

Notice of Requirements for Granting of Certificates of Competence Under the Health and Safety in Employment (Mining Operations and Quarrying Operations) Regulations 2013 Amendment (No. 5)

Under Regulation 34(a) of the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016, WorkSafe New Zealand gives notice of the qualifications and experience required for the granting of certificates of competence under Regulation 41 of those regulations.

1. **Commencement**—This notice comes into force on 1 August 2018.
2. **Principal notice**—This notice amends the Notice of Requirements for Granting of Certificates of Competence Under the Health and Safety in Employment (Mining Operations and Quarrying Operations) Regulations 2013 ([*New Zealand Gazette, 18 December 2014, Issue No. 153, Notice No. 2014-au7793*](#)) (“principal notice”).
3. **Interpretation amended**—The clause entitled “Interpretation” of the principal notice is amended by inserting, after the definition of “unit standard”, the following paragraph:

“(2) For the purposes of this notice, time spent “**employed in the workings**” and “**employed in the underground workings**” of a mine, tunnel or quarry includes time spent carrying out the following types of work in the workings of the mine, tunnel, or quarry:

- (a) emplacement stabilisation:
- (b) electrical engineering:
- (c) environmental management:
- (d) exploration or site investigation:
- (e) use, storage and transport of explosives:
- (f) fire and explosion detection and prevention:
- (g) flammable dust management:
- (h) gas management:
- (i) ground or strata control:
- (j) design, installation and maintenance of plant guarding:
- (k) the use of hyperbarics to control the working environment:
- (l) inrush and inundation management:
- (m) instrumentation and monitoring:
- (n) maintenance of fixed and mobile plant:
- (o) mechanical engineering:
- (p) mine surveying:
- (q) operational planning:
- (r) outburst management:
- (s) operation of plant and equipment:
- (t) design, construction and maintenance of ponds, dams and waste dumps:
- (u) materials processing:
- (v) risk management:
- (w) roads, rail and vehicle operations:
- (x) safety management:
- (y) handling of pre-cast tunnel linings:
- (z) installation, maintenance and removal of utilities supplied to the mine, tunnel or quarry:
- (aa) slope stabilisation:
- (bb) prevention, detection and responding to spontaneous combustion:
- (cc) design, construction and maintenance of stockpiles:
- (dd) construction and maintenance of ventilation control devices:

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(ee) design, construction and monitoring of temporary or preparatory works:

(ff) operating winding engines:

(gg) worker health management:

(hh) any other work in operating and safety systems related to the workings of a mine, tunnel or quarry.”

4. **New clause inserted**—The principal notice is amended by inserting after the clause entitled “Commencement and revocation” the following clause:

“Requirements for first aid certificate

Where this notice requires an applicant for a certificate of competence to hold a first aid certificate, the first aid certificate must be current and include the following unit standards:

(a) NZQA unit standard 6400 - manage first aid in an emergency situation:

(b) NZQA unit standard 6401 - provide first aid:

(c) NZQA unit standard 6402 - provide basic life support.”

5. **Clause entitled “Certificate of competence as a first-class mine manager” amended**—The clause entitled “Certificate of competence as a first-class mine manager” in the principal notice is amended by:

- (a) deleting paragraph (1) and replacing it with the following paragraph:

“(1) The applicant for a certificate of competence as a first-class mine manager must have:

(a) the qualifications set out in one of paragraphs (2) and (3); and

(b) subject to paragraph (7), the qualifications and experience set out in one of paragraphs (4), (5) and (6), as applicable.”; and

- (b) inserting, after paragraph (6), the following paragraph:

“(7) For the purposes of paragraphs (4), (5), and (6), at least 9 months of the applicant's experience must be carrying out more than one of the following types of work in a mine or tunnel (as applicable):

(a) development operations including tunnel boring machine operations for tunnelling:

(b) extraction operations:

(c) installation of ground support systems:

(d) filling operations:

(e) shaft sinking.”

6. **Clause entitled “Certificate of competence as an A-grade opencast coal mine manager” amended**—The clause entitled “Certificate of competence as an A-grade opencast coal mine manager” in the principal notice is amended by:

- (a) deleting subparagraph (b) of paragraph (1) and replacing it with the following subparagraph:

“(b) subject to paragraph (5), the experience set out in paragraph (4).”; and

- (b) inserting, after paragraph (4), the following paragraph:

“(5) For the purposes of paragraph (4), at least 9 months of the applicant's experience must be carrying out more than one of the following types of work in a mine, coal mine, opencast coal mine or tunnel (as applicable):

(a) drill and blast:

(b) load and haul:

(c) processing or stockyard loadout.”

7. **Clause entitled “Certificate of competence as a B-grade opencast coal mine manager” amended**—The clause entitled “Certificate of competence as a B-grade opencast coal mine manager” in the principal notice is amended by:

- (a) deleting subparagraph (b) of paragraph (1) and replacing it with the following subparagraph:

“(b) subject to paragraph (5), the experience set out in paragraph (4).”; and

- (b) inserting, after paragraph (4), the following paragraph:

“(5) For the purposes of paragraph (4), at least 9 months of the applicant's total experience must be carrying out more than one of the following types of work in a mine, coal mine, opencast coal mine or tunnel (as applicable):

- (a) drill and blast:
- (b) load and haul:
- (c) processing or stockyard loadout.”

8. **Clause entitled “Certificate of competence as an A-grade quarry manager” amended**—The clause entitled “Certificate of competence as an A-grade quarry manager” in the principal notice is amended by:

(a) deleting subparagraph (b) of paragraph (1) and replacing it with the following subparagraph:

“(b) subject to paragraph (5), the experience set out in paragraph (4).”; and

(b) inserting, after paragraph (4), the following paragraph:

“(5) For the purposes of paragraph (4), at least 9 months of the applicant's total experience must be carrying out more than one of the following types of work in a quarry, mine, coal mine, opencast mine, or tunnel (as applicable):

- (a) drill and blast:
- (b) load and haul:
- (c) processing or stockyard loadout.”

9. **Clause entitled “Certificate of competence as a B-grade quarry manager” amended**—The clause entitled “Certificate of competence as a B-grade quarry manager” in the principal notice is amended by:

(a) deleting subparagraph (b) of paragraph (1) and replacing it with the following subparagraph:

“(b) subject to paragraph (5), the experience set out in paragraph (4).”; and

(b) inserting, after paragraph (4), the following paragraph:

“(5) For the purposes of paragraph (4), at least 9 months of the applicant's total experience must be carrying out more than one of the following types of work in a quarry, mine, coal mine, opencast mine, or tunnel (as applicable):

- (a) drill and blast:
- (b) load and haul:
- (c) processing or stockyard loadout.”

10. **Clause entitled “Certificate of competence as a manager to manage the quarrying operation specified in the certificate” replaced**—The principal notice is amended by deleting the clause entitled “Certificate of competence as a manager to manage the quarrying operation specified in the certificate” and inserting after the clause entitled “Certificate of competence as a B-grade quarry manager” the following clause:

“Certificate of competence as a manager to manage the quarrying operation specified in the certificate

(1) An applicant for a certificate of competence as a manager to manage the quarrying operation specified in the certificate must hold—

- (a) a certificate of competence as—
 - (i) an A-grade quarry manager; or
 - (ii) a B-grade quarry manager; and
- (b) a first aid certificate.

(2) Despite paragraph (1)(a), if the quarrying operation specified in the application for the certificate meets all of the following criteria, the applicant may instead have the qualifications and experience set out in paragraphs (3) and (4):

- (a) no more than 4 workers (including the applicant) ordinarily work at the site of the quarrying operation at any one time;
- (b) explosives are not used;

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- (c) the base of any excavation carried out at the quarrying operation is no more than 5 metres from the surface:
- (d) there are no voids or underground workings within the planned extraction zone:
- (e) no worker is required to work below the surface level of any body of fluid:
- (f) the actual processing rate does not exceed an average of 1,000 tonnes per week:
- (g) the quarry will be operating for a period or periods that total at least 24 months:
- (h) any tip head or stockpiles at the operation are less than 5 metres high.

(3) The applicant must have passed—

- (a) all of the unit standards set out in Group K of Appendix 2; and
- (b) one of the unit standards set out in Group L of Appendix 2.

(4) Subject to paragraph (5), the applicant must satisfy the Board that the applicant has been employed—

- (a) in the workings of an opencast mine or quarry for a period or periods totalling not less than 2 years; or
- (b) in both—
 - (i) the workings of an opencast mine or quarry for a period or periods totalling not less than 12 months; and
 - (ii) the underground workings of a mine, coal mine, or tunnel for a period or periods totalling not less than 2 years; or

(c) in the case of an applicant who holds a certificate of competence as a first-class mine manager or as a first-class coal mine manager, in the workings of an opencast mine or quarry for a period or periods totalling not less than 12 months.

(5) For the purposes of paragraph (4), at least 9 months of the applicant's total experience must be carrying out more than one of the following types of work in a quarry, mine, coal mine, opencast mine, or tunnel (as applicable):

- (a) load
- (b) haul:
- (c) processing:
- (d) stockyard loadout.”

11. **Clause entitled “Certificate of competence as an A-grade tunnel manager” amended**—The clause entitled “Certificate of competence as an A-grade tunnel manager” in the principal notice is amended by:

(a) deleting subparagraph (b) of paragraph (1) and replacing it with the following subparagraph:

“(b) subject to paragraph (5), the experience set out in paragraph (4).”; and

(b) inserting, after paragraph (4), the following paragraph:

“(5) For the purposes of paragraph (4), at least 9 months of the applicant's total experience must be carrying out more than one of the following types of work in a mine, coal mine, or tunnel (as applicable):

- (a) development operations including tunnel boring machine operations for tunnelling:
- (b) extraction:
- (c) installation of ground support systems:
- (d) filling operations:
- (e) shaft sinking.”

12. **Clause entitled “Certificate of competence as a B-grade tunnel manager” amended**—The clause entitled “Certificate of competence as a B-grade tunnel manager” in the principal notice is amended by:

(a) deleting subparagraph (b) of paragraph (1) and replacing it with the following subparagraph:

“(b) subject to paragraph (5), the experience set out in paragraph (4).”; and

(b) inserting, after paragraph (4), the following paragraph:

“(5) For the purposes of paragraph (4), at least 9 months of the applicant's total experience must be carrying out more than one of the following types of work in a mine, coal mine, or tunnel (as applicable):

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- (a) development operations including tunnel boring machine operations for tunnelling:
- (b) extraction:
- (c) installation of ground support systems:
- (d) filling operations:
- (e) shaft sinking.”

13. **Clause entitled “Certificate of competence as a mechanical superintendent” amended**—The clause entitled “Certificate of competence as a mechanical superintendent” in the principal notice is amended by:

(a) deleting subparagraph (b) of paragraph (3) and replacing it with the following subparagraph:

“(b) satisfy the Board that he or she has a minimum of three years’ work experience acceptable to the Board in the extractives industry or heavy industry, including a minimum of one year’s experience carrying out the following types of work in respect of mobile or fixed plant:

- (i) installation:
- (ii) commissioning:
- (iii) mechanical maintenance:
- (iv) repair.”; and

(b) deleting subparagraph (b) of paragraph (4) and replacing it with the following subparagraph:

“(b) satisfy the Board that he or she has a minimum of one years’ work experience acceptable to the Board in the extractives industry or heavy industry carrying out the following types of work in respect of mobile or fixed plant:

- (i) installation:
- (ii) commissioning:
- (iii) mechanical maintenance:
- (iv) repair.”

14. **Clause entitled “Certificate of competence as an electrical superintendent” amended**—The clause entitled “Certificate of competence as an electrical superintendent” in the principal notice is amended by:

(a) deleting subparagraph (b) of paragraph (3) and replacing it with the following subparagraph:

“(b) satisfy the Board that he or she has a minimum of three years’ work experience acceptable to the Board in the extractives industry or heavy industry, including a minimum of one year’s experience carrying out the following types of work in respect of mobile or fixed electrical installations:

- (i) installation:
- (ii) commissioning:
- (iii) electrical maintenance:
- (iv) repair.”; and

(b) deleting subparagraph (b) of paragraph (4) and replacing it with the following subparagraph:

“(b) satisfy the Board that he or she has a minimum of one years’ work experience acceptable to the Board in the extractives industry or heavy industry carrying out the following types of work in respect of mobile or fixed electrical installations:

- (i) installation:
- (ii) commissioning:
- (iii) electrical maintenance:
- (iv) repair.”

15. **Clause entitled “Examination by panel of examiners” amended**—The clause entitled “Examination by panel of examiners” in the principal notice is amended by revoking paragraph 4 and replacing it with the following paragraph:

“(4) Paragraph (2) applies to the following certificates of competence:

- (a) B-grade opencast coal mine manager:

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(b) B-grade quarry manager:

(c) B-grade tunnel manager:

(d) certificate of competence as a manager to manage the quarrying operation specified in the certificate, unless the applicant has previously met the requirement in paragraph (2) in relation to a certificate of that kind.”

16. **Appendix 2 amended**—Appendix 2 of the principal notice is amended by inserting after the table entitled “Group J - For a certificate of competence as a coal mine underviewer” the following tables:

Group K - For a certificate of competence as a manager to manage the quarrying operation specified in the certificate (all required)

<i>Unit No.</i>	<i>Title</i>	<i>Level</i>	<i>Credits</i>
8905	Demonstrate knowledge of construction and maintenance of working surfaces at an extractive site	3	5
16686	Conduct an incident investigation at an extractive site	5	8
28793	Conduct safety inspections for extractive operations	4	4
28983	Carry out the risk management process at an extractive site	5	10

Group L - For a certificate of competence as a manager to manage the quarrying operation specified in the certificate (only one required)

<i>Unit No.</i>	<i>Title</i>	<i>Level</i>	<i>Credits</i>
28742	Explain the health and safety legislation, and supporting documents, applicable to an extractive site	4	8
7142	Demonstrate knowledge of the application of regulatory requirements to manage an extractive site	6	25

17. **Revocation**—Clause 3 of the “Notice of Requirements for Granting of Certificates of Competence Under the Health and Safety in Employment (Mining Operations and Quarrying Operations) Regulations 2013 Amendment (No.4)” ([New Zealand Gazette, 6 April 2017, Issue No. 37, Notice No. 2017-au1623](#)) is revoked.

Further Information

Information regarding this notice can be obtained from the Board of Examiners Secretariat, High Hazards & Specialist Services, PO Box 165, Wellington or by email from boe_secretariat@worksafe.govt.nz.

Dated at Wellington this 19th day of July 2018.

ROSS WILSON, Acting Chairperson, WorkSafe New Zealand.