

May 2022

HEALTH AND SAFETY IN MINES AND QUARRIES

Regulatory changes

The extractives industry is important for Aotearoa. It currently provides employment for around 6,000 workers in 1,800 active operations that includes mines, tunnels and quarries.

Background

The Regulations were reformed under urgency in 2013 to implement the recommendations of the Royal Commission on the Pike River Coal Mine Tragedy by:

1. retaining competency requirements for quarry managers, but excluding quarries from the Regulations' risk management framework on the basis that they were generally lower risk
2. setting roles, processes and controls to manage mine safety, mainly through 'principal' hazard management plans (PHMP) of multiple fatality risks.

Consultation process

An implementation review of the Regulations was promised in 2013, acknowledging the scale and urgency of regulatory reform. The Ministry of Business, Innovation and Employment (MBIE) completed that review in early 2019. The review considered whether quarries needed further hazard management requirements in the Regulations, and whether the Regulations were working effectively.

The review followed a robust process that involved detailed targeted consultation, feedback from expert advisory groups, and working closely with WorkSafe New Zealand (WorkSafe) on the issues, analysis and workable proposals.

The review found that:

1. there was a case for further hazard management for quarries in the Regulations, particularly in light of a series of quarry fatalities in 2017
2. the Regulations were operating in a disproportionate way, imposing processes and costs on lower risk (especially surface) mining operations that were not intended in 2013.

The key changes are differentiated risk management for quarry operations and technical changes so regulations are proportionate for all mining operations. These Regulations will affect mining and quarrying operations of all sizes across Aotearoa resulting in better health and safety standards for industry.

Key changes

1. Quarry operators will now require a documented system to manage health and safety on site.
2. The principal hazard definition has been clarified. Large quarry operations that have principal hazards will require PHMPs.
3. There are two new terms to be aware of – **A-grade quarry operation** and **A-grade alluvial operation**. This is to reflect the differentiated risk management for quarry and alluvial operations determined by the number of workers.

4. There will be a need for a new role – an Alluvial Mine Manager COC, this role is currently part of the Quarry Manager COC and a new term A-grade Alluvial operation.
5. There is a new requirement for quarries to notify incidents under MOQO Regulations Schedule 5 and report quarterly to WorkSafe under Schedule 8.

These changes are to enable the extractives industry to continue achieving its important work in a safe and healthy way. Requiring business leaders to deliver better places of work. Retaining and attracting good people to industry and ensuring we all go home safe.

Phased approach

In July 2022 the first changes to the MOQO Regulations will be implemented.

From **July 2022** there are new notification requirements and reports to be sent to WorkSafe. Supervision, site inspections, emergency management, worker health monitoring and authorisation of plant are also required.

In **July 2023** quarry operations need to have implemented a documented HSMS and if required PHMPs. This provides operations with time to understand the changes, review their current systems and implement improvements. Alluvial Certificate of Competences become available.

In **July 2024** the changes to the required certificate of competence for A- and B-grade quarry operations will be implemented. This will require that A-grade managers have been appointed for Quarries that meet the 'A-grade quarry operation' definition.

Where to go for more information and support

WorkSafe have provided further guidance and resources to assist with implementation of these changes. These can be found here: worksafe.govt.nz/moqoregchanges

Workshops will also be delivered by the HHU Extractives team providing more detailed information.

Industry representatives from the New Zealand Tunnelling Society, Minerals West Coast, Stratterra, MinEx, Institute of Quarrying (IOQ) and Aggregates and Quarrying Association (AQA) are also available to assist.