

Frustrated MinEx appeals to fourth H&S Minister over latest delays

Simon Hartley - Wed, 2 Dec 2020

The extractives sector is becoming increasingly frustrated that proposed changes affecting health and safety issues in mines and quarries remain unresolved, seven years after they were first proposed.



Since the Pike River Mine tragedy which killed 29 miners a decade ago, a further nine people have lost their lives in the extractives sector.

In a Briefing to Incoming Ministers, the industry H&S body MinEx has outlined its mounting concerns and put forward six recommendations on actions which need to be implemented “without unnecessary regulatory obligations”.

“The extractives sector has become increasingly frustrated at the continual delays in this process,” the report says.

Fourth Minister for workplace safety engaged

MinEx chief executive Wayne Scott tells *Inside Resources* today that MinEx has already written to Workplace Relations and Safety Minister Michael Wood, “requesting his urgent attention to this”.

“We’ve been promised these changes by three Ministers, going back to Michael Woodhouse in 2015.

The briefing notes that in February 2018, then Minister for Workplace Relations Iain Lees-Galloway stated “changes to the Regulations would be in place by December 2018.”

“In recent times Cabinet approved changes in December 2019, and we’re still awaiting an [initial] exposure draft,” Scott says. While Cabinet approved the Health and Safety in Mines and Quarries – Proposed Regulatory Changes in December last year, to date neither MinEx nor anyone in the extractives sector has seen an exposure draft as had been promised.

“We now seem unlikely to see the drafted regulations until early 2021.”

The briefing says new regulations were initially promised in 2013 but now, seven years later and 10 years since the Pike River tragedy, these remain unresolved.

Of the six recommendations sent to ministers, Scott says the most urgent is the review of the Regulations, because it will have the biggest impact on improving H&S in the extractives sector.

MinEx says mines and quarries are high hazard workplaces, capable of causing multiple fatalities and need fit-for-purpose regulations, “not laissez-faire or ill-defined regulations”.

“MinEx is very firmly of the view that the different nature of hazards and associated risks at extractives operations warrant separate and specific regulations to ensure these hazards and risks are managed appropriately,” the briefing says.

WorkSafe Inspectorate of just eight

Quarries and mines should continue to be treated as high-hazard workplaces and be managed by WorkSafe’s specialist mining inspectors in its High Hazards Unit, due to the complex requirements for H&S at these sites.

The specialist inspectorate was established following recommendations made by the Pike River Royal Commission.

“It is impossible however, for the eight current high hazard inspectors to adequately regulate 102 mines, 5 tunnelling projects, and 1156 quarries spread across the country. Such low resourcing for WorkSafe’s High Hazards Unit means any one of New Zealand’s 1200+ operating extractives sites may only be visited once every several years,” MinEx says.

The six recommendations in a nutshell

- 1) The revised Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016, as approved by Cabinet in December 2019, should be implemented promptly following a review of the exposure draft by MBIE, WorkSafe and MinEx.
- 2) Reform the regime for Certificates of Competence to align requirements with obligations under health and safety legislation, and make the associated changes to regulations.
- 3) Retain and increase specialist inspectors and provide appropriate funding to ensure the effectiveness of the High Hazard Unit. The extractives sector is happy to discuss alternative funding models for WorkSafe.
- 4) Fund a Small Mines H&S advisor who will visit sites following their attendance at regional workshops and provide mentoring and assistance with developing and implementing site safety systems. The H&S advisor will be accommodated

and managed by MinEx and work collaboratively with WorkSafe, unions and employers to provide H&S outcomes for workers in small extractives operations in a similar way to the successful Toroawhi pilot in forestry.

5) Engage MinEx early in the stages of extractives policy development to draw on a mandated industry view to achieve better health and safety outcomes.

6) Establish an industry, NZ Mines Rescue Service and Government group to review the Mines Rescue Trust, its purpose and funding, following a review conducted by NZ Mines Rescue Service and Fire Emergency New Zealand with input from the Police.

MinEx says it remains supportive of the primary Health and Safety at Work Act 2015, which has a strong framework for achieving H&S outcomes, and does not seek major changes to it.

Small quarries and mines

In response to the Royal Commission into Pike River, the Government introduced the Health and Safety in Employment (Mining Operations and Quarrying Operations) Regulations 2013.

MinEx says these regulations applied to the underground and opencast sectors, but did not apply to quarries, mineral sands, and alluvial gold operations, except for a regulation prescribing requirements for Certificates of Competence for specified safety-critical roles.

MinEx says many quarries, and some open cut metalliferous mines, are small and on small footprints in remote and/or isolated locations.

“The hazards and risks here, although similar in nature to all mines, require different controls and monitoring to large open cut operations employing large numbers of workers,” the briefing says.

The extractive industry associations MinEx, Straterra and the Aggregate and Quarry Association, plus E tū and First Union, support a model similar to the Australian Mining Industry Worker H&S Representative, and the Toroawhi pilot being carried out jointly by WorkSafe and the Forest Industry Safety Council.

In those instances the Government funds a Small Mines H&S advisor to work with workers and managers on the ground to improve worker engagement and health and overall risk management at small mines and quarries, MinEx says.