

Public consultation

***MINING AND QUARRYING
COMPETENCY REQUIREMENTS FOR
CERTIFICATES OF COMPETENCE
SAFE WORK INSTRUMENT***

April 2023



Te Kāwanatanga o Aotearoa
New Zealand Government

WORKSAFE
Mahi Haumarū Aotearoa

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Public consultation

WorkSafe New Zealand is consulting on a proposed safe work instrument (SWI), the Health and Safety at Work (Mining Operations and Quarrying Operations – Prescribed Competency Requirements for Certificates of Competence) Safe Work Instrument 2023, which outlines requirements for certificates of competence (CoC) in the extractives industry.

Your submissions will help WorkSafe determine whether the proposed SWI sets appropriate requirements for these CoCs.

How to have your say

You can find the SWI, a response form, and information on providing a submission here: worksafe.govt.nz

Submissions can be made by email to: regulatory.frameworks@worksafe.govt.nz

The deadline for receiving submissions is **Thursday 27 April 2023**.

Your submission may be made public

The Official Information Act 1982 (OIA) allows New Zealand citizens and permanent residents, or anyone in New Zealand, to request official information from the government – including copies of submissions.

WorkSafe will let you know if we receive an OIA request for a copy of your submission. The content of your submission may be made available to the public; however, you can indicate on the response form whether you would prefer your details to be kept confidential.

WorkSafe will manage any personal information you supply in accordance with the Privacy Act 2020.

Next steps

Once consultation has closed, WorkSafe will analyse all submissions, and, as appropriate, use the feedback to inform the final design of the proposed SWI.

We will then present the SWI to the Minister for Workplace Relations and Safety for consideration and approval.

If the SWI is approved, we will:

- notify the SWI in the New Zealand Gazette
- publish the SWI on WorkSafe's website: worksafe.govt.nz
- publish a summary of submissions.

Our contact details

If you have any questions about this consultation, please contact:
regulatory.frameworks@worksafe.govt.nz

Safe work instruments

A SWI is a form of legislation that supplements regulations. SWIs allow for greater flexibility and more timely updates to the regulatory framework, reflecting changes in technology, standards, and health and safety practices.

The WorkSafe New Zealand Act 2013 gives WorkSafe the function of developing SWIs. Section 227 of the Health and Safety at Work Act 2015 (HSWA) allows SWIs to define terms, prescribe matters, or make other provision in relation to any activity or thing, including (without limitation) listing standards, control of substances, and competency requirements. SWIs have legal effect only if they are referred to in regulations.

A SWI must be approved by the Minister for Workplace Relations and Safety. To approve a SWI, the Minister must be satisfied that the appropriate persons and organisations have been consulted.

There is more information about SWIs on our website [Safe work instruments](#)

Why this SWI is needed

The Health and Safety at Work (Mining Operations and Quarrying Operations) Amendment Regulations 2022 (the Regulations) replace references to requirements set by a notice in the New Zealand Gazette with a reference to requirements in a SWI under [Health and Safety at Work Act 2015](#) (HSWA). Setting requirements in a SWI will improve the accessibility of CoC requirements because the requirements will be published on the WorkSafe website.

It will also mean that future updates to the requirements can be made by amending the SWI, rather than issuing a new Gazette notice. This will make it easier for CoC holders and applicants to keep up to date with the most recent version of the requirements that apply for each CoC.

What does this SWI do?

It maintains most of the CoC requirements from the Gazette notice

The proposed CoC sets requirements for 22 CoCs. Most CoC requirements in this SWI have been 'lifted and shifted' from the previous Gazette notices. This means most requirements in the SWI are the same as the current requirements.

The wording of the requirements may be slightly different because as secondary legislation, SWIs must follow specific drafting rules. There have been minor changes to the wording of some requirements for clarity.

It establishes five new CoCs

The SWI creates five new CoCs which were not in previous Gazette notices:

- A-grade alluvial mine manager
- B-grade alluvial mine manager
- A-grade metalliferous mine manager
- B-grade metalliferous mine manager
- gas monitor.

It sets additional requirements for some CoC holders in certain operations

We are proposing additional requirements for work in operations using explosives, for work underground, or operations involving coal extraction. There is more information on additional requirements and the CoCs they apply to below.

It changes the requirements in some SWIs

Some existing CoCs have new or different requirements:

CERTIFICATE OF COMPETENCE	CLAUSE OF SWI	CHANGES FROM GAZETTE NOTICES
Site senior executive	7	No changes
First-class mine manager	8	New unit standards
First-class coal mine manager	9	New unit standards
A-grade opencast coal mine manager	10	Additional requirements for work in operations that use explosives added to CoC (clause 29) New unit standards
B-grade opencast coal mine manager	11	Additional requirements for work in operations that use explosives added to CoC (clause 29) New unit standards
A-grade metalliferous mine manager	12	This CoC is new
B-grade metalliferous mine manager	13	This CoC is new
A-grade quarry manager	14	Additional requirements for work in operations that use explosives added to CoC (clause 29) New unit standards
B-grade quarry manager	15	Additional requirements for work in operations that use explosives added to CoC (clause 29) New unit standards
Manager of specified quarrying operation	16	New unit standards
A-grade alluvial mine manager	17	Additional requirements for work in operations that use explosives added to CoC (clause 29) This CoC is new
B-grade alluvial mine manager	18	Additional requirements for work in operations that use explosives added to CoC (clause 29) This CoC is new
A-grade tunnel manager	19	Additional requirements for work in operations that use explosives added to CoC (clause 29) New unit standards
B-grade tunnel manager	20	Additional requirements for work in operations that use explosives added to CoC (clause 29) New unit standards
Coal mine underviewer	21	New unit standards
Coal mine deputy	22	New unit standards
Gas monitor	23	This CoC is new
Electrical superintendent	24	New unit standards
Mechanical superintendent	25	New unit standards
Mine surveyor	26	Additional requirements for underground work in operations added to CoC (clause 30) New unit standards

CERTIFICATE OF COMPETENCE	CLAUSE OF SWI	CHANGES FROM GAZETTE NOTICES
Ventilation officer	27	Additional requirements for work in coal extraction operations added to CoC (clause 31) New unit standards
Winding engine driver	28	New unit standards
Lifetime quarry manager	32	Additional requirements for work in operations that use explosives added to CoC (clause 32)

TABLE 1: New requirements

It introduces new unit standards

The SWI introduces new unit standards for almost all previously existing CoCs. The CoCs with new unit standards are shown in the table below. Other than these changes, the unit standards required for each CoC are the same as those that were required by the Gazette notices:

CERTIFICATE OF COMPETENCE	UNIT STANDARD	UNIT STANDARD	UNIT STANDARD	UNIT STANDARD
	17696 Describe and apply basic skills and knowledge required to work at a surface extraction site	19522 Undertake job safety analysis	23648 Demonstrate knowledge of and follow safe working practices at an extractive site	28982 Develop standard operating procedures for an extractive site
Site senior executive				
First-class mine manager			●	●
First-class coal mine manager		●	●	●
A-grade opencast coal mine manager		●	●	●
B-grade opencast coal mine manager		●	●	
A-grade quarry manager			●	●
B-grade quarry manager		●	●	
Manager of specified quarrying operation		●	●	
A-grade tunnel manager			●	●
B-grade tunnel manager		●	●	
Coal mine underviewer		●	●	
Coal mine deputy		●	●	
Electrical superintendent		●	●	●
Mechanical superintendent		●	●	●
Mine surveyor	●			
Ventilation officer			●	
Winding engine driver		●		

TABLE 2: New certificates of competence

Additional requirements

Once the SWI is in effect, if a person intending to work in operations using explosives, underground, or in operations involving coal extraction applies for a new CoC or renews an existing CoC, they must have met any additional requirements applying to work in that type of operation.

Gazette notices did not previously set additional requirements. Additional requirements are a necessary addition to certain CoCs to ensure the competence of CoC holders who carry out higher risk types of work.

Some CoCs allow holders to carry out work using explosives, underground or in operations involving coal extraction without meeting additional requirements. Those CoCs already require training and experience relevant to those types of work. We have added additional requirements to those CoCs for which competence in a type of high-risk work is not necessary for the base CoC, but essential if the holder uses the base CoC to carry out specific high-risk work.

Additional competency requirements for specified mining, quarrying and alluvial mining operations

Additional requirements generally involve completing additional unit standards, except in the case of the additional requirements for a ventilation officer who intends to work in a coal extraction operation, which requires the applicant to have 12 months' experience in an underground coal mine.

The table below details which CoCs have additional requirements and which clause in the SWI lists the additional unit standards:

CERTIFICATE OF COMPETENCE	ADDITIONAL REQUIREMENTS	ADDITIONAL UNIT STANDARDS LISTED IN CLAUSE
A-grade opencast coal mine manager	Additional requirements for work in operations using explosives	29
B-grade opencast coal mine manager	Additional requirements for work in operations using explosives	29
A-grade quarry manager	Additional requirements for work in operations using explosives	29
B-grade quarry manager	Additional requirements for work in operations using explosives	29
A-grade alluvial mine manager	Additional requirements for work in operations using explosives	29
B-grade alluvial mine manager	Additional requirements for work in operations using explosives	29
A-grade tunnel manager	Additional requirements for work in operations using explosives	29
B-grade tunnel manager	Additional requirements for work in operations using explosives	29
Mine surveyor	Additional requirements for work underground	30
Ventilation officer	Additional requirements for work in operations involving coal extraction	31
Lifetime quarry manager	Additional requirements for work in operations using explosives	32

TABLE 3: Additional requirements

Competency requirements for certificates of competence

The SWI sets out competency requirements for each type of CoC, including experience requirements. A summary of the requirements is set out below. Unless indicated, these requirements are the same as those that applied under the previous Gazette notices:

- every CoC requires the applicant to pass a list of unit standards outlined in a separate schedule for each CoC
- every CoC, besides the site senior executive CoC, requires a first aid certificate
- every CoC requires an examination before a panel of examiners, which will consider whether:
 - the applicant has necessary knowledge and application of good mining practice in the subject areas covered by the particular CoC
 - the applicant can communicate effectively to individuals or groups about relevant health and safety issues at an extractive site
- the experience requirements state that certain experience must be 'acceptable to the Board'. The Mining Board of Examiners (the Board) may query the nature of the experience to determine whether it meets the requirements.
- previously the Gazette notice required experience in 'more than one' (in other words, two or more) types of work. Now, the SWI requires three or more types of work. This is to ensure that applicants' experience is more varied and reflects the types of work CoC holders will do
- all reference to 'shift work' has been changed to 'back-bye work'. In the Gazette notices these terms were used interchangeably. For clarity, the SWI now only uses 'back-bye work'
- the SWI does not refer to CoCs granted under former regulations. This is because the Board does not retain information from former regulations, and because new applicants should be able to apply for a CoC based on the strength of their current experience

Holders of any of the following manager CoCs can have their CoC considered when they apply for another manager CoC listed below, and will not have to meet the usual work experience requirements for that CoC (see clauses 10, 11, 14, 15, 17, 18 of the SWI):

- A-grade opencast coal mine manager
- B-grade opencast coal mine manager
- A-grade alluvial mine manager
- B-grade alluvial mine manager
- A-grade quarry mine manager
- B-grade quarry mine manager.

New CoCs

A-grade metalliferous mine manager

Managers of metalliferous mines previously required a tunnel manager CoC. A- and B-grade metalliferous mine manager CoCs are being introduced to reflect recent changes to the Regulations that differentiate the experience and knowledge required in tunnel management and metalliferous mine management.

B-grade metalliferous mine manager

Management of metalliferous mines previously required a tunnel manager CoC. A- and B-grade metalliferous mine manager CoCs are being introduced to reflect recent changes to the Regulations that differentiate the experience and knowledge required in tunnel management and metalliferous mine management.

A-grade alluvial mine manager

Management of alluvial mines previously required a quarry manager CoC.

A- and B-grade alluvial mine manager CoCs are being introduced to reflect recent changes to the Regulations that were made to acknowledge that the management of many alluvial mining operations does not require the same level of knowledge and experience as quarry operations.

B-grade alluvial mine manager

Management of alluvial mines previously required a quarry manager CoC.

A- and B-grade alluvial mine manager CoCs are being introduced to reflect recent changes to the Regulations that were made to acknowledge that the management of many alluvial mining operations do not require the same level of knowledge and experience as quarry operations.

Gas monitor

The gas monitor CoC introduces a CoC for a more specialised safety critical role focused on monitoring flammable gases in active surface coal exploration sites.

The new CoC indicates competence in monitoring gas, allowing any person with this CoC to carry out this work. Previously a site senior executive would need to be present when gas monitoring took place.

CoCs with significant changes

Ventilation officer

A change to the ventilation officer CoC from the Gazette notice relates to the new additional requirements for coal extraction. In addition to the extra unit standards that are needed to meet additional requirements, any applicant who intends to use their ventilation officer CoC in a coal mine will need at least 12 months' experience in the workings of an underground coal mine. This is to ensure that the applicant has an in-depth understanding of the workings and risks of an underground coal mine.

Continuing professional development (CPD) requirements

CPD requirements have mostly been lifted and shifted unchanged into the SWI from the Gazette notices. The main change is additional competency requirements for lifetime quarry managers.

Additional competency requirements for holders of lifetime quarry manager CoCs

CPD requirements for lifetime quarry managers were previously set in the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016 rather than in Gazette notices. Lifetime quarry manager CoC holders must now meet the additional competency requirements in this SWI, as there are no longer requirements for CoC holders in the Regulations.

A lifetime quarry manager CoC holder must complete the CPD hours that their equivalent quarry manager CoC would have to complete, within a five-year period. The equivalent quarry manager CoC will either be A-grade or B-grade, depending on the lifetime quarry manager CoC that was issued.

The first five-year period for CPD for lifetime quarry managers commenced on 1 January 2023. A person who holds a lifetime quarry manager CoC must comply with the CPD requirements, regardless of whether they have worked in the industry during any five-year period.

2024 Amendment SWI – new unit standards

Several unit standards will be added into certain CoC requirements by an amendment to the SWI in 2024 and will not be required for CoCs issued before the amendments.

You will have the opportunity to provide feedback on the new unit standards when we consult on the amendments in 2024.

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worksafe.govt.nz



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