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MinEx newsletter March 2016

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THE NATIONAL HEALTH & SAFETY COUNCIL FOR THE  
NEW ZEALAND MINING AND QUARRY SECTOR

## March 2016

- [Every person, Every Workplace from April 2016](#)
- [New H&S Act demands our support](#)
- [CPD doesn't mean Classroom Persistent Demands](#)
- [MinEx update:](#)
- [Conviction appropriate for quarry death](#)
- [The hunt for unregistered quarries](#)

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## Every person, Every Workplace from April 2016

From Monday April 4, the central core of a new legislated approach to health and safety takes effect.

As a mine or quarry operator, worker, director and even visitor, the new Health and Safety at Work Act 2015 makes major requirements of you.

The Health and Safety at Work Act 2015 (HSWA) is the overarching legislation. It requires an employer to take all reasonably practicable steps to ensure the safety of employees and others while at work.

[Click here for an overview of the new legislation and the regulations that underpin it. Including your responsibilities as a PCBU\\*, Officer, Director, CEO or GM of a PCBU, and workers responsibilities under the act](#)

*\* Person Conducting a Business or Undertaking*

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## New H&S Act demands our support



Five years ago, 29 men died at Pike River. That's why the Health and Safety at Work Act takes effect next month.

The extractive industry has actually made great strides towards meeting the objectives of this new Act. We are well ahead of some other industries. Yet there are still persistent, grumbling voices about over-regulation, the cost of compliance and the death of common-sense.

Some of those voices come from the quarrying/alluvial sector where five men died last year.

Of course there are legitimate concerns about some of the training, requirements and obligations which the H&S legislation demands of every workplace (not just quarries) from April 4.

It's acknowledged that some of the training is demanding – especially if you've done very little for 20 or 30 years. However, there are around 2,000 CoCs and about half are B-grade quarry or B-grade coal. They need to complete one risk management unit which should take two days and cost less than \$1,000.

The argument that people don't have time to train fails to acknowledge that any serious accident or a fatality will have immeasurably greater costs and consequences. Last year a man died at Gordon's Valley lime quarry near Waimate; recently the owners have been convicted over his death; the quarry will never open again under their ownership.

Inevitably there are inconsistencies to be worked out as we bed in a whole new approach to health and safety management. This is not a trivial exercise, and it's challenging for all involved, especially those typically smaller operators who've done things their own way for decades with little, if any, regulatory oversight. The truth is that ensuring people are working safely isn't just a matter of common sense. That did not protect those five men in the extractive sector killed on the job last year. Our grim tally was two more than died last year in the forestry sector - down from 10 deaths two years earlier.

Did common sense prevail? No, it took a strong and determined approach involving the forestry sector, unions and government. FISC, the forestry equivalent of MinEx has set the same target for the only acceptable number of fatalities and serious injuries: zero.

Safe operations require safe work practices, fit for purpose equipment and competent people operating in a controlled environment. These factors will only come with a systematic approach to keeping workers healthy and safe.

It took the loss of 29 men at Pike River for the Government, and industry, to acknowledge the previous 'hands off' approach could not be allowed to continue. We know safety

performance in New Zealand must improve - many other jurisdictions, including Australia, are better than us.

Let's all work through the demands, identify and address the problems and inconsistencies where they occur, and ensure the new Health and Safety at Work Act delivers on that objective.

*Chris Baker, MinEx chair*

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## CPD doesn't mean Classroom Persistent Demands

There's a lot of confusion about the requirement under the new H&S legislation for Continuing Professional Development once you've finished updating your Certificate of Competence.

That emerges even with a new set of Guidelines from WorkSafe which spell out what CPD is required as from the start of this year.

Yes, you do need to do a minimum of 24 hours per year CPD as an A Grade CoC and 12 hours per year as a B Grade; CPD does not, however, insist that you to return to a classroom for 1.5 or 3 days a year. Two thirds of the hours needs to be 'formal' training but there are a number of ways which you can accumulate CPD hours across two requirements.

- Competency requirements – subjects you complete in CPD need to ensure you have a range of skills and knowledge rather than gaining all your CPD in a few narrow areas; and,
- Learning which can be formal and informal so that skills and knowledge are not just maintained but new skills and knowledge are learnt.

The competency requirements are split into 4 areas: operating and safety systems, legislation, emergency management and leadership. You must split your CPD across all of these subjects rather than just concentrating on one area. The guidelines give you a much more detailed list of the types of learning you could undertake under each major heading.

You can gain CPD credits via both formal and informal learning and again the guidelines give details of what this means. Formal learning, for example, is attending the QuarryNZ conference or the AusIMM conference for New Zealand. There are a range of presentations at such conferences that qualify as CPD. Attending one of MinEx's forums, run in conjunction with WorkSafe, also qualifies for CPD hours. We are holding our first this year in New Plymouth, then Palmerston North and Napier. (Dates/venues on line soon at [www.minex.org.nz](http://www.minex.org.nz) )

The IOQNZ also regularly runs training sessions that meet CPD requirements in smaller blocks. The next are one-day courses on Environmental Management for Quarries being held in Matamata on April 4/5 and then in Christchurch on April 7/8. See <http://ioqnz.co.nz/2016/03/webinars-and-cpd-programmes/>

Informal learning could be reading publications, attending field trips, delivering in-house training (that is not formal training) like a new employee induction, equipment and manufacturer's training, workplace mentoring and many other examples.

You will need to note down such learning and include it in summary to be sent monthly to Gina Matenga at WorkSafe - [gina.matenga@worksafe.govt.nz](mailto:gina.matenga@worksafe.govt.nz)

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## MinEx update:

### **Industry Safety Performance**

The September 2015 quarter safety statistics are available on the [MinEx website here](#). The December 2015 statistics will be available shortly - the delay due to ironing out bugs in the new web-based system.

### **Small mines templates**

Work continues towards the targeted completion for review in April, with release in May 2016.

### **Oral examinations**

We understand the Board of Examiners intends to produce formal feed-back on the recent oral examination process - we will forward as soon as received.

### **Training for new competencies**

MITO advises that 940 people have completed the human factors and 1900 have completed the risk management unit standards. We think upwards of 500 are yet to complete all of the extra competency requirements which now need to be completed by 1 January 2017. Given the relatively small numbers, extra competency training is likely to be offered only in the main centres.

### **Training leadership group**

The group will meet in late March and continue its work towards implementing the September 2015 Training Forum outcomes and addressing a range of training related issues.

### **CPD administration**

The Board of Examiners will be holding workshops on CPD from April onwards and once the programme is finalised we will get this to you.

### **Codes & guidelines**

Industry groups are currently working with WorkSafe on a number of codes: worker health, air quality, emergency preparedness and spontaneous combustion. These codes will be coming out to industry for full consultation once they are in final draft form. The ground control draft code has been released for comment by 24 March.

### **Website**

The MinEx website is currently undergoing an upgrade to make it easier to access information.

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## **Conviction appropriate for quarry death**

MinEx takes no pleasure in seeing a company convicted for a health and safety breach but such penalties are the required consequence when someone dies or is seriously injured.

Waimate Transport has been convicted on a charge brought by WorkSafe of failing to take all practicable steps to ensure the safety of its employees over the death of Scott Baldwin at the Gordons Valley Lime Company, south of Timaru.

The 43-year-old was killed at the quarry last March after becoming entangled in rotating machinery that was not properly guarded. Baldwin was also working alone at the time. His body was discovered by a neighbour who went to investigate after hearing machinery operating later than usual.

The quarry has since been disestablished and Gordons Valley Lime struck off the companies register. Its two directors, Barry and David Sadler, are also directors of Waimate Transport. Their lawyer entered a guilty plea on the company's behalf this month after it had previously pleaded not guilty.

The company will be sentenced on 24 May.

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## The hunt for unregistered quarries



This North Canterbury quarry, the site of one of last year's fatalities, was not registered.

A media campaign by MinEx over summer focused on the need to locate unregistered quarries which may pose some of the highest health and safety risks to industry workers.

MinEx and WorkSafe have been working to identify all the smaller quarries around the country – but many still remain off the radar.

MinEx chair Chris Baker asked for the public's help to identify unregistered quarries as these present a disproportionate risk. Of the four quarry industry fatalities in 2015 two occurred at small unregistered sites. WorkSafe estimates there may be as many as 800 of these around the country.

The media campaign saw wide coverage of the issue in media including the NZ Herald, Press and other Fairfax regional papers, Otago Daily Times, Radio NZ and NewsTalkZB.

MinEx CEO Les McCracken says it appears the campaign has assisted WorkSafe's effort to document more unregistered quarries in New Zealand as part of its mapping initiative to locate all sites.

If you are aware of an unregistered quarry email [les@minex.org.nz](mailto:les@minex.org.nz)

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