



Health and Safety at Work (Mining Operations and Quarrying Operations) Amendment Regulations 2017

Patsy Reddy, Governor-General

Order in Council

At Wellington this 10th day of April 2017

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 211 and clause 5 of Schedule 3 of the Health and Safety at Work Act 2015—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Workplace Relations and Safety made after complying with sections 217 and 219 of that Act.

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Regulations

1 Title

These regulations are the Health and Safety at Work (Mining Operations and Quarrying Operations) Amendment Regulations 2017.

2 Commencement

These regulations come into force on 15 May 2017.

3 Principal regulations

These regulations amend the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016 (the **principal regulations**).

4 Regulation 38 amended (Requirements for applicants)

- (1) In the heading to regulation 38, replace “**applicants**” with “**holding certificate of competence**”.
- (2) In regulation 38, after “An applicant for”, insert “, or a holder of,”.

5 Regulation 39 amended (Investigations by Board)

- (1) In regulation 39(1), after “an applicant for”, insert “, or a holder of,”.
- (2) In regulation 39(1)(a), after “request the applicant”, insert “or the holder”.

6 Regulation 40 amended (Use of information)

- (1) In regulation 40(1), after “whether an applicant”, insert “or a holder”.
- (2) Replace regulation 40(2) with:
 - (2) The Board may refuse an application, or cancel a certificate of competence (under regulation 45), if it is unable to obtain sufficient information to satisfy itself that the applicant or the holder, as the case may be, is a person to whom regulation 38 applies.

7 Regulation 44 amended (Renewal of certificate of competence)

- (1) In regulation 44(2), replace “regulation 45” with “regulation 43”.
- (2) In regulation 44(3), replace “regulation 43” with “regulation 45”.

8 Regulation 45 amended (Cancellation or suspension of certificate of competence)

After regulation 45(1), insert:

- (1A) The Board may cancel a certificate of competence under this regulation if the Board, in the circumstances described in regulation 40(2), decides to cancel the certificate.

9 Schedule 1 amended

- (1) In Schedule 1, clause 10, replace “regulation 7” with “regulation 8”.
- (2) In Schedule 1, clause 13(1), insert “not” before “determined”.

10 Revocation

The Health and Safety in Employment (Tunnelling Operations—Excluded Operations) Order 2013 (SR 2013/484) is revoked.

Rachel Hayward,
acting for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 15 May 2017, amend the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016 (the **principal regulations**).

Regulations 4, 5, and 6 clarify that relevant parts of the principal regulations also apply to a holder of a certificate of competence apart from applying to an applicant for a certificate of competence.

Regulations 7 and 9 make corrections to cross-referencing errors and a typographical error in the principal regulations.

Regulation 8 makes it clear that, in the case of a cancellation of a certificate of competence in the circumstances described in new regulation 40(2) of the principal regulations, the relevant provisions of regulation 45 of the principal regulations apply.

Regulation 10 revokes the Health and Safety in Employment (Tunnelling Operations—Excluded Operations) Order 2013. The provisions of regulation 6 of the principal regulations have a similar substantive effect to the main provision (clause 3) of that order. Therefore, that order is no longer required.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 13 April 2017.

These regulations are administered by the Ministry of Business, Innovation, and Employment.