

Reprint
as at 4 April 2016



Health and Safety in Employment (Mining Operations and Quarrying Operations) Amendment Regulations 2015

(LI 2015/292)

Health and Safety in Employment (Mining Operations and Quarrying Operations) Amendment Regulations 2015: revoked, on 4 April 2016, pursuant to regulation 232 of the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016 (LI 2016/17).

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 23rd day of November 2015

Present:

His Excellency the Governor-General in Council

Pursuant to section 21 of the Health and Safety in Employment Act 1992, His Excellency the Governor-General makes the following regulations, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Workplace Relations and Safety made after complying with section 21(2) of that Act.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint. Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

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Regulations

1 Title

These regulations are the Health and Safety in Employment (Mining Operations and Quarrying Operations) Amendment Regulations 2015.

2 Commencement

These regulations come into force on 31 December 2015.

3 Principal regulations

These regulations amend the Health and Safety in Employment (Mining Operations and Quarrying Operations) Regulations 2013 (the **principal regulations**).

4 Schedule 1 amended

Amend Schedule 1 as set out in the Schedule of these regulations.

Schedule Schedule 1 amended

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Clause 11

In clause 11(3)(a)(ii) and (b), replace “1 January 2016” with “1 January 2017”.

Clause 12

In the heading to clause 12, replace “**superintendant**” with “**superintendent**”.

In clause 12(2), replace “1 January 2016” with “1 January 2017”.

Clause 13

In clause 13(3)(a)(ii) and (b), replace “1 January 2016” with “1 January 2017”.

Clause 14

In clause 14(2), replace “1 January 2016” with “1 January 2017”.

Clause 15

Replace clause 15 with:

Clause 15—*continued*

15 Appointment of safety-critical roles for new mining operations

- (1) This clause applies in relation to a mining operation, quarrying operation, or alluvial mining operation that is not an existing mining operation, existing quarrying operation, or existing alluvial mining operation (a **new mining operation**).

Managers

- (2) Regulations 16 to 22 do not apply to a person appointed as manager of a new mining operation until 1 January 2017 but only if the person holds any necessary qualifications that would have been required in relation to that position under the Health and Safety in Employment (Mining Administration) Regulations 1996.
- (3) For the purposes of subclause (2), if the person held a certificate of competence under those regulations immediately before 1 January 2015 but did not apply for a renewal or replacement of the certificate before that date, regulations 16 to 22 do not apply to the person until,—
- (a) if the person's certificate of competence has an expiry date, the earlier of—
- (i) the date that is 12 months after the expiry date; and
- (ii) 1 January 2017;
- (b) if the person's certificate of competence does not have an expiry date, 1 January 2017.

Electrical superintendents, mechanical superintendents, and ventilation officers

- (4) Regulations 26(2), 27(2), and 29(2) (which require a person to hold a certificate of competence) do not apply to a person appointed as an electrical superintendent, mechanical superintendent, or ventilation officer for a new mining operation until 1 January 2017.

Mine surveyors, underviewers, supervisors, coal mine deputies, and winding engine drivers

- (5) Regulations 28(2), 30(2) and (3), 31(2) to (5), and 32 do not apply to a person appointed as mine surveyor, underviewer, supervisor, coal mine deputy, or winding engine driver for a new mining operation until 1 January 2017 but only if the person holds any necessary qualifications that would have been required for that position under the Health and Safety in Employment (Mining Administration) Regulations 1996.
- (6) For the purposes of subclause (5), if the person held a certificate of competence under those regulations immediately before 1 January 2015 but did not apply for a renewal or replacement of that certificate before that date, regulations 28(2), 30(2) and (3), 31(2) to (5), and 32 do not apply to the person until,—

Clause 15—*continued*

- (a) if the person’s certificate of competence has an expiry date, the earlier of—
- (i) the date that is 12 months after the expiry date; and
 - (ii) 1 January 2017:
- (b) if the person’s certificate of competence does not have an expiry date, 1 January 2017.

Clause 16

In clause 16(5), replace “on 31 December 2015” with “with the close of 31 December 2016”.

Clause 17

In clause 17(3), replace “on 31 December 2015” with “with the close of 31 December 2016”.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 31 December 2015, amend the Health and Safety in Employment (Mining Operations and Quarrying Operations) Regulations 2013 (the **principal regulations**).

The general effect of the regulations is to amend Schedule 1 of the principal regulations, which contains application, savings, and transitional provisions, to correct various errors and to extend the time frame for certain persons to comply with the principal regulations. The amendments—

- extend the time frame specified in clauses 11(3)(a)(ii) and (b), 13(a)(ii) and (b), 14(2), and 15(a) for site senior executives and mine managers to obtain a certificate of competence under the principal regulations from 1 January 2016 to 1 January 2017 to allow site senior executives and mine managers more time to acquire the relevant competencies;
- replace references in clauses 12(2) and 15(b) to 1 January 2016 with references to 1 January 2017 to correct errors relating to the date on which the new requirements for various persons to hold a certificate of competence under the principal regulations take effect;
- correct a spelling mistake in the heading to clause 12:

- replace clause 15, which relates to the appointment of persons in safety-critical roles in new mining operations. The main change is to defer the application of various provisions of the principal regulations that require persons in those safety-critical roles to hold relevant qualifications under the principal regulations if the person held a certificate of competence under the Health and Safety in Employment (Mining Administration) Regulations 1996 before 1 January 2015 and had not applied for a renewal or replacement of that certificate on or before that date:
- replace references in clauses 16(5) and 17(3) to 31 December 2015 with references to 31 December 2016 to correct errors relating to the final date on which a certificate granted or renewed under the Health and Safety in Employment (Mining Administration) Regulations 1996 expires and allow more time for persons to acquire the relevant competencies.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 26 November 2015.

Reprints notes

1 *General*

This is a reprint of the Health and Safety in Employment (Mining Operations and Quarrying Operations) Amendment Regulations 2015 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016 (LI 2016/17): regulation 232