[wayne@aqz.org.nz](mailto:wayne@aqz.org.nz)

021 944 336