



## **Health and Safety at Work (Mining Operations and Quarrying Operations) Amendment Regulations 2022**

Rt Hon Dame Helen Winkelmann, Administrator of the Government

### **Order in Council**

At Wellington this 7th day of June 2022

Present:

Her Excellency the Administrator of the Government in Council

These regulations are made under sections 211 and 218 and clause 5 of Schedule 3 of the Health and Safety at Work Act 2015—

- (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 sections 217 and 219 of that Act.

### **Contents**

|   |                       | Page |
|---|-----------------------|------|
| 1 | Title                 | 10   |
| 2 | Commencement          | 10   |
| 3 | Principal regulations | 10   |

#### **Part 1**

#### **Amendments that come into force on 18 July 2022**

|   |   |    |
|---|---|----|
| 4 | Regulation 3 amended (Interpretation)   | 11 |
| 5 | Regulation 6 amended (Declaration of excluded tunnelling operations)                    | 13 |
| 6 | Regulation 8 amended (Competency requirements for appointment as site senior executive) | 13 |
| 7 | Regulation 10 amended (WorkSafe may advise appointment not suitable)                    | 13 |

|    |   |    |
|----|---|----|
| 8  | Regulation 13 amended (Manager of mining operation)   | 13 |
| 9  | Regulation 14 amended (Manager of quarrying operation)  | 14 |
| 10 | Regulation 15 amended (Manager of alluvial mining operation)  | 14 |
| 11 | Regulation 16 amended (Manager must hold certificate)   | 14 |
| 12 | New regulation 16A inserted (Exclusion of manager of tourist mining operation)  | 14 |
|    | 16A Exclusion of manager of tourist mining operation  | 14 |
| 13 | Regulation 25 amended (Mine operator must ensure workers comply with instructions of manager or acting manager)                           | 14 |
| 14 | Regulation 26 amended (Electrical superintendent)   | 15 |
| 15 | Regulation 27 amended (Mechanical superintendent)   | 15 |
| 16 | Regulation 28 amended (Mine surveyor)   | 15 |
| 17 | Regulation 29 replaced (Ventilation officer)  | 15 |
|    | 29 Ventilation officer  | 16 |
| 18 | Regulation 30 amended (Underviewer)   | 16 |
| 19 | Regulation 31 amended (Supervisor)  | 16 |
| 20 | New regulation 31A inserted (Gas monitor for coal exploration operation)  | 17 |
|    | 31A Gas monitor for coal exploration operation  | 17 |
| 21 | Regulation 32 amended (Other workers required to hold certificates)   | 17 |
| 22 | Regulation 33 amended (Appointment of person to more than 1 role)   | 17 |
| 23 | Regulation 38 amended (Requirements for holding certificate of competence)  | 17 |
| 24 | Regulation 42 amended (Duration of certificate of competence)   | 18 |
| 25 | Regulation 44 amended (Renewal of certificate of competence)  | 18 |
| 26 | Regulation 49 amended (Appeal to District Court)  | 18 |
| 27 | Regulation 52 replaced (Mine operator must ensure health and safety management system developed, documented, implemented, and maintained) | 18 |
|    | 52 Health and safety management system must be developed, etc   | 19 |
| 28 | Regulation 53 replaced (Site senior executive must develop, document, implement, and maintain health and safety management system)        | 19 |
|    | 53 When health and safety management system must be in place  | 19 |
| 29 | Subpart 2 heading in Part 3 amended   | 19 |
| 30 | Regulation 54 amended (Risk appraisal)  | 19 |
| 31 | Regulation 55 amended (Risk assessment)   | 20 |
| 32 | Regulation 56 amended (Content of health and safety management system)  | 20 |

|    |   |    |
|----|---|----|
| 33 | Regulation 58 amended (Periodic review of health and safety management system)  | 20 |
| 34 | Regulation 59 amended (Additional reviews of health and safety management system)   | 20 |
| 35 | Regulation 60 replaced (Engagement)   | 20 |
|    | 60 Worker engagement and participation  | 20 |
| 36 | Regulation 65 replaced (Meaning of principal hazard)  | 21 |
|    | 65 Meaning of principal hazard  | 21 |
| 37 | Regulation 66 amended (Site senior executive responsible for identifying principal hazards and having principal hazard management plan) | 22 |
| 38 | Regulation 69 amended (Review and revision of principal hazard management plans)  | 22 |
| 39 | Regulation 70 amended (Audits of principal hazard management plans)   | 23 |
| 40 | Regulation 71 amended (Principal hazard management plans for ground or strata instability)  | 23 |
| 41 | Regulation 73 amended (Consideration of whether inundation and inrush is a principal hazard)  | 23 |
| 42 | Regulation 75 amended (Additional ground of review of principal hazard management plans relating to inundation and inrush)              | 24 |
| 43 | Regulation 76 amended (Obligations relating to work in inrush control zone)   | 24 |
| 44 | New regulation 76A inserted (Application)   | 24 |
|    | 76A Application   | 24 |
| 45 | Regulation 77 amended (Principal hazard management plans for mine shafts and winding systems)   | 24 |
| 46 | Regulation 78 amended (Additional requirements for principal hazard management plans in relation to automatic winding systems)          | 24 |
| 47 | Regulation 79 amended (Additional requirements for principal hazard management plans in relation to dual-purpose shafts)                | 24 |
| 48 | Regulation 80 amended (Principal hazard management plans for roads and other vehicle operating areas)                                   | 25 |
| 49 | Regulation 81 amended (Principal hazard management plans for tips, ponds, and voids)  | 25 |
| 50 | Regulation 82 amended (Risk assessment in relation to tips, ponds, and voids)   | 25 |
| 51 | Regulation 83 amended (Inspection of tips)  | 25 |
| 52 | Regulation 84 amended (Principal hazard management plans for air quality)   | 25 |
| 53 | New regulation 84A inserted (Application)   | 25 |
|    | 84A Application   | 25 |

|    |  |    |
|----|--|----|
| 54 | Regulation 86 amended (Principal hazard management plan for explosives)  | 25 |
| 55 | New regulation 86A inserted (Application)  | 26 |
|    | 86A Application  | 26 |
| 56 | Regulation 88 amended (Appraisal of likelihood of spontaneous combustion occurring required at all underground coal mining operations) | 26 |
| 57 | Regulation 89 amended (Ongoing review of information about spontaneous combustion)   | 26 |
| 58 | Regulation 90 amended (Principal hazard management plan for spontaneous combustion)  | 26 |
| 59 | Regulation 91 amended (Recording of spontaneous combustion events)   | 26 |
| 60 | Regulation 92 amended (Site senior executive responsible for having principal control plans)   | 26 |
| 61 | Regulation 93 replaced (General purpose of principal control plans)  | 27 |
|    | 93 Purpose of principal control plans  | 27 |
| 62 | Regulation 94 amended (Review and revision of principal control plans)   | 27 |
| 63 | Regulation 95 amended (Audits of principal control plans)  | 27 |
| 64 | Regulation 96 replaced (Application)   | 27 |
|    | 96 Application   | 27 |
| 65 | Regulation 98 amended (Mechanical engineering control plan)  | 27 |
| 66 | Regulation 99 replaced (Application)   | 27 |
|    | 99 Application   | 28 |
| 67 | Regulation 100 amended (Electrical engineering control plan)   | 28 |
| 68 | Regulation 104 amended (Consultation with emergency services)  | 28 |
| 69 | Regulation 105 amended (Emergency management control plan)   | 28 |
| 70 | Regulation 106 amended (Testing, etc, of emergency management control plan)  | 28 |
| 71 | Regulation 109 amended (Worker participation practices must be documented)   | 28 |
| 72 | Regulation 110 amended (Competency requirements for appointment as industry health and safety representative)                          | 29 |
| 73 | Cross-heading above regulation 114 amended   | 29 |
| 74 | Regulation 114 amended (Mine operator must investigate reported hazard)  | 29 |
| 75 | Regulation 115 amended (Mine operator must advise mine worker of result of investigation)  | 29 |
| 76 | Regulation 117 amended (Installation of ground or strata support)  | 29 |
| 77 | Regulation 118 amended (Obligations relating to ground or strata support)  | 30 |
| 78 | Regulation 122 amended (Explosives)  | 30 |

|     |  |    |
|-----|--|----|
| 79  | Regulation 127 amended (Mine worker health monitoring)   | 30 |
| 80  | Regulation 128 replaced (Mine workers to be given results of monitoring)   | 31 |
|     | 128 Workers to be given results of monitoring  | 31 |
| 81  | Regulation 129 amended (Records to be kept and provided to mine workers)   | 32 |
| 82  | Regulation 131 amended (Steps to be taken following ground or strata failure)  | 32 |
| 83  | Regulation 135 amended (Holing into old workings)  | 32 |
| 84  | Regulation 138 amended (Equipment for raising and lowering mine workers, coal, minerals, or material)                      | 32 |
| 85  | Regulation 141 amended (Air quality and temperature)   | 33 |
| 86  | Regulation 170 amended (Escapeways in underground coal mining operation)   | 33 |
| 87  | New regulation 170A inserted (Developing escapeways in new underground coal mining operation)                              | 33 |
|     | 170A Developing escapeways in new underground coal mining operation  | 33 |
| 88  | Regulation 172 amended (Additional requirements for escapeways in underground metalliferous mining operations)             | 33 |
| 89  | Regulation 180 amended (Sealed goafs)  | 34 |
| 90  | Regulation 181 amended (Position and electricity supply of main ventilation fan)   | 34 |
| 91  | Regulation 183 amended (Standards for sealing)   | 35 |
| 92  | New regulation 183A inserted (Alternative to type B seal)  | 35 |
|     | 183A Alternative to type B seal  | 35 |
| 93  | Regulation 184 amended (Facilities required for sealing)   | 36 |
| 94  | Regulation 185 amended (Notice of intention to seal underground coal mining operation)                                     | 36 |
| 95  | Regulation 186 amended (Sealing not to be done unless notified)  | 36 |
| 96  | Regulation 187 amended (Emergency sealing)   | 36 |
| 97  | Regulation 188 amended (Testing of inertisation equipment)   | 36 |
| 98  | Regulation 190 amended (Establishment of explosion risk zones)   | 36 |
| 99  | Regulation 191 amended (Signposting of explosion risk zones)   | 36 |
| 100 | Regulation 196 amended (Monitoring for methane at working face)  | 36 |
| 101 | Regulation 198 amended (Methane monitors in return airways)  | 36 |
| 102 | Regulation 200 amended (Methane monitors on certain mobile plant powered by electricity through trailing or reeling cable) | 36 |
| 103 | Regulation 202 amended (Auxiliary and booster fans)  | 37 |
| 104 | Regulation 204 amended (Failure of methane monitoring system)  | 37 |
| 105 | Regulation 206 amended (Recording of dust sampling and analysis)   | 37 |

|     |  |    |
|-----|--|----|
| 106 | Regulation 207 amended (Minimum content of incombustible material in roadway dust)   | 37 |
| 107 | Regulation 208 amended (Mine operator must have standard operating procedure for application of incombustible material to roadway) | 37 |
| 108 | Regulation 210 amended (Explosion barriers)  | 37 |
| 109 | Regulation 211 replaced (Duty to notify WorkSafe of commencement, recommencement, installation, or cessation)                      | 37 |
|     | 211 Notification of commencement, recommencement, installation, or cessation of operation  | 37 |
| 110 | Regulation 213 amended (Plans of mining operation)   | 39 |
| 111 | Regulation 214 replaced (Duty to give copy of plan of mining operation to WorkSafe)  | 40 |
|     | 214 Plan of mining operation for WorkSafe  | 40 |
| 112 | Regulation 215 amended (Duty to make copy of plan of mining operation available to industry health and safety representative)      | 40 |
| 113 | Regulation 216 amended (Plans of ceased mining operation)  | 40 |
| 114 | Regulation 217 amended (Details to be included in plans)   | 41 |
| 115 | Regulation 218 amended (Plan showing firefighting, rescue, and emergency facilities to be posted)                                  | 43 |
| 116 | Regulation 219 replaced (Mining operation records)   | 43 |
|     | 219 Operation records  | 43 |
| 117 | Regulation 221 replaced (Shift reports)  | 44 |
|     | 221 Shift reports  | 44 |
| 118 | Regulation 222 amended (Examination of mining operations)  | 45 |
| 119 | Regulation 226 amended (Record of notifiable events)   | 46 |
| 120 | Regulation 227 amended (Disclosure of information about notifiable events)   | 46 |
| 121 | Regulation 230 amended (Duty of mine operator to give quarterly report to WorkSafe)  | 46 |
| 122 | Part 11 revoked  | 46 |
| 123 | Schedule 1 amended   | 46 |
| 124 | Schedule 3 amended   | 47 |
| 125 | Schedule 5 amended   | 47 |
| 126 | Schedule 6 amended   | 47 |
| 127 | Schedule 8 replaced  | 48 |
|     | <i>Amendment to Electricity (Safety) Regulations 2010</i>  |    |
| 128 | Principal regulations  | 48 |
| 129 | Regulation 4 amended (Interpretation)  | 48 |
|     | <b>Part 2</b>  |    |
|     | <b>Amendments that come into force on 18 July 2023</b>   |    |
| 130 | Regulation 3 amended (Interpretation)  | 48 |

|  |   |    |
|--|---|----|
| 131  | Regulation 8 amended (Competency requirements for appointment as site senior executive)           | 49 |
| 132  | Regulation 17 amended (Certificate of competence of manager of metalliferous mining operation)    | 49 |
| 133  | Regulation 18 amended (Certificate of competence of manager of underground coal mining operation) | 49 |
| 134  | Regulation 19 amended (Certificate of competence of manager of opencast coal mining operation)    | 50 |
| 135  | Regulation 20 amended (Certificate of competence of manager of tunnelling operation)              | 50 |
| 136  | Regulation 21 amended (Certificate of competence of manager of quarrying operation)               | 50 |
| 137  | Regulation 22 replaced (Certificate of competence of manager of alluvial mining operation)        | 50 |
| 22   | Certificate of competence of manager of alluvial mining operation                                 | 50 |
| 138  | Regulation 26 amended (Electrical superintendent)   | 51 |
| 139  | Regulation 27 amended (Mechanical superintendent)   | 51 |
| 140  | Regulation 28 amended (Mine surveyor)   | 51 |
| 141  | Regulation 29 amended (Ventilation officer)   | 52 |
| 142  | Regulation 30 amended (Underviewer)   | 52 |
| 143  | Regulation 31 amended (Supervisor)  | 52 |
| 144  | Regulation 31A replaced (Gas monitor for coal exploration operation)                              | 52 |
| 31A  | Gas monitor for coal exploration operation  | 52 |
| 145  | Regulation 32 amended (Other workers required to hold certificates)                               | 53 |
| 146  | Subpart 4 heading in Part 2 amended   | 53 |
| 147  | Regulation 34 replaced (WorkSafe may prescribe requirements)                                      | 53 |
| 34   | Prescribed competency requirements  | 53 |
| 148  | New cross-heading above regulation 35 inserted  | 54 |
| <i>Certificates of competence</i>                                  |   |    |
| 149  | Regulation 35 amended (Certificates of competence)  | 54 |
| 150  | Regulation 38 amended (Eligibility to hold certificate of competence)                             | 55 |
| 151  | Regulation 43 amended (Continuing professional development condition of certificate)              | 55 |
| 152  | Regulation 47 amended (Register)  | 55 |
| 153  | Cross-heading above regulation 50 replaced  | 55 |
| <i>Mine workers not required to hold certificate of competence</i> |   |    |
| 154  | Regulation 50 amended (Supervision of untrained mine workers)                                     | 55 |
| 155  | New regulation 51A inserted (Application)   | 55 |

|     |  |           |
|-----|--|-----------|
|     | <b>51A Application</b>   | <b>55</b> |
| 156 | Regulation 52 amended (Health and safety management system must be developed, etc)                                   | 56        |
| 157 | Regulation 53 amended (When health and safety management system must be in place)                                    | 56        |
| 158 | Regulation 54 amended (Systematic identification of hazards)   | 56        |
| 159 | Regulation 55 amended (Risk assessment)  | 56        |
| 160 | Regulation 56 replaced (Content of health and safety management system)  | 56        |
|     | <b>56 Content of health and safety management system</b>   | <b>56</b> |
| 161 | Regulation 57 amended (Auditing and monitoring of health and safety management system)                               | 58        |
| 162 | Regulation 58 amended (Periodic review of health and safety management system)                                       | 58        |
| 163 | Regulation 59 amended (Additional reviews of health and safety management system)                                    | 58        |
| 164 | Regulation 60 amended (Worker engagement and participation)  | 58        |
| 165 | Regulation 61 amended (Maintenance of records of health and safety management system)                                | 58        |
| 166 | Subpart 5 heading in Part 3 amended  | 58        |
| 167 | Regulation 62 amended (Providing health and safety management system documentation to mine workers)                  | 58        |
| 168 | Regulation 63 amended (Providing health and safety management system documentation to contractor)                    | 59        |
| 169 | Regulation 64 amended (Duty to provide instruction)  | 59        |
| 170 | Regulation 64A inserted (Application)  | 59        |
|     | <b>64A Application</b>   | <b>59</b> |
| 171 | Regulation 65 amended (Meaning of principal hazard)  | 60        |
| 172 | Regulation 66 amended (Responsible person to identify principal hazards and ensure principal hazard management plan) | 60        |
| 173 | Regulation 67 amended (General purposes of principal hazard management plans)  | 60        |
| 174 | Regulation 68 amended (Content of principal hazard management plans)   | 60        |
| 175 | Regulation 69 amended (Review and revision of principal hazard management plans)                                     | 61        |
| 176 | Regulation 71 amended (Principal hazard management plans for ground or strata instability)                           | 61        |
| 177 | Regulation 80 amended (Principal hazard management plans for roads and other vehicle operating areas)                | 61        |
| 178 | Regulation 86 amended (Principal hazard management plan for explosives)  | 61        |
| 179 | Regulation 92 amended (Responsibility for principal control plans)   | 61        |
| 180 | Regulation 93 amended (Purpose of principal control plans)   | 61        |

|     |  |    |
|-----|--|----|
| 181 | Regulation 94 amended (Review and revision of principal control plans)   | 62 |
| 182 | Regulation 103 replaced (Application)  | 62 |
|     | 103 Application  | 62 |
| 183 | Regulation 104 amended (Consultation with emergency services)  | 62 |
| 184 | Regulation 105 amended (Emergency management control plan)   | 62 |
| 185 | Regulation 106 amended (Testing, etc, of emergency management control plan)  | 63 |
| 186 | Regulation 107 replaced (Application)  | 64 |
|     | 107 Application  | 64 |
| 187 | Regulation 108 amended (Worker health control plan)  | 64 |
| 188 | Regulation 110 amended (Competency requirements for appointment as industry health and safety representative)          | 64 |
| 189 | Part 7 heading amended   | 64 |
| 190 | Regulation 116 amended (Application)   | 64 |
| 191 | Regulation 117 amended (Installation of ground or strata support)  | 64 |
| 192 | Regulation 118 amended (Obligations relating to ground or strata support)  | 64 |
| 193 | New regulations 118A and 118B and cross-heading inserted   | 65 |
|     | <i>High-risk working faces</i>   |    |
|     | 118A Application of regulation 118B  | 65 |
|     | 118B Obligations for high-risk working faces   | 65 |
| 194 | Regulation 119 amended (Roads and other vehicle operating areas)   | 66 |
| 195 | Regulation 120 amended (Operation of mobile plant by authorised mine workers only)                                     | 66 |
| 196 | Regulation 121 amended (Defects discovered during inspection of tips)  | 66 |
| 197 | Regulation 122 replaced (Explosives)   | 66 |
|     | 122 Explosives   | 66 |
| 198 | Regulation 123 amended (Conveyor belts)  | 67 |
| 199 | Regulation 124 amended (Crush injuries and rescue of trapped or injured persons)                                       | 68 |
| 200 | Regulation 125 amended (Treatment and transport of sick and injured mine workers)                                      | 68 |
| 201 | Regulation 126 amended (Resuscitation equipment)   | 68 |
| 202 | Regulation 212 replaced (Duty to give draft principal hazard management plans and principal control plans to WorkSafe) | 68 |
|     | 212 Obligation to notify WorkSafe of operation not yet commenced   | 68 |
|     | 212A Exceptions to obligation to notify WorkSafe   | 69 |
|     | 212B Meaning of commences  | 69 |
| 203 | Regulation 213 amended (Plan of mining operation for operational use)  | 70 |
| 204 | Regulation 214 amended (Plan of mining operation for WorkSafe)   | 70 |

|     |   |    |
|-----|---|----|
| 205 | Regulation 216 amended (Plan of ceased mining operation)    | 70 |
| 206 | Regulation 228 amended (Investigation of notifiable events) | 71 |
| 207 | Schedule 1 amended  | 71 |

### Part 3

#### Amendments that come into force on 18 July 2024

|     |  |    |
|-----|--|----|
| 208 | Regulation 3 amended (Interpretation)  | 71 |
| 209 | Regulation 21 replaced (Certificate of competence of manager of quarrying operation) | 71 |
| 21  | Certificate of competence of manager of quarrying operation                          | 71 |

### Part 4

#### Amendments that come into force on 18 July 2025

|     |  |    |
|-----|--|----|
| 210 | Regulation 8 amended (Competency requirements for appointment as site senior executive)        | 72 |
| 211 | Regulation 17 amended (Certificate of competence of manager of metalliferous mining operation) | 72 |
| 212 | Regulation 31 amended (Supervisor)   | 72 |

### Schedule 1

#### New Part 2 inserted into Schedule 1

### Schedule 2

#### Schedule 8 replaced

77

## Regulations

### 1 Title

These regulations are the Health and Safety at Work (Mining Operations and Quarrying Operations) Amendment Regulations 2022.

### 2 Commencement

- (1) Subject to this regulation, these regulations come into force on 18 July 2022.
- (2) Part 2 comes into force on 18 July 2023.
- (3) Part 3 comes into force on 18 July 2024.
- (4) Part 4 comes into force on 18 July 2025.

### 3 Principal regulations

These regulations amend the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016.

## Part 1

### Amendments that come into force on 18 July 2022

#### 4 Regulation 3 amended (Interpretation)

- (1) In regulation 3(1), insert in their appropriate alphabetical order:

**coal exploration operation** means a mining operation that is carried out above ground that involves exploring (but not mining) for coal and in which—

- (a) any activity is carried out in accordance with a current prospecting permit or exploration permit that was granted under the Crown Minerals Act 1991 and that applies to prospecting or exploring for coal; or
- (b) any exploratory activity is carried out by machinery for the purpose of finding out whether a coal mining operation may be worked

**gas monitor** means a person appointed to the role of gas monitor under regulation 31A

**opencast mining operation** means—

- (a) an opencast coal mining operation; or
- (b) an opencast metalliferous mining operation

**relevant operator** means,—

- (a) in relation to a mining operation, the mine operator;
- (b) in relation to a quarrying operation, the quarry operator;
- (c) in relation to an alluvial mining operation, the alluvial mine operator

**responsible person** means,—

- (a) in relation to a tourist mining operation, a mining operation that is suspended, or a coal exploration operation, the mine operator;
- (b) in relation to a quarrying operation, the quarry operator;
- (c) in relation to an alluvial mining operation, the alluvial mine operator;
- (d) in relation to any other mining operation, the site senior executive

**tourist mining operation** has the meaning given in clause 1 of Schedule 3 of the Act

- (2) In regulation 3(1), definition of **alluvial mine worker**, delete “, either as an employee or as a self-employed person”.
- (3) In regulation 3(1), definition of **ERZ1**, paragraph (b)(vi), replace “goaf” with “worked-out”.
- (4) In regulation 3(1), replace the definition of **Mines Rescue Trust** with:

**Mines Rescue Trust Board** means the board of that name recognised under section 7 of the Mines Rescue Act 2013

- (5) In regulation 3(1), definition of **old workings**, paragraph (b), replace “goafs” with “worked-out areas”.

- (6) In regulation 3(1), definition of **quarry worker**, delete “, either as an employee or as a self-employed person”.
- (7) In regulation 3(1), definition of **site office**, replace “site senior executive” with “responsible person”.
- (8) In regulation 3(1), replace the definition of **suspended** with:
- suspended** means,—
- (a) in relation to a mining operation other than a tunnelling operation, that maintenance of the mining operation may be being carried out (for example, to ensure that the mining operation is able, in the future, to carry out the activities listed in clause 2(a) and (b) of Schedule 3 of the Act, or while the mining operation is winding down in preparation for being abandoned) but—
    - (i) the activities listed in clause 2(a) and (b) of Schedule 3 of the Act (other than maintenance) are, for the time being, not being carried out; and
    - (ii) the mining operation has not been abandoned; and
  - (b) in relation to a tunnelling operation, that tunnelling activities are, for the time being, not being carried out, but the tunnelling operation has not been abandoned; and
  - (c) in relation to a quarrying operation, that the activities set out in clause 3(1)(a) of Schedule 3 of the Act are, for the time being, not being carried out, but the quarrying operation has not been abandoned; and
  - (d) in relation to an alluvial mining operation, that alluvial mining activities are, for the time being, not being carried out, but the alluvial mining operation has not been abandoned
- (9) In regulation 3(1), definition of **winding system**, after “slope”, insert “, but does not include any lifting machine, endless rope haulage, or scraper winch installation”.
- (10) In regulation 3(2), after “part of a mining operation”, insert “, quarrying operation, or alluvial mining operation”.
- (11) After regulation 3(2)(b), insert:
- (c) in relation to a quarrying operation, that the activities set out in clause 3(1)(a) of Schedule 3 of the Act are no longer being carried out in the whole or, as the case may be, the part of the quarrying operation and any hazards associated with carrying out those activities in that place have been eliminated or isolated; and
  - (d) in relation to an alluvial mining operation, that alluvial mining activities are no longer being carried out in the whole or, as the case may be, the part of the alluvial mining operation and any hazards associated with

carrying out those activities in that place have been eliminated or isolated.

**5 Regulation 6 amended (Declaration of excluded tunnelling operations)**

- (1) In regulation 6(a), replace “where no person ordinarily works underground” with “if the mine operator does not intend that any person will work in the tunnel or shaft”.
- (2) In regulation 6(b), delete “where 1 or 2 people ordinarily work underground at any one time in the tunnel or shaft”.

**6 Regulation 8 amended (Competency requirements for appointment as site senior executive)**

Replace regulation 8(1) with:

- (1) Subject to subclause (1A), for a mining operation, the mine operator and the site senior executive must ensure that the site senior executive holds—
  - (a) an appropriate current certificate of competence as a site senior executive; and
  - (b) any other certificate or competency required by subclause (2).
- (1A) For a tourist mining operation, a mining operation that is suspended, or a coal exploration operation, the mine operator must ensure that the site senior executive is a competent person.

**7 Regulation 10 amended (WorkSafe may advise appointment not suitable)**

Replace regulation 10(1)(a) with:

- (a) because the person,—
  - (i) in the case of a tourist mining operation, a mining operation that is suspended, or a coal exploration operation, is not a competent person; or
  - (ii) in the case of any other mining operation, does not hold the required certificates of competence; or

**8 Regulation 13 amended (Manager of mining operation)**

Replace regulation 13(1)(b) with:

- (b) ensure that there is adequate supervision of—
  - (i) all mine workers and any other persons at the mining operation, to protect them from risks to their health and safety while they are at the operation; and
  - (ii) the health and safety aspects of the mining operation on every day on which a mine worker is at work.

**9 Regulation 14 amended (Manager of quarrying operation)**

Replace regulation 14(1)(b) with:

- (b) ensure that there is adequate supervision of—
  - (i) all quarry workers and any other persons at the quarrying operation, to protect them from risks to their health and safety while they are at the operation; and
  - (ii) the health and safety aspects of the quarrying operation on every day on which a quarry worker is at work.

**10 Regulation 15 amended (Manager of alluvial mining operation)**

Replace regulation 15(1)(b) with:

- (b) ensure that there is adequate supervision of—
  - (i) all alluvial mine workers and any other persons at the alluvial mining operation, to protect them from risks to their health and safety while they are at the operation; and
  - (ii) the health and safety aspects of the alluvial mining operation on every day on which an alluvial mine worker is at work.

**11 Regulation 16 amended (Manager must hold certificate)**

- (1) In regulation 16(1), replace “The” with “Subject to subclause (1A), the”.
- (2) After regulation 16(1), insert:
  - (1A) The mine operator of a tourist mining operation must ensure that the manager of the operation is a competent person.
- (3) In regulation 16(2)(a), delete “or a coal prospecting licence granted under the Coal Mines Act 1979”.

**12 New regulation 16A inserted (Exclusion of manager of tourist mining operation)**

After regulation 16, insert:

**16A Exclusion of manager of tourist mining operation**

Regulations 17, 18, and 19 do not apply to the manager of a tourist mining operation.

**13 Regulation 25 amended (Mine operator must ensure workers comply with instructions of manager or acting manager)**

- (1) In the heading to regulation 25, replace “Mine” with “Relevant”.
- (2) Replace regulation 25(1) with:
  - (1) The relevant operator must ensure that, in order to ensure compliance with the Act and these regulations, all workers comply with all reasonable instructions given by—

- (a) the manager; and
- (b) any acting manager.

#### **14 Regulation 26 amended (Electrical superintendent)**

- (1) Replace regulation 26(1) with:
  - (1) The responsible person for an underground mining operation or a tunnelling operation must appoint an electrical superintendent for the operation if an electrical engineering control plan is in place, or required to be put in place, at the operation.
  - (2) In regulation 26(2), replace “site senior executive” with “responsible person”.
  - (3) After regulation 26(2), insert:
    - (2A) This regulation does not apply to a responsible person for a tourist mining operation.

#### **15 Regulation 27 amended (Mechanical superintendent)**

- (1) Replace regulation 27(1) with:
  - (1) The responsible person for an underground mining operation or a tunnelling operation must appoint a mechanical superintendent for the operation if a mechanical engineering control plan is in place, or required to be put in place, at the operation.
  - (2) In regulation 27(2), replace “site senior executive” with “responsible person”.
  - (3) After regulation 27(2), insert:
    - (2A) This regulation does not apply to a responsible person for a tourist mining operation.

#### **16 Regulation 28 amended (Mine surveyor)**

- (1) In regulation 28(1), replace “site senior executive of” with “responsible person for”.
- (2) In regulation 28(2), (3), and (4), replace “site senior executive” with “responsible person”.
- (3) After regulation 28(4)(b), insert:
  - (c) whether the person will be required to work underground.
- (4) After regulation 28(4), insert:
  - (4A) Subclauses (1) to (4) apply to a responsible person for a tourist mining operation only when a plan of the mine is required to be made, reviewed, or updated in accordance with regulation 213, 214, or 216.

#### **17 Regulation 29 replaced (Ventilation officer)**

Replace regulation 29 with:

**29 Ventilation officer**

- (1) The responsible person for an underground mining operation or a tunnelling operation must appoint a ventilation officer for the operation if a ventilation control plan is in place, or required to be put in place, at the operation.
- (2) The responsible person and the person appointed as a ventilation officer must ensure that the person holds a current certificate of competence as a ventilation officer.
- (3) This regulation does not apply to a responsible person for a tourist mining operation.
- (4) A person who contravenes this regulation commits an offence and is liable on conviction,—
  - (a) for an individual, to a fine not exceeding \$10,000;
  - (b) for any other person, to a fine not exceeding \$50,000.

**18 Regulation 30 amended (Underviewer)**

- (1) Replace regulation 30(1) with:
  - (1) The responsible person for an underground coal mining operation must—
    - (a) appoint at least 1 underviewer for the operation; and
    - (b) ensure that an underviewer is present for each shift at the operation that involves production, significant maintenance, or development work.
  - (2) In regulation 30(2) and (3),—
    - (a) replace “site senior executive” with “responsible person”; and
    - (b) replace “the person appointed” with “a person appointed”.
  - (3) After regulation 30(2), insert:
    - (2A) Subclauses (1) and (2) do not apply to a responsible person appointed for a tourist mining operation.
- (4) Revoke regulation 30(4).

**19 Regulation 31 amended (Supervisor)**

- (1) Replace regulation 31(1) with:
  - (1) The responsible person for a mining operation (other than a tourist mining operation, an underground coal mining operation, or a coal exploration operation) must—
    - (a) appoint at least 1 supervisor for the operation; and
    - (b) ensure that a supervisor is present for each shift at the operation that involves production, significant maintenance, or development work.
  - (2) In regulation 31(2) to (6),—
    - (a) replace “site senior executive” with “responsible person”; and

- (b) replace “the person appointed” with “a person appointed”.
- (3) Revoke regulation 31(7).

**20 New regulation 31A inserted (Gas monitor for coal exploration operation)**

After regulation 31, insert:

**31A Gas monitor for coal exploration operation**

- (1) The mine operator of a coal exploration operation may appoint a gas monitor for the operation.
- (2) The mine operator and the person appointed as a gas monitor must ensure that the person holds at least 1 of the following certificates of competence:
  - (a) first-class coal mine manager:
  - (b) coal mine underviewer:
  - (c) coal mine deputy.
- (3) The mine operator must ensure that, whenever drilling is being carried out at the operation, the gas monitor is present monitoring for the presence of methane.
- (4) If the mine operator does not appoint a gas monitor, the mine operator must ensure that a competent person performs the monitoring function under subclause (3).
- (5) A person who contravenes this regulation commits an offence and is liable on conviction,—
  - (a) for an individual, to a fine not exceeding \$10,000:
  - (b) for any other person, to a fine not exceeding \$50,000.

**21 Regulation 32 amended (Other workers required to hold certificates)**

In regulation 32(1), replace “site senior executive of” with “responsible person for”.

**22 Regulation 33 amended (Appointment of person to more than 1 role)**

In regulation 33(1), (2), (3), (4), and (5), replace “site senior executive” with “responsible person” in each place.

**23 Regulation 38 amended (Requirements for holding certificate of competence)**

- (1) Replace the heading to regulation 38 with “**Eligibility to hold certificate of competence**”.
- (2) In regulation 38(a), replace “have the qualifications and experience” with “meet the requirements”.

**24 Regulation 42 amended (Duration of certificate of competence)**

Replace regulation 42(1) with:

- (1) A certificate of competence expires, unless cancelled earlier,—
  - (a) 5 years after the date on which it was issued; or
  - (b) on an earlier expiry date approved by the Board if the applicant has requested that the certificate expire on that date.
- (1A) If the Board refuses an applicant's request for a certificate to expire on an earlier date, it must advise the applicant of the Board's reasons for refusing the request.
- (1B) If the Board approves an earlier expiry date, the holder of the certificate of competence must still comply with regulation 43.

**25 Regulation 44 amended (Renewal of certificate of competence)**

Replace regulation 44(4) with:

- (4) A certificate of competence may be renewed before or after the day on which the certificate expires, but in each case, the renewed certificate—
  - (a) comes into force on the day after the date on which the previous certificate expires; and
  - (b) expires, unless cancelled earlier,—
    - (i) 5 years after the date on which it was issued; or
    - (ii) on an earlier expiry date approved by the Board if the applicant has requested that the renewed certificate expire on that date.
- (4A) If the Board refuses an applicant's request for a renewed certificate to expire on an earlier date, it must advise the applicant of the Board's reasons for refusing the request.

**26 Regulation 49 amended (Appeal to District Court)**

After regulation 49(1)(a), insert:

- (aa) an applicant for a certificate of competence who is dissatisfied with a refusal to approve an earlier expiry date for a certificate under regulation 42:
- (ab) a holder of a certificate of competence who is dissatisfied with a refusal to approve an earlier expiry date for a renewed certificate under regulation 44:

**27 Regulation 52 replaced (Mine operator must ensure health and safety management system developed, documented, implemented, and maintained)**

Replace regulation 52 with:

**52 Health and safety management system must be developed, etc**

- (1) The responsible person for a mining operation must develop, document, implement, and maintain a health and safety management system for the operation that complies with these regulations.
- (2) In addition,—
  - (a) if the operation is a tourist mining operation, a mining operation that is suspended, or a coal exploration operation, the responsible person must ensure that a competent person assists the responsible person to comply with subclause (1); or
  - (b) for any other mining operation, the mine operator must ensure that the site senior executive complies with subclause (1).
- (3) A person who contravenes this regulation commits an offence and is liable on conviction,—
  - (a) for an individual, to a fine not exceeding \$10,000;
  - (b) for any other person, to a fine not exceeding \$50,000.

**28 Regulation 53 replaced (Site senior executive must develop, document, implement, and maintain health and safety management system)**

Replace regulation 53 with:

**53 When health and safety management system must be in place**

For the purposes of regulation 52, a health and safety management system must be in place,—

- (a) for a coal mining operation, from when exploration activities commence until the operation is abandoned; and
- (b) for a metalliferous mining operation, from the commencement of the physical development of the mining operation and construction of mining infrastructure, including earthworks, until the operation is abandoned; and
- (c) for a tunnelling operation, from the commencement of the physical development of the tunnel until all tunnelling activities cease.

**29 Subpart 2 heading in Part 3 amended**

In Part 3, in the subpart 2 heading, replace “Risk appraisal” with “Hazard identification”.

**30 Regulation 54 amended (Risk appraisal)**

- (1) Replace the heading to regulation 54 with “**Systematic identification of hazards**”.
- (2) In regulation 54(1), replace “site senior executive” with “responsible person for a mining operation”.

**31 Regulation 55 amended (Risk assessment)**

In regulation 55(1), replace “site senior executive” with “responsible person for a mining operation”.

**32 Regulation 56 amended (Content of health and safety management system)**

(1) After regulation 56(1)(g), insert:

(ga) a description of the worker participation practices required under section 61 of the Act:

(2) After regulation 56(1), insert:

(1A) In addition to complying with subclause (1), the health and safety management system for a coal exploration operation must contain a process that, if methane is detected at the operation, must be followed by—

(a) the gas monitor for the operation; or

(b) the competent person referred to in regulation 31A(4).

**33 Regulation 58 amended (Periodic review of health and safety management system)**

In regulation 58(1), replace “site senior executive” with “responsible person for a mining operation”.

**34 Regulation 59 amended (Additional reviews of health and safety management system)**

(1) In regulation 59(1), replace “site senior executive must ensure that, in addition to any review required under regulation 58,” with “responsible person for a mining operation must also ensure that”.

(2) In regulation 59(1)(a), delete “significant or”.

(3) In regulation 59(1)(e), after “a health and safety representative”, insert “(in the case of an underground coal mine)”.

(4) In regulation 59(1)(f), delete “and when”.

**35 Regulation 60 replaced (Engagement)**

Replace regulation 60 with:

**60 Worker engagement and participation**

(1) This regulation applies when the responsible person for a mining operation is—

(a) developing the health and safety management system; or

(b) reviewing the health and safety management system, or any part of it.

(2) The responsible person must—

- (a) engage with mine workers and their representatives about the content of the health and safety management system; and
  - (b) provide mine workers and their representatives with reasonable opportunities to participate in developing and reviewing the health and safety management system.
- (3) In subclause (2)(b), **reasonable opportunities** has the meaning given in section 61(3) of the Act.
- (4) A person who contravenes subclause (2) commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$10,000;
  - (b) for any other person, to a fine not exceeding \$50,000.

### 36 Regulation 65 replaced (Meaning of principal hazard)

Replace regulation 65 with:

#### 65 Meaning of principal hazard

In these regulations, **principal hazard** means,—

- (a) in relation to a mining operation, any hazard arising at the operation that could create a risk of multiple fatalities in a single accident, or that could create a risk of multiple people being exposed to potentially fatal health risks in relation to any of the following:
  - (i) ground or strata instability;
  - (ii) inundation and inrush of any substance;
  - (iii) mine shafts and winding systems;
  - (iv) roads and other vehicle operating areas;
  - (v) tips, ponds, and voids;
  - (vi) air quality;
  - (vii) fire or explosion;
  - (viii) explosives;
  - (ix) gas outbursts;
  - (x) spontaneous combustion in underground coal mining operations; and
- (b) in relation to a mining operation, any other hazard arising at the operation that has been identified by the responsible person under regulation 66 as a hazard that could create a risk of multiple fatalities in a single accident, or that could create a risk of multiple people being exposed to potentially fatal health risks.

**37 Regulation 66 amended (Site senior executive responsible for identifying principal hazards and having principal hazard management plan)**

- (1) Replace the heading to regulation 66 with “**Responsible person to identify principal hazards and ensure principal hazard management plan in place**”.
- (2) In regulation 66(1), replace “site senior executive” with “responsible person for a mining operation”.
- (3) After regulation 66(1), insert:
  - (1A) The requirement in subclause (1)(a) for the responsible person to identify principal hazards—
    - (a) is ongoing; and
    - (b) requires the responsible person to implement a process of continuously monitoring for principal hazards at the operation.

**38 Regulation 69 amended (Review and revision of principal hazard management plans)**

- (1) In regulation 69(1), replace “In addition to the requirements of regulation 58, the site senior executive” with “In addition to complying with regulation 58, the responsible person for a mining operation”.
- (2) Replace regulation 69(2) with:
  - (2) In addition to complying with regulation 59, the responsible person for a mining operation must—
    - (a) ensure that a principal hazard management plan is reviewed after—
      - (i) the occurrence of an incident at the operation involving a principal hazard that it was intended to manage:
      - (ii) a material change in the management structure at the operation that may affect the principal hazard management plan:
      - (iii) a material change in plant used or installed at the operation that may affect the principal hazard management plan:
      - (iv) a change to the development or extraction method used at the operation:
      - (v) the occurrence of any other event provided in a principal hazard management plan as requiring a review of the plan; and
    - (b) ensure that the impact on a principal hazard management plan is considered before—
      - (i) making a material change in plant used or installed at the operation that may affect the principal hazard management plan:
      - (ii) changing the development or extraction method used at the operation.

- (3) In regulation 69(4), replace “In addition to the requirements of regulation 61” with “In addition to complying with regulation 61”.

**39 Regulation 70 amended (Audits of principal hazard management plans)**

In regulation 70(2), replace “In addition to the requirements of regulation 61” with “In addition to complying with regulation 61”.

**40 Regulation 71 amended (Principal hazard management plans for ground or strata instability)**

Replace regulation 71(1) with:

- (1) If ground or strata instability is identified as a principal hazard at a mining operation, the responsible person for the operation must ensure that a competent person completes a geotechnical assessment to determine the level of ground or strata support required to safely conduct the operation.

**41 Regulation 73 amended (Consideration of whether inundation and inrush is a principal hazard)**

- (1) In regulation 73(1), replace “site senior executive” with “responsible person for a mining operation”.
- (2) In regulation 73(1), replace “in accordance with subclauses (2) to (4)” with “and complies with subclauses (2) to (4B)”.
- (3) Replace regulation 73(4) and (5) with:
- (4) The suitably qualified and experienced person must, after completing the review, report the findings in writing.
- (4A) The suitably qualified and experienced person must have the written report peer-reviewed by a competent person who is independent of the mining operation if the mining operation is—
- (a) an underground mining operation; or
  - (b) a tunnelling operation; or
  - (c) an operation where no person works underground, but that is in the vicinity of—
    - (i) old workings; or
    - (ii) a body of water that could create a risk to workers at the mining operation if there were an inundation and inrush event that caused the water to enter into all or part of the mining operation.
- (4B) The suitably qualified and experienced person must give the responsible person,—
- (a) in the case of a mining operation described in subclause (4A), a copy of the peer-reviewed report; or
  - (b) in the case of all other mining operations, a copy of the written report.

- (5) The responsible person must, on request, make the peer-reviewed report or the written report (as applicable) available to WorkSafe within a reasonable period of time.

**42 Regulation 75 amended (Additional ground of review of principal hazard management plans relating to inundation and inrush)**

In regulation 75(1), replace “In addition to the requirements of regulation 59, the site senior executive” with “In addition to complying with regulation 59, the responsible person for a mining operation”.

**43 Regulation 76 amended (Obligations relating to work in inrush control zone)**

In regulation 76(1) and (3), replace “site senior executive” with “responsible person for a mining operation”.

**44 New regulation 76A inserted (Application)**

Before regulation 77, insert:

**76A Application**

- (1) Regulations 77, 78, and 79 apply only to any—
- (a) underground mining operation; or
  - (b) tunnelling operation.
- (2) The obligations in regulations 77, 78, and 79 do not limit any other obligations in these regulations that apply to the operations specified in subclause (1).

**45 Regulation 77 amended (Principal hazard management plans for mine shafts and winding systems)**

In regulation 77(1) and (2), after “for mine shafts and winding systems” insert “at a mining operation”.

**46 Regulation 78 amended (Additional requirements for principal hazard management plans in relation to automatic winding systems)**

In regulation 78, replace “In addition to the requirements in regulation 77” with “In addition to complying with regulation 77”.

**47 Regulation 79 amended (Additional requirements for principal hazard management plans in relation to dual-purpose shafts)**

In regulation 79, replace “In addition to the requirements in regulation 77” with “In addition to complying with regulation 77”.

**48 Regulation 80 amended (Principal hazard management plans for roads and other vehicle operating areas)**

In regulation 80(2), replace “site senior executive” with “responsible person for the mining operation”.

**49 Regulation 81 amended (Principal hazard management plans for tips, ponds, and voids)**

In regulation 81, after “and voids”, insert “at a mining operation”.

**50 Regulation 82 amended (Risk assessment in relation to tips, ponds, and voids)**

In regulation 82(1),—

- (a) replace “In addition to the requirements of regulation 55, the site senior executive” with “In addition to complying with regulation 55, the responsible person for a mining operation”; and
- (b) replace “the tip” with “a tip”.

**51 Regulation 83 amended (Inspection of tips)**

In regulation 83, after “and voids”, insert “at a mining operation”.

**52 Regulation 84 amended (Principal hazard management plans for air quality)**

In regulation 84(1), after “air quality”, insert “at a mining operation”.

**53 New regulation 84A inserted (Application)**

Before regulation 85, insert:

**84A Application**

Regulation 85 applies only to any—

- (a) underground mining operation; or
- (b) tunnelling operation.

**54 Regulation 86 amended (Principal hazard management plan for explosives)**

(1) In regulation 86, after “plan for explosives”, insert “at a mining operation”.

(2) Replace regulation 86(m) with:

- (m) a register of people at or providing a service to the mining operation who—
  - (i) are certified handlers under the Health and Safety at Work (Hazardous Substances) Regulations 2017; and
  - (ii) hold a controlled substance licence under those regulations:

- (3) In regulation 86(n), replace “Hazardous Substances and New Organisms Act 1996” with “Health and Safety at Work (Hazardous Substances) Regulations 2017” in each place.

**55 New regulation 86A inserted (Application)**

Before regulation 87, insert:

**86A Application**

Regulation 87 applies only to any—

- (a) underground mining operation; or
- (b) tunnelling operation.

**56 Regulation 88 amended (Appraisal of likelihood of spontaneous combustion occurring required at all underground coal mining operations)**

- (1) In regulation 88(2), replace “site senior executive” with “responsible person”.
- (2) In regulation 88(2)(a), delete “underground mining”.
- (3) In regulation 88(2)(b), delete “mining” in each place.
- (4) In regulation 88(2)(c), delete “underground coal mining”.

**57 Regulation 89 amended (Ongoing review of information about spontaneous combustion)**

In regulation 89, replace “In addition to the requirements of regulation 69(3), the following must be assessed” with “In addition to complying with regulation 69(3), the responsible person for an underground coal mining operation must ensure that the following are assessed”.

**58 Regulation 90 amended (Principal hazard management plan for spontaneous combustion)**

- (1) In regulation 90, after “plan for spontaneous combustion”, insert “at an underground coal mining operation”.
- (2) In regulation 90(d), (e)(iv), (f)(i), (g), and (h), delete “mining” in each place.

**59 Regulation 91 amended (Recording of spontaneous combustion events)**

- (1) In regulation 91(1), after “The mine operator”, insert “of an underground coal mining operation”.
- (2) In regulation 91(1)(a) and (c) and (2)(b), delete “mining”.

**60 Regulation 92 amended (Site senior executive responsible for having principal control plans)**

- (1) Replace the heading to regulation 92 with “**Responsibility for principal control plans**”.
- (2) In regulation 92(1), replace “site senior executive” with “responsible person”.

**61 Regulation 93 replaced (General purpose of principal control plans)**

Replace regulation 93 with:

**93 Purpose of principal control plans**

The purpose of a principal control plan for a mining operation to which a subpart of this Part applies is to document—

- (a) the systems and processes in place at the operation to manage the hazards to which the subpart applies; and
- (b) the measures that are necessary to manage the principal hazards to which the subpart applies.

**62 Regulation 94 amended (Review and revision of principal control plans)**

- (1) In regulation 94(1), replace “In addition to the requirements of regulation 58, the site senior executive” with “In addition to complying with regulation 58, the responsible person for a mining operation”.
- (2) In regulation 94(2), replace “In addition to the requirements of regulation 59, the site senior executive” with “In addition to complying with regulation 59, the responsible person for a mining operation”.
- (3) In regulation 94(3), replace “In addition to the requirements of regulation 61” with “In addition to complying with regulation 61”.

**63 Regulation 95 amended (Audits of principal control plans)**

In regulation 95(2), replace “In addition to the requirements of regulation 61” with “In addition to complying with regulation 61”.

**64 Regulation 96 replaced (Application)**

Replace regulation 96 with:

**96 Application**

This subpart applies to any of the following operations where 1 or more principal hazards have been identified that may involve hazards or controls of a mechanical type:

- (a) underground mining operations;
- (b) tunnelling operations.

**65 Regulation 98 amended (Mechanical engineering control plan)**

In regulation 98(j) and (k), delete “in an underground mining operation or a tunnelling operation”.

**66 Regulation 99 replaced (Application)**

Replace regulation 99 with:

**99 Application**

This subpart applies to any of the following operations where 1 or more principal hazards have been identified that may involve hazards or controls of an electrical type:

- (a) underground mining operations:
- (b) tunnelling operations.

**67 Regulation 100 amended (Electrical engineering control plan)**

- (1) In regulation 100(1)(e), delete “mining”.
- (2) In regulation 100(1)(i), delete “mining”.
- (3) In regulation 100(2), replace “In the case of an underground mining operation or tunnelling operation, the” with “The”.
- (4) In regulation 100(2)(a), (b), (h), and (i), delete “mining” in each place.
- (5) In regulation 100(3)(d), (e), and (f), delete “mining”.

**68 Regulation 104 amended (Consultation with emergency services)**

- (1) In regulation 104(1), replace “site senior executive” with “responsible person for a mining operation”.
- (2) In regulation 104(1)(b), replace “Mines Rescue Trust” with “Mines Rescue Trust Board”.

**69 Regulation 105 amended (Emergency management control plan)**

In regulation 105(1)(g) and (n), replace “Mines Rescue Trust” with “Mines Rescue Trust Board”.

**70 Regulation 106 amended (Testing, etc, of emergency management control plan)**

- (1) In regulation 106(1), replace “In addition to the requirements of regulation 94, the site senior executive” with “In addition to complying with regulation 94, the responsible person for a mining operation”.
- (2) Replace regulation 106(3) with:
- (3) In addition to complying with regulation 62, the responsible person for a mining operation must ensure that a copy of the current emergency management control plan is given to the Mines Rescue Trust Board, where relevant, and other emergency services referred to in regulation 104.

**71 Regulation 109 amended (Worker participation practices must be documented)**

In regulation 109(1), after “A mine operator”, insert “, a quarry operator, or an alluvial mine operator”.

**72 Regulation 110 amended (Competency requirements for appointment as industry health and safety representative)**

In regulation 110(2), replace “In addition to the requirements of subclause (1)” with “In addition to complying with subclause (1)”.

**73 Cross-heading above regulation 114 amended**

In the cross-heading above regulation 114, after “*mine worker*”, insert “, *quarry worker, or alluvial mine worker*”.

**74 Regulation 114 amended (Mine operator must investigate reported hazard)**

- (1) In the heading to regulation 114, replace “**Mine**” with “**Relevant**”.
- (2) Replace regulation 114(1) with:
  - (1) If the existence of a hazard, including (without limitation) any action done or not done in contravention of any system, procedure, or other risk-control measure in place at a mining operation, a quarrying operation, or an alluvial mining operation to control a hazard, is reported by—
    - (a) a mine worker, in relation to a hazard in a mining operation, the mine operator must ensure that the report is investigated:
    - (b) a quarry worker, in relation to a hazard in a quarrying operation, the quarry operator must ensure that the report is investigated:
    - (c) an alluvial mine worker, in relation to a hazard in an alluvial mining operation, the alluvial mine operator must ensure that the report is investigated.

**75 Regulation 115 amended (Mine operator must advise mine worker of result of investigation)**

- (1) In the heading to regulation 115, replace “**Mine operator must advise mine**” with “**Relevant operator must advise**”.
- (2) In regulation 115(1),—
  - (a) replace “mine operator” with “relevant operator”; and
  - (b) replace “mine worker” with “worker”.

**76 Regulation 117 amended (Installation of ground or strata support)**

Replace regulation 117(1) with:

- (1) The mine operator must ensure that—
  - (a) no person enters an area of the operation that has unsupported ground or unstable strata unless that person is—
    - (i) installing or supervising the installation of ground or strata support; or
    - (ii) undertaking or supervising slope stabilisation; and

- (b) temporary support is provided to protect a mine worker from a hazard associated with unsupported ground or unstable strata when the worker is—
  - (i) installing or supervising the installation of ground or strata support; or
  - (ii) undertaking or supervising slope stabilisation.

**77 Regulation 118 amended (Obligations relating to ground or strata support)**

Replace regulation 118(1) with:

- (1) The mine manager must ensure that—
  - (a) suitable ground or strata support arrangements, or slope stabilisation arrangements, are designed and implemented for all working areas, in accordance with regulation 117; and
  - (b) plans showing the ground or strata support arrangements, or slope stabilisation arrangements, that are put in place are displayed in locations readily accessible to all mine workers.

**78 Regulation 122 amended (Explosives)**

Replace regulation 122(1)(a) with:

- (a) no person uses, handles, or issues explosives at the mining operation unless the person—
  - (i) is a certified handler for the purposes of the Health and Safety at Work (Hazardous Substances) Regulations 2017; and
  - (ii) holds a controlled substance licence under those regulations:

**79 Regulation 127 amended (Mine worker health monitoring)**

- (1) Replace the heading to regulation 127 with “**Medical examination of workers**”.
- (2) Replace regulation 127(1), (2), (3), and (4) with:
  - (1) The operator of a mining operation, a quarrying operation, or an alluvial mining operation must offer medical examinations to each mine worker, quarry worker, and alluvial mine worker at the following times:
    - (a) immediately before the worker starts work at the operation; and
    - (b) immediately before the worker ceases working at the operation, if the worker has not been examined within the 12 months before that date; and
    - (c) periodically throughout the time that the worker is working at the operation, but no less than once every 5 years.

- (2) If a worker wishes to be examined, the relevant operator must ensure that the worker is examined, at the expense of the relevant operator, by a medical practitioner or nurse chosen after consultation with the worker.
- (3) The purpose of the examinations is to establish the worker's level of health at each of the points in time specified in subclause (1) as it relates to the work that the worker is performing at the operation at that time.
- (4) The relevant operator must ensure that—
- (a) the records of the medical examinations are made available to WorkSafe on request (ensuring that no record made available to WorkSafe identifies, or discloses anything about, any individual worker except with the worker's consent); and
  - (b) the records of the medical examinations in relation to each worker are kept,—
    - (i) for any hazard the worker may have been exposed to that is known to have a cumulative or delayed effect, for at least 30 years after the record is made; and
    - (ii) for all other hazards, for at least 7 years after the record is made or until the worker to whom the record relates ceases working at the operation, whichever is later.
- (4A) In this regulation, **alluvial mine worker**, **mine worker**, and **quarry worker**—
- (a) have the same meanings as in regulation 3(1); but
  - (b) do not include a worker who works in the mine or quarry (as applicable) from time to time on a casual basis unless the worker is carrying out work that exposes the worker to hazards at the operation on a frequent or regular basis.

**80 Regulation 128 replaced (Mine workers to be given results of monitoring)**

Replace regulation 128 with:

**128 Workers to be given results of monitoring**

- (1) This regulation applies to the results of any monitoring of the health of any mine worker, quarry worker, or alluvial mine worker, or of the conditions at any mining operation, quarrying operation, or alluvial mining operation, undertaken in compliance with the Act or any regulations made under the Act if the monitoring was—
- (a) undertaken by or on behalf of a relevant operator; or
  - (b) undertaken by or on behalf of a department (as defined in section 5 of the Public Service Act 2020) or WorkSafe and the results have been given to a relevant operator.
- (2) Subject to subclause (3), the relevant operator must ensure that—

- (a) every worker is given all results of monitoring of the worker's health (whether as an individual or as one of a group of workers); and
- (b) all workers are given all results of general monitoring of—
  - (i) conditions at the operation; or
  - (ii) the health or safety of workers there.
- (3) The relevant operator must ensure that, when giving results to any individual worker or any group of workers, all information that identifies or discloses anything about any individual worker is omitted from the results.
- (4) A person who contravenes this regulation commits an offence and is liable on conviction,—
  - (a) for an individual, to a fine not exceeding \$10,000;
  - (b) for any other person, to a fine not exceeding \$50,000.

**81 Regulation 129 amended (Records to be kept and provided to mine workers)**

- (1) In the heading to regulation 129, delete “mine”.
- (2) Replace regulation 129(1) with:
  - (1) The operator of a mining operation, a quarrying operation, or an alluvial mining operation must ensure that records of first aid provided to workers who are seriously injured at the operation are kept for at least 7 years after the date on which the incident that caused the injury occurred.

**82 Regulation 131 amended (Steps to be taken following ground or strata failure)**

- (1) In regulation 131(1)(b), delete “or coal”.
- (2) In regulation 131(3), replace “control” with “failure”.
- (3) In regulation 131(4), replace “In addition to the requirements of regulation 61” with “In addition to complying with regulation 61”.

**83 Regulation 135 amended (Holing into old workings)**

In regulation 135(2), replace “site senior executive” with “responsible person for the operation”.

**84 Regulation 138 amended (Equipment for raising and lowering mine workers, coal, minerals, or material)**

- (1) Replace regulation 138(2) with:
- (2) The mine operator must ensure that any equipment complies with the applicable requirements in Schedule 3 if the equipment—
  - (a) is used to raise or lower mine workers, coal, minerals, or material; and
  - (b) is installed—

- (i) for use in a vertical shaft that is more than 60 metres deep; or
- (ii) for use on a slope.

(2) In regulation 138(3), replace “subclause (1)” with “this regulation”.

**85 Regulation 141 amended (Air quality and temperature)**

In regulation 141(1)(b), replace “the humidity” with “the temperature and humidity”.

**86 Regulation 170 amended (Escapeways in underground coal mining operation)**

Replace regulation 170(1) with:

- (1) The mine operator of an underground coal mining operation must ensure that the operation has at least 2 escapeways to the surface that are separated from each other in a way that ensures that any reasonably foreseeable event happening in 1 of the escapeways cannot prevent persons from escaping through the other escapeway.

**87 New regulation 170A inserted (Developing escapeways in new underground coal mining operation)**

After regulation 170, insert:

**170A Developing escapeways in new underground coal mining operation**

- (1) This regulation—
  - (a) sets out escapeway requirements for an underground coal mining operation that is being developed and has not yet commenced production mining; and
  - (b) ceases to apply when the operation reaches the target coal seam and commences extracting coal from it.
- (2) The mine operator must, as soon as possible, ensure that 2 escapeways are installed that—
  - (a) need not be separated from each other as required by regulation 170(1); but
  - (b) comply with regulation 170(4)(c), (d), and (e).
- (3) A person who contravenes this regulation commits an offence and is liable on conviction,—
  - (a) for an individual, to a fine not exceeding \$10,000;
  - (b) for any other person, to a fine not exceeding \$50,000.

**88 Regulation 172 amended (Additional requirements for escapeways in underground metalliferous mining operations)**

(1) Replace regulation 172(1) with:

- (1) The mine operator of an underground metalliferous mining operation must ensure that, before stoping operations start at the operation, the operation has at least—
- (a) 2 exits trafficable on foot (**escapeways**); or
  - (b) 2 or more shafts that comply with regulation 138; or
  - (c) 1 escapeway and 1 shaft that complies with regulation 138.
- (1A) For the purposes of subclause (1),—
- (a) the mine operator must determine whether an exit is trafficable on foot by undertaking a risk assessment that includes—
    - (i) consideration of the standard of any ladders in the escapeway; and
    - (ii) if there is a shaft as well as an escapeway, consideration of whether a winder is required; and
  - (b) the mine operator must ensure that an escapeway or a shaft—
    - (i) is accessible from all stoping operations, and leads to the surface; and
    - (ii) is located strategically in response to the hazards that may arise at the mining operation and that may require evacuation; and
    - (iii) allows for the passage of rescuers and rescue equipment, including stretchers; and
    - (iv) is separated in such a way that a reasonably foreseeable event in one escapeway or shaft would not prevent persons from escaping through the other escapeway or shaft; and
    - (v) is maintained in a safe, accessible, and usable condition.
- (2) In regulation 172(2), replace “subclause (1)” with “this regulation”.

### **89 Regulation 180 amended (Sealed goafs)**

- (1) In the heading to regulation 180, replace “**goafs**” with “**worked-out areas**”.
- (2) In regulation 180(1),—
- (a) replace “a sealed goaf” with “a sealed worked-out area”; and
  - (b) replace “the sealed goaf” with “the sealed worked-out area”.
- (3) In regulation 180(1)(b), replace “from sealed goaf” with “from sealed worked-out”.

### **90 Regulation 181 amended (Position and electricity supply of main ventilation fan)**

In regulation 181(1), replace “mining operation” with “underground coal mining operation”.

**91 Regulation 183 amended (Standards for sealing)**

- (1) In regulation 183(1), replace “at the mining operation” with “at the underground coal mining operation”.
- (2) Replace regulation 183(1)(a) with:
  - (a) if the level of naturally occurring methane at the mine is insufficient to reach the lower explosive limit for the gas in any circumstances,—
    - (i) type B; or
    - (ii) an alternative seal approved by WorkSafe under regulation 183A:

**92 New regulation 183A inserted (Alternative to type B seal)**

After regulation 183, insert:

**183A Alternative to type B seal**

- (1) A mine operator who considers it is not appropriate to install a type B seal at an underground coal mining operation for the purposes of regulation 183(1)(a) may apply to WorkSafe for approval to install an alternative seal at the mining operation.
- (2) An application for approval to install an alternative seal must—
  - (a) specify the mining operation at which the alternative seal would, if approved, be installed; and
  - (b) include the results of a risk assessment of installing a type B seal at the mining operation.
- (3) WorkSafe must only approve an alternative seal if, after considering the risk assessment included with the application,—
  - (a) it is satisfied that the alternative seal will not materially increase the risk to any person; and
  - (b) it is satisfied that the alternative seal is appropriate to address any risks identified in the risk assessment; and
  - (c) it considers that installing a type B seal may not address the risks identified in the risk assessment.
- (4) A mine operator must not install an alternative seal in a mining operation unless WorkSafe has approved the alternative seal for installation in that mining operation.
- (5) A person who contravenes subclause (4) commits an offence and is liable on conviction,—
  - (a) for an individual, to a fine not exceeding \$10,000;
  - (b) for any other person, to a fine not exceeding \$50,000.

- 93 Regulation 184 amended (Facilities required for sealing)**  
In regulation 184(1)(a), replace “surface to the underground parts of the mining operation” with “surface to the underground parts of the underground coal mining operation”.
- 94 Regulation 185 amended (Notice of intention to seal underground coal mining operation)**  
In regulation 185(1), replace “the mining operation” with “the underground coal mining operation”.
- 95 Regulation 186 amended (Sealing not to be done unless notified)**  
In regulation 186(1), replace “underground parts of a mining operation” with “underground parts of an underground coal mining operation”.
- 96 Regulation 187 amended (Emergency sealing)**
- (1) In regulation 187(1), replace “the mining operation” with “the underground coal mining operation”.
  - (2) In regulation 187(3), replace “site senior executive” with “responsible person”.
- 97 Regulation 188 amended (Testing of inertisation equipment)**  
In regulation 188(1)(a), replace “the mining operation” with “the underground coal mining operation”.
- 98 Regulation 190 amended (Establishment of explosion risk zones)**  
In regulation 190(1)(a), replace “the mining operation” with “the underground coal mining operation”.
- 99 Regulation 191 amended (Signposting of explosion risk zones)**  
In regulation 191(1)(a), replace “the mining operation” with “the underground coal mining operation”.
- 100 Regulation 196 amended (Monitoring for methane at working face)**  
In regulation 196(1)(a), replace “the mining operation” with “the underground coal mining operation”.
- 101 Regulation 198 amended (Methane monitors in return airways)**  
In regulation 198(1)(b), replace “the mining operation” with “the underground coal mining operation”.
- 102 Regulation 200 amended (Methane monitors on certain mobile plant powered by electricity through trailing or reeling cable)**  
In regulation 200(1), replace “the mining operation” with “the underground coal mining operation”.

**103 Regulation 202 amended (Auxiliary and booster fans)**

In regulation 202(3), replace “a mining operation” with “an underground coal mining operation”.

**104 Regulation 204 amended (Failure of methane monitoring system)**

In regulation 204(1), replace “a mining operation” with “an underground coal mining operation”.

**105 Regulation 206 amended (Recording of dust sampling and analysis)**

In regulation 206(1)(a), replace “the mining operation” with “the underground coal mining operation”.

**106 Regulation 207 amended (Minimum content of incombustible material in roadway dust)**

In regulation 207(1), replace “the mining operation” with “the underground coal mining operation”.

**107 Regulation 208 amended (Mine operator must have standard operating procedure for application of incombustible material to roadway)**

In regulation 208(1), replace “the mining operation” with “the underground coal mining operation”.

**108 Regulation 210 amended (Explosion barriers)**

In regulation 210(4), replace “at the mining operation” with “at the underground coal mining operation”.

**109 Regulation 211 replaced (Duty to notify WorkSafe of commencement, recommencement, installation, or cessation)**

Replace regulation 211 with:

**211 Notification of commencement, recommencement, installation, or cessation of operation**

- (1) The relevant operator of a mining operation, a quarrying operation, or an alluvial mining operation must ensure that WorkSafe is notified of the matters specified in subclauses (3) to (6) in relation to the operation at the times specified in those subclauses.
- (2) The relevant operator must ensure that every notification states—
  - (a) the relevant operator’s name and contact details, including postal and business addresses; and
  - (b) the location of the operation; and
  - (c) the nature of the operation; and
  - (d) the proposed date of commencement, recommencement, installation, or cessation (including suspension or abandonment) of the operation; and

- (e) the name and contact details of,—
    - (i) if the responsible person for the operation is an individual, that person; or
    - (ii) if the responsible person for the operation is not an individual, a person who has sufficient knowledge of the operation to be able to answer questions from WorkSafe relating to the matters specified in subclauses (3) to (6); and
  - (f) the name and contact details of a person who can be contacted about the notification to be given under this regulation if the relevant operator is not available.
- (3) The first matter is the proposed date of commencement of the operation. In the case of an operation that operates intermittently, the notification must be given not later than 24 hours before the proposed date of commencement. In any other case, the notification must be given not later than 2 months before the proposed date of commencement.
- (4) The second matter is the proposed date of recommencement of an operation. The notification must be given, not later than 14 days before the proposed date of recommencement, only for—
- (a) a mining operation that has not operated within the 2 months immediately before the proposed date of recommencement;
  - (b) a quarrying operation or an alluvial mining operation that has not operated within the 6 months immediately before the proposed date of recommencement.
- (5) The third matter is the proposed date of installation of a shaft or a winding system. The notification must be given not later than 14 days before the proposed date of installation.
- (6) The fourth matter is the proposed date of suspension or abandonment of an operation. In the case of an operation that has been conducted for less than 12 months, the notification must be given not later than 24 hours before the proposed date of suspension or abandonment. In any other case, the notification must be given not later than 14 days before the proposed date of suspension or abandonment.
- (7) Despite subclause (6), a quarry operator is not required to ensure that WorkSafe is notified of the proposed date of a quarrying operation being suspended until—
- (a) the quarry operator knows that the quarrying operation will be suspended for 6 months or more; or
  - (b) the quarrying operation has been suspended for 6 months.
- (8) If a tunnelling operation or shaft becomes an underground mining operation, subclauses (1) to (6) apply in respect of the underground mining operation.

- (9) In this regulation,—
- commencement** means,—
- (a) in relation to a mining operation, starting 1 or more of the activities specified in clause 2(a) and (b) of Schedule 3 of the Act; or
  - (b) in relation to a quarrying operation, starting 1 or more of the activities specified in clause 3(1)(a) of Schedule 3 of the Act; or
  - (c) in relation to a tunnelling operation, starting to extract material with the purpose of creating, enlarging, or extending any tunnel or shaft; or
  - (d) in relation to an alluvial mining operation, starting 1 or more of the activities specified in paragraphs (a) and (b) of the definition of alluvial mining operation in clause 1 of Schedule 3 of the Act
- recommencement** means, in relation to a mining operation, quarrying operation, tunnelling operation, or alluvial mining operation (as applicable), restarting any of the relevant activities specified for that operation in the definition of commencement.
- (10) A person who contravenes this regulation commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$10,000;
  - (b) for any other person, to a fine not exceeding \$50,000.

#### 110 Regulation 213 amended (Plans of mining operation)

- (1) Replace the heading to regulation 213 with “**Plan of mining operation for operational purposes**”.
- (2) In regulation 213(1), after “commencement of the mining operation”, insert “, to be used by the mine operator for operational purposes”.
- (3) After regulation 213(2), insert:
  - (2A) However, subclause (2)(a) and (d) does not apply in relation to—
    - (a) a tourist mining operation; or
    - (b) a mining operation that has been suspended; or
    - (c) a coal exploration operation.
- (4) Replace regulation 213(3)(a) with:
  - (a) be prepared to a suitable scale; and
  - (aa) include the details required under regulation 217(1); and
- (5) Replace regulation 213(4) with:
  - (4) The plan, including any updated plan, must be prepared by a person who holds a current certificate of competence as a mine surveyor.
- (4A) In the case of an opencast mining operation or a tunnelling operation, the plan or updated plan may alternatively be prepared by a licensed cadastral surveyor.

**111 Regulation 214 replaced (Duty to give copy of plan of mining operation to WorkSafe)**

Replace regulation 214 with:

**214 Plan of mining operation for WorkSafe**

- (1) The mine operator must ensure that a plan of the mining operation is prepared and updated for the purposes of complying with subclauses (2) and (3).
- (2) The mine operator must give the plan to WorkSafe—
  - (a) as soon as possible after the date of commencement of the mining operation; and
  - (b) at intervals of 12 months after giving the plan to WorkSafe for the first time under paragraph (a).
- (3) In addition, the mine operator must update the plan, and provide the update to WorkSafe, whenever there has been a significant modification to the mining operation.
- (4) The mine operator must ensure that the plan, including any updated plan,—
  - (a) is prepared using the New Zealand Geodetic Datum 2000 and the New Zealand Vertical Datum 2016; and
  - (b) is prepared to a suitable scale.
- (5) The plan, including any updated plan, must be prepared by a person who holds a current certificate of competence as a mine surveyor.
- (6) In the case of an opencast mining operation or a tunnelling operation, the plan or updated plan may alternatively be prepared by a licensed cadastral surveyor.
- (7) Subclause (2)(b) does not apply in relation to a tourist mining operation.
- (8) A person who contravenes this regulation commits an offence and is liable on conviction,—
  - (a) for an individual, to a fine not exceeding \$10,000;
  - (b) for any other person, to a fine not exceeding \$50,000.

**112 Regulation 215 amended (Duty to make copy of plan of mining operation available to industry health and safety representative)**

- (1) Replace the heading to regulation 215 with “**Plan of mining operation must be available to industry health and safety representatives**”.
- (2) In regulation 215(1), after “mining operation”, insert “prepared under regulation 213”.

**113 Regulation 216 amended (Plans of ceased mining operation)**

- (1) In the heading to regulation 216, replace “**Plans**” with “**Plan**”.
- (2) Replace regulation 216(2)(a) with:
  - (a) prepared—

- (i) using the New Zealand Geodetic Datum 2000 and the New Zealand Vertical Datum 2016; and
  - (ii) to a suitable scale; and
- (3) After regulation 216(2), insert:
- (2A) The plan, including any updated plan, must be prepared by a person who holds a current certificate of competence as a mine surveyor.
- (2B) In the case of an opencast mining operation or a tunnelling operation, the plan or updated plan may alternatively be prepared by a licensed cadastral surveyor.

#### 114 Regulation 217 amended (Details to be included in plans)

Replace regulation 217(1) and (2) with:

- (1) The mine operator must ensure that any plan, including any updated plan, prepared under regulation 213 or 214 includes any existing details of,—
- (a) for all underground mining operations and tunnelling operations, the elements listed in subclause (1A)(1) to (22):
  - (b) for all underground coal mining operations, the elements listed in subclause (1A)(1) to (26):
  - (c) for all underground metalliferous mining operations and tunnelling operations, the elements listed in subclause (1A)(1) to (22) and (27):
  - (d) for all opencast coal mining operations, the elements listed in subclause (1A)(1) to (16) and (28):
  - (e) for all coal mining operations that are coal exploration operations, the elements listed in subclause (1A)(1) to (16) and (29):
  - (f) for all other mining operations, the elements listed in subclause (1A)(1) to (16).
- (1A) The elements to be included in a plan, including an updated plan, in accordance with subclause (1) are—
- All mining operations*
- (1) tenure boundaries:
  - (2) natural features surrounding the mining operation:
  - (3) the location of all existing mine development:
  - (4) an indication of every location at which it is proposed to develop the mining operation within the next 12 months:
  - (5) the location of backfill:
  - (6) roads and other key features of the traffic management system within the mining operation:
  - (7) water dams, tailing dams, and tip heads:
  - (8) places where hydrocarbons and explosives are stored:

- (9) the location of inrush control zones:
- (10) any other identified hazards present at or close to the mining operation:
- (11) the location of every known structural barrier or pillar:
- (12) the direction, location, and extent of every known significant fault, intrusive dyke, or other major lithologic boundary:
- (13) the location and extent of all known old workings:
- (14) the location and extent of all known water accumulation in current or old workings:
- (15) the location of electrical installations, including the route and voltage of all conductors (excluding trailing cables) and the position of all major switchgear:
- (16) the location of firefighting, rescue, and emergency facilities, including first-aid stations:  
*All underground mining operations and tunnelling operations*
- (17) the location of firefighting, rescue, and emergency facilities, including emergency exits, changeover stations, refuges, and first-aid stations:
- (18) the floor levels and location of every traverse station:
- (19) the angle of inclination, azimuth, datum level at the collar, depth, and location of every borehole or shaft:
- (20) the cross and longitudinal sections of every level and every lode or seam:
- (21) the horizontal and vertical sections of the ventilation system, including details of—
  - (a) the direction, course, and volume of air flow; and
  - (b) the location and description of every device used to regulate or distribute air:
- (22) the location of every device that provides for oral communication between the underground parts of the mining operation and the surface:  
*All underground coal mining operations*
- (23) the direction, extent, and location of every known washout:
- (24) every explosion risk zone:
- (25) areas where spontaneous combustion has occurred, including sealed areas:
- (26) the angle of dip, direction, nature, and thickness of every known coal seam:

*All underground metalliferous mining operations and all tunnelling operations*

- (27) every area of an underground metalliferous mining operation or tunnelling operation where methane has been detected:

*All opencast coal mining operations*

- (28) the angle of dip, direction, nature, and thickness of every known coal seam:

*All coal exploration operations*

- (29) the angle of inclination, azimuth, datum level at the collar, depth, and location of every planned and existing borehole.

- (2) The mine operator must ensure that a plan, including any updated plan, prepared under regulation 216 includes all details that exist of the matters referred to in subclause (1A)(1), (2), (3), (5), (7), (10), (11), (12), (13), (14), (18), (19), (20), (23), (25), (26), (27), (28), and (29).

**115 Regulation 218 amended (Plan showing firefighting, rescue, and emergency facilities to be posted)**

In regulation 218(1)(a), replace “regulation 217(1)(i)(iii)” with “regulation 217(1A)(16) and (17)”.

**116 Regulation 219 replaced (Mining operation records)**

Replace regulation 219 with:

**219 Operation records**

- (1) The relevant operator must ensure that operation records for the mining operation, quarrying operation, or alluvial mining operation (as applicable)—
- (a) are kept at the site office; and
  - (b) are available for inspection by the following persons at any time at which they are present at the operation:
    - (i) in the case of a mining operation, a mine worker or the site senior executive;
    - (ii) in the case of a quarrying operation, a quarry worker;
    - (iii) in the case of an alluvial mining operation, an alluvial mine worker.
- (2) The operation records must consist of—
- (a) information about the relevant operator, including the information provided in the notice given to WorkSafe under regulation 211;
  - (b) in the case of a mining operation, information about the appointment of the site senior executive, including the person’s name:

- (c) all notifications and reports to WorkSafe under regulations 187, 211, 229, and 230:
  - (d) in the case of a mining operation, the current and all previous plans of the operation:
  - (e) records of the certificates of competence held by, and any other training or qualifications received by,—
    - (i) in the case of a mining operation, mine workers:
    - (ii) in the case of a quarrying operation, quarry workers:
    - (iii) in the case of an alluvial mining operation, alluvial mine workers:
  - (f) in the case of a mining operation, records of mine workers underground:
  - (g) the records of notifiable events required to be kept under section 57 of the Act and the records kept under regulation 226:
  - (h) the results of examinations performed under regulation 222:
  - (i) statutory notices received from WorkSafe and the responses to those notices, including any remedial action taken as a result of those notices:
  - (j) the details of any inspections completed by a health and safety representative or an industry health and safety representative and any actions taken by a health and safety representative or an industry health and safety representative, including any notices issued under clause 8 or 9 of Schedule 3 of the Act.
- (3) In addition, the operation records must include the plans of any abandoned mine that is wholly or partly above, below, or within 200 metres of the boundary of a mining operation.
- (4) A matter must be kept in the operation record for 7 years after the date on which the matter is included in the record.
- (5) A person who contravenes this regulation commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$10,000:
  - (b) for any other person, to a fine not exceeding \$50,000.

### **117 Regulation 221 replaced (Shift reports)**

Replace regulation 221 with:

#### **221 Shift reports**

- (1) The relevant operator of a mining operation, a quarrying operation, or an alluvial mining operation must ensure that—
- (a) the specified person for each shift at the operation completes a written report on—
    - (i) the current state of the workings of the operation and plant at the operation; and

- (ii) any material matters, arising from work done during the shift, that may affect the health and safety of workers at the operation; and
  - (iii) any hazards or potential hazards identified during the shift; and
  - (iv) any controls put in place during the shift; and
  - (b) the specified person communicates the content of the written report to the specified person for the incoming shift; and
  - (c) the content of the written report is communicated to the workers on the incoming shift.
- (2) If, under subclause (1)(b), the content of the written report is communicated orally, the relevant operator must ensure that the written report is made available to the specified person for the incoming shift during that shift.
- (3) A procedure for performing the tasks described in subclauses (1) and (2) must be included in the health and safety management system for the operation.
- (4) In this regulation, **specified person** means,—
- (a) in relation to an underground coal mining operation, a person appointed to be an underviewer under regulation 30;
  - (b) in relation to a mining operation (other than an underground coal mining operation, a tourist mining operation, or a coal exploration operation), a person appointed to be a supervisor under regulation 31;
  - (c) in relation to a tourist mining operation, a quarrying operation, a coal exploration operation, or an alluvial mining operation, a person supervising the relevant shift.
- (5) A person who contravenes this regulation commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$10,000;
  - (b) for any other person, to a fine not exceeding \$50,000.

#### **118 Regulation 222 amended (Examination of mining operations)**

- (1) In the heading to regulation 222, delete “**mining**”.
- (2) Replace regulation 222(1) with:
- (1) The relevant operator must ensure that a competent person—
- (a) examines,—
    - (i) before the start of each working shift and at suitable times during each working shift, every area of the mining operation, quarrying operation, or alluvial mining operation (as applicable) where a worker is or will be present; and
    - (ii) at least weekly, every accessible area of the operation, including every area containing barriers, machinery, seals, underground or surface infrastructure, and ventilation stoppings; and

- (iii) at least weekly, every vehicle at the operation; and
  - (iv) before it is started, any fixed or mobile plant in the operation that has been stopped for at least the preceding 24 hours; and
  - (b) so far as is reasonably practicable, takes steps to eliminate, isolate, or minimise any significant hazard identified during the examination; and
  - (c) ensures that all plant examined either is safe or is made safe.
- (3) In regulation 222(2),—
- (a) replace “mine operator” with “relevant operator”; and
  - (b) delete “mining”.

**119 Regulation 226 amended (Record of notifiable events)**

- (1) Replace regulation 226(1) with:
- (1) The relevant operator of a mining operation, a quarrying operation, or an alluvial mining operation must record, in relation to every mine worker, quarry worker, or alluvial mine worker (as applicable), particulars of every notifiable event listed in section 23, 24, or 25 of the Act or in Schedule 5.
- (2) In regulation 226(2) and (3), replace “mine operator” with “relevant operator”.

**120 Regulation 227 amended (Disclosure of information about notifiable events)**

Revoke regulation 227(2).

**121 Regulation 230 amended (Duty of mine operator to give quarterly report to WorkSafe)**

- (1) In the heading to regulation 230, replace “mine operator” with “relevant operator”.
- (2) In regulation 230(1), replace “mine operator” with “relevant operator”.
- (3) In regulation 230(2), replace “every 3 months” with “for each quarter (beginning on 1 January, 1 April, 1 July, and 1 October) of every year”.

**122 Part 11 revoked**

Revoke Part 11.

**123 Schedule 1 amended**

In Schedule 1,—

- (a) insert the Part set out in Schedule 1 of these regulations as the last Part; and
- (b) make all necessary consequential amendments.

**124 Schedule 3 amended**

- (1) In Schedule 3, clause 14, replace “must contain suitable guides” with “must have suitable guidance”.
- (2) In Schedule 3, revoke clause 27.

**125 Schedule 5 amended**

- (1) In Schedule 5, after “occurs at a mining operation”, insert “, a quarrying operation, or an alluvial mining operation”.
- (2) In Schedule 5, replace paragraph (4) with:
  - (4) the outbreak of any fire on the surface that endangers workers on the surface of the operation, or mine workers in the underground parts of a mining operation:
- (3) In Schedule 5, paragraph (10), after “mine worker,”, insert “quarry worker, or alluvial mine worker (as applicable),”.
- (4) In Schedule 5, paragraph (19), after “mining operation”, insert “, a quarrying operation, or an alluvial mining operation”.
- (5) In Schedule 5, paragraph (20), after “mine”, insert “, quarry, or alluvial mine”.
- (6) In Schedule 5, paragraph (23), after “mining operation”, insert “, a quarrying operation, or an alluvial mining operation”.
- (7) In Schedule 5, replace paragraph (25) with:
  - (25) any occasion when 1 or more mine workers, quarry workers, or alluvial mine workers are trapped or unable to leave their place of work in an operation:
- (8) In Schedule 5, after paragraph (29), insert:
  - (29A) any loss of control of autonomous mobile plant:
- (9) In Schedule 5, replace paragraph (32) with:
  - (32) any incident in which any part of an explosive charge, after initiation, fails to completely detonate (**misfires**):

**126 Schedule 6 amended**

- (1) In Schedule 6, replace clause 1 with:

**1 Particulars of operation**

- (1) Mining operation, quarrying operation, or alluvial mining operation: [*include location*]
- (2) Particulars of relevant operator: [*name, business address, telephone number, and email address*]
- (3) For a mining operation, a quarrying operation, or an alluvial mining operation, particulars of responsible person: [*name, business address, telephone number, and email address*]
- (2) In Schedule 6, clause 3(1), after “mining operation”, insert “, quarrying operation, or alluvial mining operation”.

- (3) In Schedule 6, clause 4(10),—
- (a) in the final bullet point, delete “]”; and
- (b) after the final bullet point, insert:
- *other injury or illness (not listed above)]*
- (4) In Schedule 6, clause 4(11),—
- (a) in the final bullet point, delete “]”; and
- (b) after the final bullet point, insert:
- *other mechanism (not listed above)]*
- (5) In Schedule 6, clause 4(12),—
- (a) in the final bullet point, delete “].”; and
- (b) after the final bullet point, insert:
- *other agency (not listed above)].*

#### 127 Schedule 8 replaced

Replace Schedule 8 with the Schedule 8 set out in Schedule 2 of these regulations.

*Amendment to Electricity (Safety) Regulations 2010*

#### 128 Principal regulations

Regulation 129 amends the Electricity (Safety) Regulations 2010.

#### 129 Regulation 4 amended (Interpretation)

In regulation 4(1), replace the definition of **opencast mining operation** with:

**opencast mining operation** has the meaning given to it in regulation 3(1) of the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016

## Part 2

### Amendments that come into force on 18 July 2023

#### 130 Regulation 3 amended (Interpretation)

In regulation 3(1), insert in their appropriate alphabetical order:

**A-grade alluvial mining operation** means an alluvial mining operation at which the alluvial mine manager is required by regulation 22 to hold a certificate of competence as an A-grade alluvial mine manager

**A-grade quarrying operation** means a quarrying operation that has more than 4 quarry workers who—

- (a) are involved with—

- (i) extracting any material, other than coal or any mineral, from the earth; or
- (ii) processing any material, other than coal or any mineral, at the place where the material is extracted; but
- (b) are not—
  - (i) the quarry manager appointed under regulation 14; and
  - (ii) any worker at the quarrying operation who is not involved in extracting or processing any material from the earth (for example, an office worker)

**safe work instrument** means an instrument approved by the Minister under section 227 of the Act

**131 Regulation 8 amended (Competency requirements for appointment as site senior executive)**

- (1) In regulation 8(1)(a), replace “an appropriate current certificate” with “a current certificate”.
- (2) In regulation 8(2)(b)(ii), after “tunnel manager”, insert “or an A-grade metalliferous mine manager”.
- (3) In regulation 8(2)(b)(iii), after “A-grade tunnel manager”, insert “, an A-grade metalliferous mine manager,”.
- (4) In regulation 8(2)(c), replace “prescribed by WorkSafe under regulation 34(c)” with “prescribed in accordance with regulation 34(2)(c)”.

**132 Regulation 17 amended (Certificate of competence of manager of metalliferous mining operation)**

- (1) In regulation 17(2) and (3)(a), after “tunnel manager”, insert “or an A-grade metalliferous mine manager”.
- (2) In regulation 17(3)(b), after “tunnel manager”, insert “or a B-grade metalliferous mine manager”.
- (3) After regulation 17(5), insert:
- (6) If additional or alternative requirements are prescribed in accordance with regulation 34(5) for a certificate of competence under this regulation, the manager must hold a current certificate of competence for which those additional or alternative requirements have been met.

**133 Regulation 18 amended (Certificate of competence of manager of underground coal mining operation)**

After regulation 18(2), insert:

- (3) If additional or alternative requirements are prescribed in accordance with regulation 34(5) for a certificate of competence under this regulation, the man-

ager must hold a current certificate of competence for which those additional or alternative requirements have been met.

**134 Regulation 19 amended (Certificate of competence of manager of opencast coal mining operation)**

In regulation 19, insert as subclause (2):

- (2) If additional or alternative requirements are prescribed in accordance with regulation 34(5) for a certificate of competence under this regulation, the manager must hold a current certificate of competence for which those additional or alternative requirements have been met.

**135 Regulation 20 amended (Certificate of competence of manager of tunnelling operation)**

After regulation 20(2), insert:

- (3) If additional or alternative requirements are prescribed in accordance with regulation 34(5) for a certificate of competence under this regulation, the manager must hold a current certificate of competence for which those additional or alternative requirements have been met.

**136 Regulation 21 amended (Certificate of competence of manager of quarrying operation)**

After regulation 21(3), insert:

- (4) If additional or alternative requirements are prescribed in accordance with regulation 34(5) for a certificate of competence under this regulation, the manager must hold a current certificate of competence for which those additional or alternative requirements have been met.

**137 Regulation 22 replaced (Certificate of competence of manager of alluvial mining operation)**

Replace regulation 22 with:

**22 Certificate of competence of manager of alluvial mining operation**

- (1) Subject to subclauses (2) and (3), a manager appointed to an alluvial mining operation must hold a certificate of competence as an A-grade alluvial mine manager.
- (2) A manager appointed to an alluvial mining operation in which no more than 4 alluvial mine workers ordinarily work at any one time may hold—
- (a) a certificate of competence as a first-class mine manager; or
  - (b) a certificate of competence as an A-grade quarry manager; or
  - (c) a certificate of competence as a B-grade quarry manager; or
  - (d) a certificate of competence as a B-grade alluvial mine manager.

- (3) A manager appointed to an alluvial mining operation in which more than 4 alluvial mine workers ordinarily work at any one time may hold—
- (a) a certificate of competence as a first-class mine manager; or
  - (b) a certificate of competence as an A-grade quarry manager.
- (4) If additional or alternative requirements are prescribed in accordance with regulation 34(5) for a certificate of competence under this regulation, the manager must hold a current certificate of competence for which those additional or alternative requirements have been met.
- (5) In this regulation, **alluvial mine worker**—
- (a) means an above-ground worker who is involved with—
    - (i) extracting gold from river deposits of sand or gravel; or
    - (ii) extracting ironsand from sand or gravel; or
    - (iii) processing material (at the place where it is extracted)—
      - (A) to extract gold from river deposits of sand or gravel; or
      - (B) to extract ironsand from sand or gravel; but
  - (b) does not include—
    - (i) a worker (for example, an office worker) who works at the alluvial mining operation, but who is not involved with extracting gold or ironsand, or processing gold or ironsand; or
    - (ii) the manager appointed under regulation 15.

### 138 Regulation 26 amended (Electrical superintendent)

After regulation 26(2), insert:

- (2AAA) If additional or alternative requirements are prescribed in accordance with regulation 34(5) for a certificate of competence required by this regulation, the electrical superintendent must hold a current certificate of competence for which those additional or alternative requirements have been met.

### 139 Regulation 27 amended (Mechanical superintendent)

After regulation 27(2), insert:

- (2AAA) If additional or alternative requirements are prescribed in accordance with regulation 34(5) for a certificate of competence required by this regulation, the mechanical superintendent must hold a current certificate of competence for which those additional or alternative requirements have been met.

### 140 Regulation 28 amended (Mine surveyor)

After regulation 28(3), insert:

- (3A) If additional or alternative requirements are prescribed in accordance with regulation 34(5) for a certificate of competence required by this regulation, the

mine surveyor must hold a current certificate of competence for which those additional or alternative requirements have been met.

#### **141 Regulation 29 amended (Ventilation officer)**

After regulation 29(2), insert:

- (2A) If additional or alternative requirements are prescribed in accordance with regulation 34(5) for a certificate of competence required by this regulation, the ventilation officer must hold a current certificate of competence for which those additional or alternative requirements have been met.

#### **142 Regulation 30 amended (Underviewer)**

- (1) After regulation 30(2), insert:

(2AAA) If additional or alternative requirements are prescribed in accordance with regulation 34(5) for a certificate of competence required by this regulation, the underviewer must hold a current certificate of competence for which those additional or alternative requirements have been met.

- (2) In regulation 30(2A), replace “Subclauses (1) and (2) do” with “This regulation does”.

#### **143 Regulation 31 amended (Supervisor)**

- (1) In regulation 31(2), after “certificate of competence as”, insert “a B-grade metalliferous mine manager, an A-grade metalliferous mine manager,”.

- (2) After regulation 31(5), insert:

(5A) If additional or alternative requirements are prescribed in accordance with regulation 34(5) for a certificate of competence required by this regulation, the supervisor must hold a current certificate of competence for which those additional or alternative requirements have been met.

- (3) In regulation 31(6), replace “subclauses (2) to (5)” with “subclauses (2) to (5A)”.

#### **144 Regulation 31A replaced (Gas monitor for coal exploration operation)**

Replace regulation 31A with:

##### **31A Gas monitor for coal exploration operation**

- (1) The mine operator of a coal exploration operation must appoint a gas monitor for the operation.
- (2) The operator and the person appointed must ensure that the gas monitor holds at least 1 of the following certificates of competence:
- (a) gas monitor:
  - (b) first-class coal mine manager:
  - (c) coal mine underviewer:

- (d) coal mine deputy.
- (3) If additional or alternative requirements are prescribed in accordance with regulation 34(5) for a certificate of competence required by this regulation, the gas monitor must hold a current certificate of competence for which those additional or alternative requirements have been met.
- (4) The mine operator must ensure that, whenever drilling is being carried out at the operation, the gas monitor is present and monitoring for the presence of methane.
- (5) A person who contravenes this regulation commits an offence and is liable on conviction,—
  - (a) for an individual, to a fine not exceeding \$10,000;
  - (b) for any other person, to a fine not exceeding \$50,000.

**145 Regulation 32 amended (Other workers required to hold certificates)**

- (1) In regulation 32(1), replace “worker” with “mine worker”.
- (2) After regulation 32(1), insert:
  - (1A) If additional or alternative requirements are prescribed in accordance with regulation 34(5) for a certificate of competence required by this regulation, the mine worker must hold a current certificate of competence for which those additional or alternative requirements have been met.

**146 Subpart 4 heading in Part 2 amended**

In Part 2, in the subpart 4 heading, replace “competence requirements” with “competency requirements”.

**147 Regulation 34 replaced (WorkSafe may prescribe requirements)**

Replace regulation 34 with:

**34 Prescribed competency requirements**

- (1) Competency requirements for certificates of competence and other competency requirements, for the purposes of these regulations or Schedule 3 of the Act, are the requirements prescribed in a safe work instrument approved under section 227 of the Act.
- (2) Prescribed competency requirements may specify the following:
  - (a) the requirements to be met for the issue, renewal, or continuation of all certificates of competence that are required under these regulations;
  - (b) competency requirements that are required by these regulations to be met by mine workers who are not required by these regulations to hold a certificate of competence;

- (c) competency requirements that are required by these regulations to be met by a site senior executive in addition to holding a certificate of competence:
  - (d) competency requirements that are required by these regulations or Schedule 3 of the Act to be met by health and safety representatives or industry health and safety representatives in the mining sector.
- (3) Prescribed competency requirements must specify,—
- (a) for the issue of a certificate of competence, the qualifications (including the unit standards to be achieved) and experience required; and
  - (b) for the renewal of a certificate of competence, the continuing education required to be completed for the renewal under regulation 44.
- (4) Prescribed competency requirements may specify, for the continuation of a certificate of competence, the continuing education required to be completed for the continuation under clause 7 of Schedule 1.
- (5) Prescribed competency requirements for the issue, renewal, or continuation of a certificate of competence may include additional or alternative requirements relating to 1 or more of the following:
- (a) a mining operation that involves the extraction of coal;
  - (b) a mining operation that involves working underground;
  - (c) an operation that uses explosives.
- (6) Subclause (5) does not apply to a certificate of competence or any other competency requirement for a site senior executive.

#### **148 New cross-heading above regulation 35 inserted**

After regulation 34, insert:

*Certificates of competence*

#### **149 Regulation 35 amended (Certificates of competence)**

- (1) Replace regulation 35(a) with:
- (a) site senior executive:
- (2) After regulation 35(e), insert:
- (ea) A-grade metalliferous mine manager:
  - (eb) B-grade metalliferous mine manager:
- (3) After regulation 35(h), insert:
- (ha) A-grade alluvial mine manager:
  - (hb) B-grade alluvial mine manager:
- (4) After regulation 35(m), insert:
- (ma) gas monitor:

(5) In regulation 35, insert as subclause (2):

- (2) Certificates of competence must—
- (a) specify the types of operation to which they apply; and
  - (b) specify whether the holder has met any applicable additional or alternative requirements prescribed in accordance with regulation 34(5).

**150 Regulation 38 amended (Eligibility to hold certificate of competence)**

In regulation 38(a), replace “prescribed under” with “prescribed in accordance with”.

**151 Regulation 43 amended (Continuing professional development condition of certificate)**

In regulation 43, replace “prescribed under regulation 34(a)(ii)” with “prescribed in accordance with regulation 34(3)(b) or (4)”.

**152 Regulation 47 amended (Register)**

After regulation 47(2)(b), insert:

- (ba) the type of operation to which the certificate applies:
- (bb) whether the holder has met any applicable additional or alternative requirements prescribed for the certificate in accordance with regulation 34(5):

**153 Cross-heading above regulation 50 replaced**

Replace the cross-heading above regulation 50 with:

*Mine workers not required to hold certificate of competence*

**154 Regulation 50 amended (Supervision of untrained mine workers)**

In regulation 50(2), replace “by WorkSafe under” with “in accordance with”.

**155 New regulation 51A inserted (Application)**

After the Part 3 heading, insert:

**51A Application**

- (1) This Part applies to any mining operation, quarrying operation, or alluvial mining operation.
- (2) In this Part, unless the context otherwise requires,—
  - operation** means,—
    - (a) in relation to a mining operation, a mining operation:
    - (b) in relation to a quarrying operation, a quarrying operation:
    - (c) in relation to an alluvial mining operation, an alluvial mining operation

**worker** means,—

- (a) in relation to a mining operation, a mine worker:
- (b) in relation to a quarrying operation, a quarry worker:
- (c) in relation to an alluvial mining operation, an alluvial mine worker.

**156 Regulation 52 amended (Health and safety management system must be developed, etc)**

- (1) In regulation 52(1), after “mining operation”, insert “, a quarrying operation, or an alluvial mining operation”.
- (2) In regulation 52(2)(a), replace “or a coal exploration operation” with “a coal exploration operation, a quarrying operation, or an alluvial mining operation”.

**157 Regulation 53 amended (When health and safety management system must be in place)**

After regulation 53(c), insert:

- (d) for a quarrying operation, from the commencement of the physical development of the quarrying operation and construction of the quarry infrastructure, including earthworks, until the operation is abandoned; and
- (e) for an alluvial mining operation, from the commencement of the physical development of the alluvial mining operation and construction of the mining infrastructure, including earthworks, until the operation is abandoned.

**158 Regulation 54 amended (Systematic identification of hazards)**

- (1) In regulation 54(1), after “a mining operation”, insert “, a quarrying operation, or an alluvial mining operation”.
- (2) In regulation 54(1)(a), replace “mine workers at the mining operation” with “workers at the operation”.

**159 Regulation 55 amended (Risk assessment)**

- (1) In regulation 55(1), after “a mining operation”, insert “, a quarrying operation, or an alluvial mining operation”.
- (2) In regulation 55(1)(a), replace “mine workers from identified hazards at the mining operation” with “workers from identified hazards at the operation”.

**160 Regulation 56 replaced (Content of health and safety management system)**

Replace regulation 56 with:

**56 Content of health and safety management system**

- (1) The health and safety management system for a mining operation, a quarrying operation, or an alluvial mining operation must contain at least the following:

- (a) the relevant operator's health and safety policy, including broad aims in relation to the healthy and safe operation of the operation:
  - (b) a description of the processes used to identify the hazards present at the operation, to assess the inherent risk of injury or illness to workers from those hazards, and to identify the controls required to manage those risks as required by regulations 54 and 55:
  - (c) the means of reporting and recording relevant health and safety information, including the setting of key performance indicators and the investigation of notifiable events:
  - (d) a description of the systems, procedures, and other risk control measures in place to manage hazards and to respond to increased levels of risk in relation to any hazard:
  - (e) a description of the measures that will be used to identify material changes at the operation that may create hazards:
  - (f) a description of the management structure for managing health and safety at the operation, including competency requirements and arrangements for filling temporary and permanent vacancies, and competency requirements for acting positions in the structure:
  - (g) monitoring and auditing matters as required by regulation 57:
  - (h) a description of the worker participation practices required under section 61 of the Act:
  - (i) a description of the arrangements in place to monitor the health and safety of workers at the operation:
  - (j) any principal hazard management plans and principal control plans required for the operation by these regulations:
  - (k) a description of the arrangements in place to monitor, assess, and inspect workplaces within the operation:
  - (l) any other matter required by these regulations to be included in the health and safety management system.
- (2) In addition to complying with subclause (1), the health and safety management system for a coal exploration operation must contain a process that the gas monitor for the operation will follow if methane is detected at the operation.
  - (3) The health and safety management system must be set out at a level of detail commensurate with the nature, size, and complexity of the operation and the hazards and any other relevant matters associated with the operation.
  - (4) The health and safety management system must be prepared in a form and expressed in a way that is easily understood by any worker.

- 161 Regulation 57 amended (Auditing and monitoring of health and safety management system)**
- (1) In regulation 57, after “The health and safety management system”, insert “for a mining operation, a quarrying operation, or an alluvial mining operation”.
  - (2) In regulation 57(a)(i), replace “mine operator’s” with “relevant operator’s”.
- 162 Regulation 58 amended (Periodic review of health and safety management system)**
- (1) In regulation 58(1), replace “a mining operation” with “an operation”.
  - (2) In regulation 58(1)(a), delete “mining”.
- 163 Regulation 59 amended (Additional reviews of health and safety management system)**
- (1) In regulation 59(1), replace “a mining operation” with “an operation”.
  - (2) In regulation 59(1)(a), (b), (c), (d), (f), and (g), delete “mining” in each place.
- 164 Regulation 60 amended (Worker engagement and participation)**
- (1) In regulation 60(1), after “a mining operation”, insert “, a quarrying operation, or an alluvial mining operation”.
  - (2) In regulation 60(2)(a) and (b), replace “mine workers” with “workers”.
- 165 Regulation 61 amended (Maintenance of records of health and safety management system)**
- (1) In regulation 61(1), (2), and (3), replace “The mine operator” with “The relevant operator”.
  - (2) In regulation 61(1)(d), delete “mining”.
  - (3) In regulation 61(3), after “representative, or” insert “(in the case of an underground coal mine)”.
- 166 Subpart 5 heading in Part 3 amended**
- In Part 3, in the subpart 5 heading, delete “mine”.
- 167 Regulation 62 amended (Providing health and safety management system documentation to mine workers)**
- (1) In the heading to regulation 62, delete “mine”.
  - (2) In regulation 62,—
    - (a) replace “mine operator” with “relevant operator” in each place; and
    - (b) replace “mine worker” with “worker” in each place; and
    - (c) replace “the mining operation” with “the operation” in each place.
  - (3) In regulation 62(1), replace “a mining operation” with “an operation”.

**168 Regulation 63 amended (Providing health and safety management system documentation to contractor)**

- (1) Replace regulation 63(1) with:
- (1) This regulation applies to a person who is engaged by the relevant operator to provide services if the person's employees, or other workers engaged by the person to provide those services, will be,—
- (a) in relation to a mining operation, mine workers; or
  - (b) in relation to a quarrying operation, quarry workers; or
  - (c) in relation to an alluvial mining operation, alluvial mine workers.
- (2) In regulation 63(2), replace “mine operator” with “relevant operator”.

**169 Regulation 64 amended (Duty to provide instruction)**

Replace regulation 64(1) with:

- (1) The relevant operator must ensure that—
- (a) workers at the operation are provided with suitable instruction in relation to the health and safety management system before commencing work; and
  - (b) a record of having provided the instruction is kept.

**170 Regulation 64A inserted (Application)**

Before regulation 65, insert:

**64A Application**

- (1) This Part applies to any mining operation, A-grade quarrying operation, or A-grade alluvial mining operation, unless specifically provided otherwise.
- (2) In this Part, unless the context otherwise requires,—
- operation** means,—
- (a) in relation to a mining operation, the mining operation;
  - (b) in relation to an A-grade quarrying operation, the A-grade quarrying operation;
  - (c) in relation to an A-grade alluvial mining operation, the A-grade alluvial mining operation
- worker** means,—
- (a) in relation to a mining operation, a mine worker in that operation;
  - (b) in relation to an A-grade quarrying operation, a quarry worker in that operation;
  - (c) in relation to an A-grade alluvial mining operation, an alluvial mine worker in that operation.

**171 Regulation 65 amended (Meaning of principal hazard)**

After regulation 65(b), insert:

- (c) in relation to an A-grade quarrying operation or an A-grade alluvial mining operation, any hazard arising at the operation that could create a risk of multiple fatalities in a single accident, or that could create a risk of multiple people being exposed to potentially fatal health risks in relation to any of the following:
  - (i) ground or strata instability;
  - (ii) roads and other vehicle operating areas;
  - (iii) explosives; and
- (d) in relation to an A-grade quarrying operation or an A-grade alluvial mining operation, any other hazard arising at the operation that has been identified by the responsible person under regulation 66 as a hazard that could create a risk of multiple fatalities in a single accident, or that could create a risk of multiple people being exposed to potentially fatal health risks.

**172 Regulation 66 amended (Responsible person to identify principal hazards and ensure principal hazard management plan)**

(1) Replace regulation 66(1) with:

- (1) At a mining operation, an A-grade quarrying operation, or an A-grade alluvial mining operation, the responsible person for the operation must—
  - (a) carry out an appraisal of the operation to identify principal hazards at the operation; and
  - (b) ensure that there is a principal hazard management plan for each principal hazard identified.

(2) In regulation 66(2)(b), delete “mining”.

**173 Regulation 67 amended (General purposes of principal hazard management plans)**

In regulation 67(a), after “mining operation”, insert “, A-grade quarrying operation, or A-grade alluvial mining operation”.

**174 Regulation 68 amended (Content of principal hazard management plans)**

- (1) In regulation 68, after “Each principal hazard management plan”, insert “for a mining operation, an A-grade quarrying operation, or an A-grade alluvial mining operation”.
- (2) In regulation 68(d), delete “mine”.
- (3) In regulation 68(h), delete “mining”.

**175 Regulation 69 amended (Review and revision of principal hazard management plans)**

- (1) In regulation 69(1) and (2), replace “for a mining operation” with “for an operation”.
- (2) In regulation 69(4),—
  - (a) replace “mine operator” with “relevant operator”; and
  - (b) delete “mining”.
- (3) In regulation 69(5), replace “mine operator” with “relevant operator”.

**176 Regulation 71 amended (Principal hazard management plans for ground or strata instability)**

- (1) In regulation 71(1), after “a mining operation”, insert “, an A-grade quarrying operation, or an A-grade alluvial mining operation”.
- (2) In regulation 71(2)(a) and (e), delete “mining”.

**177 Regulation 80 amended (Principal hazard management plans for roads and other vehicle operating areas)**

- (1) In regulation 80(1), replace “areas within the mining operation” with “areas within a mining operation, an A-grade quarrying operation, or an A-grade alluvial operation”.
- (2) In regulation 80(1)(a), (b), (f), and (k), delete “mining”.
- (3) In regulation 80(1)(k), delete “mine”.
- (4) In regulation 80(2) and (3), delete “mining” in each place.

**178 Regulation 86 amended (Principal hazard management plan for explosives)**

- (1) In regulation 86, after “at a mining operation”, insert “, an A-grade quarrying operation, or an A-grade alluvial mining operation”.
- (2) In regulation 86(a), (c), (e), (g), (m), and (n), delete “mining” in each place.

**179 Regulation 92 amended (Responsibility for principal control plans)**

In regulation 92(1),—

- (a) after “a mining operation”, insert “, an A-grade quarrying operation, or an A-grade alluvial mining operation”; and
- (b) replace “the mining operation” with “the operation”.

**180 Regulation 93 amended (Purpose of principal control plans)**

In regulation 93, after “a mining operation”, insert “, an A-grade quarrying operation, or an A-grade alluvial mining operation”.

**181 Regulation 94 amended (Review and revision of principal control plans)**

- (1) In regulation 94(1) and (2), after “a mining operation”, insert “, an A-grade quarrying operation, or an A-grade alluvial mining operation”.
- (2) In regulation 94(2)(a), (b), and (c), delete “mining”.
- (3) In regulation 94(3),—
  - (a) replace “mine operator” with “relevant operator”; and
  - (b) delete “mining”.
- (4) In regulation 94(4), replace “mine operator” with “relevant operator”.

**182 Regulation 103 replaced (Application)**

Replace regulation 103 with:

**103 Application**

This subpart applies to any of the following operations in which 1 or more principal hazards have been identified:

- (a) a mining operation;
- (b) an A-grade quarrying operation;
- (c) an A-grade alluvial mining operation.

**183 Regulation 104 amended (Consultation with emergency services)**

Replace regulation 104(1) with:

- (1) When developing an emergency management control plan for an operation, the responsible person must consult—
  - (a) the fire, police, and ambulance emergency services that have responsibility for the area in which the operation is located; and
  - (b) in the case of a coal mining operation, an underground metalliferous mining operation, or a tunnelling operation where a tunnel is intended to be 150 metres or more in length, the Mines Rescue Trust Board.

**184 Regulation 105 amended (Emergency management control plan)**

Replace regulation 105(1) with:

- (1) The emergency management control plan must, at a minimum, address the following matters:
  - (a) the co-ordination and control of emergencies at the operation;
  - (b) the people or positions at the operation who have, or who will have, responsibilities in relation to emergencies at the operation, and the details of those responsibilities;
  - (c) the events that activate the plan;
  - (d) the use of communication systems during emergencies at the operation;

- (e) the giving of timely notice, information, and warnings about emergencies to anyone potentially affected by an emergency at the operation, including to any persons nominated as next of kin by workers at the operation:
- (f) measures to be taken to isolate an area of the operation affected by an emergency:
- (g) the availability of the following to respond to an emergency at the operation:
  - (i) the emergency services; and
  - (ii) in the case of a mining operation to which the Mines Rescue Act 2013 applies, the Mines Rescue Trust Board:
- (h) the means to locate and account for people at the operation in the event of an emergency at the operation:
- (i) the maintenance of an accurate record of all people underground at a mining operation at any time and their likely location, and the availability of that record for the purposes of responding to emergencies at the mining operation:
- (j) the evacuation of the operation in an emergency, including the conditions that will prompt withdrawal of workers from the operation where there is an imminent risk of injury or illness to workers:
- (k) appropriate transportation from the operation:
- (l) first-aid arrangements at the operation, including first-aid equipment, facilities, and services and the workers who are qualified to provide first aid:
- (m) provision for all aspects of firefighting, including adequate and compatible firefighting equipment, procedures for firefighting, and training workers in firefighting:
- (n) a procedure to ensure prompt notification of—
  - (i) all relevant emergency services; and
  - (ii) in the case of a mining operation to which the Mines Rescue Act 2013 applies, the Mines Rescue Trust Board.

**185 Regulation 106 amended (Testing, etc, of emergency management control plan)**

- (1) In regulation 106(1), replace “a mining operation” with “an operation”.
- (2) In regulation 106(1)(b), delete “mine”.
- (3) In regulation 106(2), replace “The mine operator must ensure that the mining operation” with “The relevant operator must ensure that the operation”.
- (4) Replace regulation 106(3) with:

- (3) In the case of a mining operation, in addition to complying with regulation 62, the responsible person must ensure that a copy of the current emergency management control plan is given to the Mines Rescue Trust Board, where relevant, and other emergency services referred to in regulation 104.

**186 Regulation 107 replaced (Application)**

Replace regulation 107 with:

**107 Application**

This subpart applies to the following operations where 1 or more principal hazards have been identified that may have long-term effects on the health of the workers in the operation:

- (a) mining operations;
- (b) A-grade quarrying operations;
- (c) A-grade alluvial mining operations.

**187 Regulation 108 amended (Worker health control plan)**

In regulation 108(1)(n) and (2),—

- (a) delete “mine” in each place; and
- (b) delete “mining” in each place.

**188 Regulation 110 amended (Competency requirements for appointment as industry health and safety representative)**

In regulation 110(2), replace “prescribed by WorkSafe under” with “prescribed in accordance with”.

**189 Part 7 heading amended**

In the Part 7 heading, after “**mining operations**”, insert “, **quarrying operations, and alluvial mining operations**”.

**190 Regulation 116 amended (Application)**

In regulation 116, after “mining operations,”, insert “quarrying operations, and alluvial mining operations,”.

**191 Regulation 117 amended (Installation of ground or strata support)**

- (1) In regulation 117(1), replace “The mine operator” with “A relevant operator”.
- (2) In regulation 117(b), delete “mine”.

**192 Regulation 118 amended (Obligations relating to ground or strata support)**

- (1) In regulation 118(1), replace “mine manager” with “manager of the operation”.
- (2) In regulation 118(1)(b), delete “mine”.

**193 New regulations 118A and 118B and cross-heading inserted**

After regulation 118, insert:

*High-risk working faces***118A Application of regulation 118B**

- (1) Despite regulation 116, regulation 118B applies only to—
  - (a) a quarrying operation at which no more than 4 quarry workers ordinarily work at any one time; and
  - (b) an alluvial mining operation at which no more than 4 alluvial mine workers ordinarily work at any one time.
- (2) For the purposes of subclause (1),—

**alluvial mine worker** has the meaning given in regulation 22(5)

**quarry worker**—

  - (a) means a worker at the quarrying operation who is involved with—
    - (i) extracting any material, other than coal or any mineral, from the earth; or
    - (ii) processing any material, other than coal or any mineral, at the place where the material is extracted; but
  - (b) excludes—
    - (i) the quarry manager appointed under regulation 14; and
    - (ii) any worker at the quarrying operation who is not involved in extracting or processing any material from the earth (for example, an office worker).

**118B Obligations for high-risk working faces**

- (1) A quarry operator or an alluvial mine operator must—
  - (a) obtain geotechnical advice from a competent person about any high-risk working face at the operation; and
  - (b) take that advice into account when developing, documenting, implementing, and maintaining the health and safety management system for the operation.
- (2) In this regulation, **high-risk working face** means a working face that—
  - (a) is at least 15 metres high; or
  - (b) poses a significant risk to workers as a result of 1 or more of the following factors:
    - (i) the height of the working face;
    - (ii) the ground type at the base of the working face;
    - (iii) the angle of the working face's slope;

- (iv) the strength of the rock on the working face:
  - (v) the composition of the rock on the working face:
  - (vi) the geological structure of the working face:
  - (vii) the bedding surfaces of the working face:
  - (viii) the presence of water on or around the working face; or
  - (c) is part of an excavation that, at its deepest, is more than 30 metres below the surrounding ground level.
- (3) A person who contravenes subclause (1) commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$10,000:
  - (b) for any other person, to a fine not exceeding \$50,000.

**194 Regulation 119 amended (Roads and other vehicle operating areas)**

- (1) In regulation 119(1), replace “The mine operator” with “A relevant operator”.
- (2) In regulation 119(1), delete “mining” in each place.
- (3) In regulation 119(1)(c), replace “mine” with “operation”.

**195 Regulation 120 amended (Operation of mobile plant by authorised mine workers only)**

- (1) In the heading to regulation 120, delete “mine”.
- (2) Replace regulation 120(1) with:
  - (1) A relevant operator must ensure that mobile plant is operated at the operation only by a competent person who is authorised in writing by the relevant operator.

**196 Regulation 121 amended (Defects discovered during inspection of tips)**

- (1) Replace regulation 121(1) with:
  - (1) A relevant operator must ensure that any person who carries out an inspection of a tip at the operation—
    - (a) makes a written record of all defects discovered during the inspection; and
    - (b) informs the mine manager, quarry manager, or alluvial mine manager (as applicable) of the defects that require immediate rectification.
- (2) In regulation 121(2) and (3), replace “mine operator” with “relevant operator”.

**197 Regulation 122 replaced (Explosives)**

Replace regulation 122 with:

**122 Explosives**

- (1) A relevant operator must ensure that—

- (a) no person uses, handles, or issues explosives at the operation unless the person—
    - (i) is a certified handler for the purposes of the Health and Safety at Work (Hazardous Substances) Regulations 2017; and
    - (ii) holds a controlled substance licence under those regulations; and
  - (b) explosives used at the operation are—
    - (i) authorised by the relevant operator;
    - (ii) stable;
    - (iii) appropriate for their intended use;
    - (iv) insensitive to shock, sparks, friction, and the environment in which they will be stored, transported, and used;
    - (v) simple to store, use, transport, and control; and
  - (c) every person who designs or initiates a shot does so in a manner that ensures that the shot and any material expelled outside the declared danger zone do not cause injury to any person in, or in the vicinity of, the operation.
- (2) In subclause (1)(c), **declared danger zone** means the area that no person may enter while blasting operations are to take place, established in accordance with—
- (a) the operation’s health and safety management system, in the case of —
    - (i) a quarrying operation at which no more than 4 quarry workers ordinarily work at any one time; or
    - (ii) an alluvial mining operation at which no more than 4 alluvial mine workers ordinarily work at any one time; or
  - (b) in all other mining operations, quarrying operations, and alluvial mining operations, the operation’s principal hazard management plan for explosives.
- (3) For the purposes of subclause (2),—
- alluvial mine worker** has the meaning given in regulation 22(5)
- quarry worker** has the meaning given in regulation 118A(2)
- (4) A person who contravenes subclause (1) commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$10,000;
  - (b) for any other person, to a fine not exceeding \$50,000.

### 198 Regulation 123 amended (Conveyor belts)

- (1) In regulation 123(1) and (2), replace “The mine operator” with “A relevant operator”.

- (2) In regulation 123(1), replace “the mining operation” with “the operation”.

**199 Regulation 124 amended (Crush injuries and rescue of trapped or injured persons)**

In regulation 124(1),—

- (a) replace “The mine operator” with “A relevant operator”; and  
(b) delete “mining”.

**200 Regulation 125 amended (Treatment and transport of sick and injured mine workers)**

- (1) In the heading to regulation 125, delete “mine”.

- (2) Replace regulation 125(1) with:

- (1) A relevant operator must ensure that suitable and sufficient facilities, including first-aid equipment and workers trained in first aid, are available at the mining operation, quarrying operation, or alluvial mining operation to provide first aid to sick or injured workers, including in the underground parts of an underground mining operation or tunnelling operation.

- (3) In regulation 125(2),—

- (a) replace “mine operator” with “relevant operator”; and  
(b) delete “mining” in each place.

**201 Regulation 126 amended (Resuscitation equipment)**

Replace regulation 126(1) with:

- (1) A relevant operator must ensure that—
- (a) suitable resuscitation equipment is available for all parts of the mining operation, quarrying operation, or alluvial mining operation; and
- (b) people trained to use the equipment are available at the operation; and
- (c) there is a procedure for any worker to raise the alarm when the use of resuscitation equipment is required.

**202 Regulation 212 replaced (Duty to give draft principal hazard management plans and principal control plans to WorkSafe)**

Replace regulation 212 with:

**212 Obligation to notify WorkSafe of operation not yet commenced**

- (1) This regulation applies to the operator of a mining operation, an A-grade quarrying operation, or an A-grade alluvial mining operation that has not yet commenced.
- (2) The relevant operator must give the following documents to WorkSafe not later than 2 months before the operation commences:
- (a) all principal hazard management plans for the operation:

- (b) all principal control plans for the operation.
- (3) Subclause (2) is subject to regulation 212A.
- (4) Nothing in subclause (2) applies when a mining operation, an A-grade quarrying operation, or an A-grade alluvial mining operation recommences after being suspended.
- (5) A person who contravenes this regulation commits an offence and is liable on conviction,—
  - (a) for an individual, to a fine not exceeding \$10,000;
  - (b) for any other person, to a fine not exceeding \$50,000.

#### **212A Exceptions to obligation to notify WorkSafe**

- (1) If the quarry operator at an A-grade quarrying operation changes, the new quarry operator must give the documents specified in regulation 212(2) to WorkSafe not later than 14 days before the new quarry operator commences quarrying at the quarrying operation.
- (2) A quarry operator must give the documents specified in regulation 212(2) to WorkSafe not later than 1 week before the quarrying operation commences if—
  - (a) the quarrying operation is being worked on a short-term basis by 1 or more mobile crushing units; and
  - (b) the quarry operator has previously provided the documents to WorkSafe.
- (3) If, as part of the emergency response to a natural disaster or other similar situation, an A-grade quarrying operation is required to commence operating at very short notice to assist in preserving life or preserving critical infrastructure, the quarry operator must give the documents specified in regulation 212(2) to WorkSafe as soon as possible after the need for the quarrying operation arises.
- (4) Nothing in this regulation applies when a mining operation, an A-grade quarrying operation, or an A-grade alluvial mining operation recommences after being suspended.
- (5) A person who contravenes this regulation commits an offence and is liable on conviction,—
  - (a) for an individual, to a fine not exceeding \$10,000;
  - (b) for any other person, to a fine not exceeding \$50,000.

#### **212B Meaning of commences**

In regulations 212 and 212A,—

- (a) a mining operation **commences** when it starts 1 or more of the activities specified in paragraphs (a) and (b) of the definition of mining operation in clause 2 of Schedule 3 of the Act:

- (b) an A-grade quarrying operation **commences** when it starts 1 or more of the activities specified in paragraph (a) of the definition of quarrying operation in clause 3(1) of Schedule 3 of the Act:
- (c) a tunnelling operation **commences** when it starts to extract material with the purpose of creating, enlarging, or extending any tunnel or shaft:
- (d) an A-grade alluvial mining operation **commences** when it starts 1 or more of the activities specified in paragraphs (a) and (b) of the definition of alluvial mining operation in clause 1 of Schedule 3 of the Act.

### **203 Regulation 213 amended (Plan of mining operation for operational use)**

After regulation 213(4A), insert:

- (4B) In addition, a person referred to in subclause (4) must hold a current certificate of competence that includes any additional or alternative requirements that—
  - (a) are prescribed in accordance with regulation 34(5) for the certificate of competence as a mine surveyor that must be held by a person who prepares a plan or an updated plan; and
  - (b) relate to the type of operation for which the person is preparing the plan or updated plan.

### **204 Regulation 214 amended (Plan of mining operation for WorkSafe)**

After regulation 214(6), insert:

- (6A) In addition, a person referred to in subclause (5) must hold a current certificate of competence that includes any additional or alternative requirements that—
  - (a) are prescribed in accordance with regulation 34(5) for the certificate of competence as a mine surveyor that must be held by a person who prepares a plan or an updated plan; and
  - (b) relate to the type of operation for which the person is preparing the plan or updated plan.

### **205 Regulation 216 amended (Plan of ceased mining operation)**

After regulation 216(2B), insert:

- (2C) In addition, a person referred to in subclause (2A) must hold a current certificate of competence that includes any additional or alternative requirements that—
  - (a) are prescribed in accordance with regulation 34(5) for the certificate of competence as a mine surveyor that must be held by a person who prepares a plan or an updated plan; and
  - (b) relate to the type of operation for which the person is preparing the plan or updated plan.

**206 Regulation 228 amended (Investigation of notifiable events)**

(1) Replace regulation 228(1) with:

- (1) The relevant operator must ensure that—
- (a) any notifiable event at the mining operation, quarrying operation, or alluvial mining operation (as applicable) is investigated; and
  - (b) the investigation findings are made available to the workers at the operation.

(2) In regulation 228(2), replace “mine operator” with “relevant operator”.

**207 Schedule 1 amended**

In Schedule 1, clause 7(5),—

- (a) in paragraph (a), replace “prescribed by WorkSafe under regulation 34(a)(i)” with “prescribed in accordance with regulation 34”; and
- (b) in paragraph (b), replace “prescribed by WorkSafe under regulation 34(a)(ii)” with “prescribed in accordance with regulation 34”.

**Part 3****Amendments that come into force on 18 July 2024****208 Regulation 3 amended (Interpretation)**

In regulation 3(1), replace the definition of **A-grade quarrying operation** with:

**A-grade quarrying operation** means a quarrying operation at which the quarry manager is required by regulation 21 to hold a certificate of competence as an A-grade quarry manager

**209 Regulation 21 replaced (Certificate of competence of manager of quarrying operation)**

Replace regulation 21 with:

**21 Certificate of competence of manager of quarrying operation**

- (1) A manager appointed to a quarrying operation must hold a certificate of competence as an A-grade quarry manager.
- (2) Despite subclause (1), a manager appointed to a quarrying operation in which no more than 4 quarry workers ordinarily work at any one time may hold—
  - (a) a certificate of competence as a B-grade quarry manager; or
  - (b) if no explosives are used in the quarrying operation, a certificate of competence as a manager to manage that quarry (with the certificate specifying the quarry).

- (3) If additional or alternative requirements are prescribed in accordance with regulation 34(5) for a certificate of competence under this regulation, the manager must hold a current certificate of competence for which those additional or alternative requirements have been met.
- (4) In subclause (2), **quarry worker**—
- (a) means a worker at a quarrying operation who is involved with—
- (i) extracting any material, other than coal or any mineral, from the earth; or
- (ii) processing any material, other than coal or any mineral, at the place where the material is extracted; but
- (b) excludes—
- (i) the quarry manager appointed under regulation 14; and
- (ii) any worker at the quarrying operation who is not involved in extracting or processing any material from the earth (for example, an office worker).

## Part 4

### Amendments that come into force on 18 July 2025

#### 210 Regulation 8 amended (Competency requirements for appointment as site senior executive)

Replace regulation 8(2)(b)(ii) and (iii) with:

- (ii) if at least 3 but not more than 10 mine workers ordinarily work underground at the underground metalliferous mining operation at any one time, an A-grade metalliferous mine manager; or
- (iii) if fewer than 3 mine workers ordinarily work underground at the underground metalliferous mining operation at any one time, an A-grade metalliferous mine manager or a B-grade metalliferous mine manager:

#### 211 Regulation 17 amended (Certificate of competence of manager of metalliferous mining operation)

- (1) In regulation 17(2), delete “an A-grade tunnel manager or”.
- (2) Replace regulation 17(3)(a) and (b) with:
- (a) a certificate of competence as an A-grade metalliferous mine manager; or
- (b) a certificate of competence as a B-grade metalliferous mine manager.

#### 212 Regulation 31 amended (Supervisor)

Replace regulation 31(2) with:

- (2) The responsible person and the person appointed as a supervisor of an underground metalliferous mining operation must ensure that the person holds a certificate of competence as a B-grade metalliferous mine manager, an A-grade metalliferous mine manager, or a first-class mine manager.

## Schedule 1

### New Part 2 inserted into Schedule 1

r 123

#### Part 2

### Provisions relating to Health and Safety at Work (Mining Operations and Quarrying Operations) Amendment Regulations 2022

#### 15 Interpretation

In this Part, unless the context otherwise requires,—

**2022 amending regulations** means the Health and Safety at Work (Mining Operations and Quarrying Operations) Amendment Regulations 2022

**commencement date**,—

- (a) in this clause and clauses 16 to 21, means 18 July 2023; and
- (b) in clause 22, means 18 July 2022.

#### *Certificates of competence*

#### 16 Existing certificates of competence

- (1) This clause applies to a person who, immediately before the commencement date, held a current certificate of competence (excluding a certificate of competence as a quarry manager continued under clause 7(5)).
- (2) On and after the commencement date, the person's certificate of competence,—
  - (a) if the certificate is renewed before it expires, expires on the date specified in the renewal; or
  - (b) expires on the expiry date specified on the certificate.
- (3) If a safe work instrument specifies any additional or alternative competency requirements that would otherwise apply to the certificate of competence held by a person described in subclause (1), the person is not required to comply with the additional or alternative competency requirements.
- (4) A person described in subclause (1) who wishes to renew the certificate of competence must apply to renew the certificate under regulation 44, and subclause (3) does not apply to that person.

#### 17 Applications for certificate of competence or renewal

- (1) This clause applies if a person, immediately before the commencement date,—
  - (a) had applied for a certificate of competence under regulation 36 or a renewal of a certificate of competence under regulation 44; but

- (b) the Board had not, on the commencement date, decided whether to issue or renew (as applicable) the certificate.
- (2) The Board must decide whether to issue or renew the certificate in accordance with these regulations as in force immediately before the commencement date.

*Preliminary steps for safety systems and plans: quarries and alluvial mines*

**18 Development of health and safety management systems**

- (1) This clause applies to a quarrying operation or an alluvial mining operation for which a health and safety management system is being developed in order to be in place by the commencement date for the purposes of regulation 52.
- (2) Regulations 54, 55, 60, and 61(1)(d) are taken to be complied with if action of the kind described in those provisions is taken before the commencement date for the purpose of facilitating the development of the health and safety management system by that date.

**19 Development of principal hazard management plans**

- (1) This clause applies to an A-grade quarrying operation or an A-grade alluvial mining operation for which a principal hazard management plan is being developed in order to be in place by the commencement date for the purposes of regulation 66(1)(b).
- (2) Regulations 66(1)(a) and 80(2) are taken to be complied with if action of the kind described in those provisions is taken before the commencement date for the purpose of facilitating the development of the relevant principal hazard management plan by that date.

**20 Development of principal control plan for emergency management**

- (1) This clause applies to an A-grade quarrying operation or an A-grade alluvial mining operation for which a principal control plan for emergency management is being developed in order to be in place by the commencement date for the purposes of regulation 92.
- (2) Regulation 104 is taken to be complied with if action of the kind described in that provision is taken before the commencement date for the purpose of facilitating the development of the principal control plan for emergency management by that date.

*Investigation of notifiable incidents: quarries and alluvial mines*

**21 Notifiable incidents to be investigated**

- (1) This clause applies to the investigation of notifiable incidents that occur at quarries and alluvial mines.
- (2) Regulation 228 as amended by the 2022 amending regulations applies only to notifiable incidents that occur on or after the commencement date.

*Quarterly reports: quarries and alluvial mines***22 First quarterly report for quarry or alluvial mine**

- (1) This clause applies to the first quarterly report for a quarrying operation or an alluvial mining operation under regulation 230 as amended by the 2022 amending regulations.
- (2) The relevant operator must give WorkSafe the first quarterly report for the operation in relation to the first quarter that begins after the commencement date.

**Example**

If the commencement date is a date in January, February, or March, the first quarterly report is for the quarter that begins on 1 April.

## Schedule 2

### Schedule 8 replaced

r 127

### Schedule 8

#### Information to be given to WorkSafe in quarterly report

r 230

#### 1 Description of operation

The following descriptive details for the mining operation, quarrying operation, or alluvial mining operation:

- (a) the names of the relevant operator and,—
  - (i) in relation to a mining operation, the site senior executive and the mine manager; or
  - (ii) in relation to a quarrying operation, the quarry manager; or
  - (iii) in relation to an alluvial mining operation, the alluvial mine manager; and
- (b) the location of the operation; and
- (c) the business contact details of the relevant operator and,—
  - (i) in relation to a mining operation, the site senior executive and the mine manager; or
  - (ii) in relation to a quarrying operation, the quarry manager; or
  - (iii) in relation to an alluvial mining operation, the alluvial mine manager; and
- (d) the nature of the operation, including whether it is a mining operation, an opencast or underground operation, a quarrying operation, an alluvial mining operation, or a tunnelling operation.

#### 2 Material extracted

The kind of material extracted at the mining operation, quarrying operation, or alluvial mining operation during the reporting period.

#### 3 Number of workers

The average number of mine workers, quarry workers, or alluvial mine workers (as applicable) at the operation each day during the reporting period.

#### 4 Number of hours worked

The total number of hours worked at the operation by all workers during the reporting period, including any additional shift and overtime hours.

**5 Number of notifiable events**

The total number of notifiable events (as defined in sections 23, 24, and 25 of the Act and Schedule 5 of these regulations) required to be notified under section 56 of the Act that occurred during the reporting period.

**6 Number of lost-time injuries**

The total number of events referred to in clause 5 that resulted in an injury or illness that caused the affected worker to be unable to work for 1 day or more (not including the day of the event) during the reporting period (whether the worker was rostered on that day or not).

**7 Number of days lost from work**

- (1) The total number of days (not including the day of the event) lost from work by workers as a result of events referred to in clause 5 during the reporting period.
- (2) The total number of days provided under subclause (1) should include any lost days in the reporting period as a result of an event that occurred in a previous reporting period or the current reporting period.

**8 Number of alternative duties injuries**

The total number of events referred to in clause 5 that resulted in an injury or illness that caused the affected worker to be on alternative duties during the reporting period.

**9 Number of alternative duty days**

- (1) The total number of days (not including the day of the event) on which a worker worked on alternative duties during the reporting period as a result of an event referred to in clause 5.
- (2) The total number of days provided under subclause (1) should include any days on which a worker worked on alternative duties in the reporting period as a result of an event that occurred in a previous reporting period or the current reporting period.

**10 Number of injuries requiring medical treatment**

- (1) The total number of work-related injuries of workers that—
  - (a) occurred while the worker was working at the operation; and
  - (b) required medical treatment during the reporting period but did not require a day lost from work or alternative duties (other than the day of the event).
- (2) In subclause (1), **medical treatment** means the management or care of a patient, but does not include—
  - (a) diagnostic procedures; or
  - (b) observation; or

- (c) counselling; or
- (d) first aid; or
- (e) therapeutic measures taken solely for preventive purposes.

**11 Number of fatalities**

The total number of fatalities that occurred during the reporting period as a result of an event referred to in clause 5.

**12 Reporting figures to specify employees separately**

Each number required by clauses 3 to 11 to be reported must be supplied in a form showing the total number separated in respect of the following 2 categories:

- (a) workers employed by the relevant operator; and
- (b) workers other than employees of the relevant operator.

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 amend the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016 (the **principal regulations**). They come into force as follows:

- Part 1 comes into force on 18 July 2022:
- Part 2 comes into force on 18 July 2023:
- Part 3 comes into force on 18 July 2024:
- Part 4 comes into force on 18 July 2025.

The amendments include the following:

- extending several obligations, which previously only applied to mining operations, to also apply to quarries and alluvial mines:
- aligning the penalties and offences for the new obligations on quarries and alluvial mines with those that apply to mining operations:
- providing that a lower-level certificate of competence is required if there are no more than 4 workers in an operation (although with different requirements when explosives are used):
- allowing for differentiated certificates of competence:

- replacing the power for WorkSafe to prescribe requirements for certificates of competence by notice in the *Gazette* with the requirements being prescribed by a safe work instrument approved by the Minister under section 227 of the Act:
- clarifying the roles of managers and supervisors in a mine, a quarry, or an alluvial mine:
- introducing the role of gas monitor, to monitor the presence of methane when a mining operation is exploring for coal:
- improving the requirements for reporting to WorkSafe.

The regulations also make the following technical amendments, which are designed to ensure that the regulations work proportionately for different types of mining and quarrying operations:

- restricting the obligation to have a mechanical engineering control plan and an electrical engineering control plan so that the obligation only applies to underground mines and tunnelling operations, rather than to all mining operations:
- clarifying the obligations that apply when a mining operation is suspended, and what suspension means:
- allowing certificates of competence to be renewed for periods of less than 5 years, to enable holders of multiple certificates to align the expiry dates of their certificates for greater administrative ease:
- clarifying the requirements for escapeways in underground coal mines and underground metalliferous mines:
- changing the requirements for reports on inundation and inrush (as defined in regulation 72 of the principal regulations) to be peer reviewed:
- clarifying definitions, for example, amending the definition of principal hazard to ensure that it covers an incident that could result in mass exposure to potentially fatal health risks:
- clarifying the requirements for worker participation in developing health and safety management systems:
- clarifying the details for preparing mine plans:
- clarifying that baseline health monitoring is only required for ongoing workers (not for periodic contractors):
- clarifying the requirements for tourist mines by setting lower managerial requirements, proportionate to the lower level of risk:
- adding obligations for managing safety at a high-risk working face (as defined by *new regulation 118B(2)*) at smaller quarries:
- making minor drafting changes (for example, updating cross-references to new legislation and aligning wording for consistency within the principal regulations).

2022/176

**Health and Safety at Work (Mining Operations and  
Quarrying Operations) Amendment Regulations 2022**

---

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 9 June 2022.

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

---

Wellington, New Zealand:

Published under the authority of the New Zealand Government—2022