

FREQUENTLY ASKED QUESTIONS ON EXPIRY DATES OF CERTIFICATE OF COMPETENCE FOR QUARRIES

CASE 1: A quarry where the manager has no CoC and has never held a CoC.

CASE 2: A quarry where the manager's CoC expires mid-way through 2015.

CASE 3: A quarry where the manager's CoC has no expiry date or expires after 1 January 2016.

If you fall under either of the following three categories please consider the options below:

CASE 1

The WorkSafe position statement on 'Improvement Notices' posted on the website refers to anyone who is currently managing a quarry who has never held a CoC. We were advised that there could be many small quarrying operations where managers never obtained a 'B' Grade CoC. The regulator previously possibly never challenged this situation. We will.

However, if the site is otherwise safe, we will not shut them down but give the quarry manager a year in which to get the 'B' Grade they require, provided they tell us about it. That will be controlled by an Improvement Notice. WorkSafe's position is:

The HHU Extractives transitional approach

HHU Extractives will work with the sector to advise and support quarry operators to ensure each quarry has a manager with the required certificate of competence.

If a quarry manager does not have the required certificate of competence, an HHU Extractives inspector will consider issuing an improvement notice under Health and Safety in Employment Act 1992 for a period of up to one year to enable the quarry manager to gain the certificate of competence. If this improvement notice is issued it will state that the quarry may continue to operate while the quarry manager gains the relevant certificate of competence.

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

This approach only applies as follows:

- > The improvement notice is issued in order to allow a quarry manager time to gain the required certificate of competence. If a visiting HHU Extractives inspector

identifies other unsafe features at the quarrying operation, appropriate enforcement action will be taken

- > From 1 July 2015 HHU Extractives will expect operators either to have a manager with the necessary certificate of competence or to be operating under an improvement notice as outlined above. If neither is in place appropriate enforcement action will be taken
- > If a quarry is operating under an improvement notice, HHU Extractives expects the quarry to be committed to a robust process actively supporting the manager to achieve the necessary certificate of competence within the period set out in the notice.

CASE 2

For quarry managers who currently **hold a CoC** that expires (for example) mid-way through 2015, the Mining regulations 2013 - *Schedule 1, part 11* apply.

According to the regulations, in the transition year the expiry date will be 1 January 2016 regardless. For example, if someone has a CoC that expires on 1 July 2015, the regulations state that in fact it does not expire until 1 January 2016.

CASE 3

A quarry manager whose CoC expires after 1 January 2016 or has no expiry date: According to the regulations their certificate would expire on 1 January 2016.

Conclusion

Case 2 and 3 are essentially the same: the CoC expires on 1 January 2016. Like everyone else they would be required to enter into a process of upgrading their existing CoC with additional unit standards.

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