

## Health and Safety at Work (Mining Operations and Quarrying Operations—Continuing Professional Development Requirements) Notice 2019

Under regulation 34 of the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016, WorkSafe New Zealand gives notice of the continuing professional development requirements to be met for the renewal and continuation of certificates of competence under those Regulations.

### Notice

#### 1. Title

This is the Health and Safety at Work (Mining Operations and Quarrying Operations—Continuing Professional Development Requirements) Notice 2019.

#### 2. Commencement

This notice comes into force on **1 February 2020**.

### Part 1

#### Preliminary Provisions

#### 3. Interpretation

(1) In this notice, unless the context otherwise requires—

**Act** means the Health and Safety at Work Act 2015

**area of learning** means learning in the following areas:

- a. Operating and Safety Systems:
- b. Legislation:
- c. Emergency Management:
- d. Leadership

**Board** means the New Zealand Mining Board of Examiners established under clause 27 of Schedule 3 of the Health and Safety at Work Act 2015

**certificate of competence** means a certificate issued by the Board under regulation 41 of the Regulations

**CPD** means continuing professional development

**CPD activities** means continuing professional development activities specified in clause 6

**five-year period** means the five-year period commencing from the date the relevant certificate of competence was issued

**holder** means a person who holds a certificate of competence

**lifetime quarry manager certificate of competence** means a certificate of competence under clause 7(5) of Schedule 1 of the Regulations

**Regulations** means the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016

**restricted activity** means an activity set out in Part 2 of the Schedule

**unrestricted activity** means an activity set out in Part 1 of the Schedule.

#### 4. CPD requirements apply to all holders

(1) A holder must complete the CPD requirements in this notice regardless of whether they worked within the extractives industry for the duration of their certificate of competence.

(2) A person who has had their certificate of competence suspended by the Board must still complete their CPD requirements and this notice applies as if that person was a holder.

### Part 2

#### CPD requirements

##### *CPD obligations*

#### 5. CPD obligations

(1) A holder, or person who holds a life-time quarry manager certificate of competence, must—

- a. only claim CPD hours for CPD activities described in clause 6; and

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- b. complete the relevant CPD hours required under clauses 7, 8 or 10; and
- c. keep a record of their CPD activities in accordance with clause 9.

(2) Nothing in this notice prevents a holder, or person who holds a life-time quarry manager certificate of competence, from completing additional CPD hours above the minimum requirements set out in this notice.

*Claimable CPD activities*

**6. Requirements for claimable CPD activities**

(1) Subject to this clause, CPD hours may be claimed for activities if the activities—

- a. are directly relevant to—
  - i. the holder's certificate of competence; and
  - ii. the areas of learning; and
- b. are of a type specified in the Schedule; and
- c. maintain, improve or broaden knowledge, understanding, skills or personal qualities within the extractives industry.

(2) Normal duties and business as usual activities are not CPD activities.

(3) CPD hours may be claimed for activities that are restricted or unrestricted but if restricted, the number of hours that may be claimed must not exceed the limits specified in the Schedule.

(4) A holder of a certificate of competence listed in Table 1 must comply with the specialist CPD requirements for that certificate.

**Table 1: Specialist requirements for holders of specific certificates**

<b>Certificate</b>	<b>Specialist CPD requirements</b>
Electrical superintendent	A minimum of 30 hours must be from CPD activities that are directly subject-related to the area of specialisation
Mechanical superintendent	A minimum of 30 hours must be from CPD activities that are directly subject-related to the area of specialisation
Mine surveyor	A minimum of 15 hours must be from CPD activities that are directly subject-related to the area of specialisation
Ventilation officer	A minimum of 15 hours must be from CPD activities that are directly subject-related to the area of specialisation
Winding engine driver	A minimum of 15 hours must be from CPD activities that are directly subject-related to the area of specialisation

*CPD hours*

**7. CPD hours for certificates of competence issued on or after 1 January 2018**

(1) This clause applies to certificates of competence issued on or after 1 January 2018.

(2) Subject to this clause, all holders must complete the CPD hours set out in Table 2 for the relevant certificate of competence.

**Table 2: CPD hours for specific certificates of competence**

<b>Certificate of competence</b>	<b>CPD hours required</b>
Site senior executive	5 year total: 120 hours
First class mine manager	5 year total: 120 hours
First class coal mine manager	5 year total: 120 hours
A-grade opencast coal mine manager	5 year total: 120 hours
A-grade quarry manager	5 year total: 120 hours
A-grade tunnel manager	5 year total: 120 hours
Coal mine underviewer	5 year total: 120 hours
Electrical superintendent	5 year total: 120 hours
Mechanical superintendent	5 year total: 120 hours
B-grade opencast coal mine manager	5 year total: 60 hours
B-grade quarry manager	5 year total: 60 hours
B-grade tunnel manager	5 year total: 60 hours
Coal mine deputy	5 year total: 60 hours
Mine surveyor	5 year total: 60 hours
Ventilation officer	5 year total: 60 hours
Winding engine driver	5 year total: 40 hours
Manager to manage the quarrying operation specified in the certificate	5 year total: 30 hours

(3) For a holder of a certificate of competence listed in Table 1, the CPD hours required in Table 2 include the

specialist CPD requirements specified in Table 1.

(4) A holder of more than one certificate of competence is only required to complete the number of CPD hours required for one certificate so long as—

- a. that certificate is the certificate with the highest number of CPD hours required; and
- b. if one of the certificates is listed in Table 1, the CPD hours required includes the specialist CPD requirements specified in Table 1.

**Example**

A holder who holds a first class mine manager certificate and an electrical superintendent certificate is only required to complete 120 CPD hours, but that must include a minimum of 30 hours from CPD activities that are directly subject-related to the role of an electrical superintendent.

**8. CPD hours for certificates of competence issued before 1 January 2018**

(1) This clause applies to certificates of competence issued before 1 January 2018.

(2) A holder of a certificate of competence to which this clause applies must complete the number of CPD hours calculated in accordance with subclause (3) or subclause (4).

(3) If Table 2 identifies the CPD hours required for the certificate of competence as 120 hours or 60 hours, CPD hours under this clause are calculated by applying the following formula:

- a. if Table 2 requires 120 hours:  

$$\text{CPD hours required} = 120 - (\text{months} \times 2)$$
- b. if Table 2 requires 60 hours:  

$$\text{CPD hours required} = 60 - \text{months}$$

For the purposes of this subclause, **months** means the number of full months that the certificate of competence was held during the period 1 January 2016 to 31 December 2017.

(4) A holder of a winding engine driver certificate of competence must complete 24 CPD hours.

(5) For the avoidance of doubt there is no change to the specialist requirements for certificates listed in Table 1.

*Record of CPD*

**9. Recording CPD activities**

(1) All holders must—

- a. record their CPD activities in a log book provided or endorsed by WorkSafe; and
- b. keep evidence for the five-year period of all CPD activities undertaken.

(2) A person who is applying for renewal of a certificate of competence must provide evidence that they have met their CPD requirements.

(3) For the purpose of this clause, **evidence** includes evidence of a type identified in Table 3.

**Table 3: Examples of evidence of CPD activities**

<b>Type of evidence</b>	<b>Examples</b>
Evidence of actual attendance or participation in CPD activity	Certificates Emailed confirmation of attendance by organisers Signed confirmation of attendance from employer Original Equipment Manufacturer signed confirmation of attendance Confirmation of formal site visit signed by Mine, Tunnel or Quarry Manager
Formal record of attendance or participation in CPD activity	Attendance record or sign in sheet Attendance confirmed in meeting minutes Receipt
Evidence of output	Copy of a presentation with holder noted as presenter or trainer Evidence of published article or book cover Copy of agenda or programme with holder noted as speaker

**10. CPD requirements for person holding a lifetime quarry manager certificate of competence**

(1) A person who holds a life-time quarry manager certificate of competence must comply with the CPD requirements in this notice as modified by this clause.

(2) The five-year period for CPD requirements for lifetime quarry manager certificates of competence—

- a. commences on 1 January 2018; and
- b. renews every 5 years while the certificate is current.

(3) Clause 8 of this notice does not apply to persons who hold a lifetime quarry manager certificate of competence.

**Part 3**

**Miscellaneous provisions**

*Revocation*

**11. Revocation**

The Notice of Continuing Professional Development Requirements for Holders of Certificates of Competence Granted Under the Health and Safety in Employment (Mining Operations and Quarrying Operations) Regulations 2016, [New Zealand Gazette, 18 August 2016, Issue No. 72, Notice No. 2016-au4579](#) is revoked.

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**Schedule**

*CPD activities*

**Part 1**

**Unrestricted activities**

**1. Suitable types of CPD activities**

There is no limit on the number of CPD hours that can be claimed for relevant activities of the following type:

*Attending industry events*

- a. industry seminars, workshops and training;
- b. conference workshops run by industry or related organisations;
- c. industry representative meetings (for example, advisory groups, industry or specialist boards, technical committees);
- d. membership of panel of examiners:

*Receiving training*

- e. Fulfilling all requirements and completing formal training courses or tertiary qualifications including degrees and industry training qualifications;
- f. Receiving the following types of training:
  - i. training by equipment manufacturers including simulator training;
  - ii. relevant webinars;
  - iii. in-house training;
  - iv. first aid certificate training;

*Delivering training*

- g. Delivering the following types of training (including reasonable preparation time):
  - i. industry seminars, training or workshops;
  - ii. in-house training;

*Presentations and publications*

- h. Presenting at a relevant industry conference (including reasonable preparation time);
- i. Publication of articles in relevant industry magazines, journals or similar;

*Improvement of bespoke equipment or installations*

- j. The design, construction, improvement or significant overhaul of bespoke equipment or installations;

*Development or review of critical health and safety documents*

- k. The development or formal review of critical health and safety documents associated with health and safety management systems including:
  - i. principal hazard management plans;
  - ii. principal control plans;
  - iii. health and safety policies;

iv. standard operating procedures:

*Participation in formal activities*

l. Participation in the following types of formal activities:

- i. facilitated risk assessments:
- ii. incident investigations that use a recognised analysis process:
- iii. emergency exercises:

*Field trips*

m. Field trips that are relevant to the holder's certificate of competence and result in significant learning:

*Other activities where new knowledge or skills are acquired*

n. Participation in any other activity within the areas of learning where the holder has gained new knowledge or skills relevant to their certificate of competence.

**Part 2**

**Restricted activities**

**2. Attending relevant industry conferences**

- (1) The maximum number of CPD hours that a holder can claim for attending an industry conference is 4 hours per conference.
- (2) The conference must be relevant to the holder's certificate of competence.
- (3) This is in addition to attendance at any conference workshops which can be claimed separately as an unrestricted activity.
- (4) There is no limit to the number of conferences a holder can claim for during the five-year period.

**3. Other restricted CPD activities**

(1) The maximum number of CPD hours that can be claimed over the five-year period for any activity or combination of activities covered by this clause is:

1. 20 hours for holders required to complete 120 hours:
2. 10 hours for holders required to complete 60 hours:
3. 5 hours for holders required to complete 30 or 40 hours.

(2) The activities covered by this clause are:

1. formal one on one mentoring with a structured programme of meetings:
2. listening to relevant podcasts:
3. participation in health and safety committee meetings where outcomes are documented in meeting minutes:
4. reading relevant publications (for example, technical articles, technical publications, conference papers).

Dated at Wellington this 10th day of December 2019.

NICOLE ROSIE, Chief Executive, WorkSafe New Zealand.