

8 May 2015

**Update:** Regulation Change: QUARRY  
MANAGEMENT IN FORESTS (v1.2)

**Affects:** Forest Owners / Managers

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The purpose of this update is to advise forest owners / managers on regulation changes and their impact on quarrying activity within forestry blocks. The revised requirements have come about as a result of the post-Pike River review of H&S aspects of mining and quarrying.

The H&S in Employment Act 1992 defines a quarry operation. The definition captures rock extraction and processing across a range of industries and sites, including forestry. **(Note: the quarry definition was revised in 2013, the principal change being the removal of bench height details. This change effectively broadened the definition)**

There has always been a regulatory requirement for a quarry operator to “appoint a person (**quarry manager**) to manage the quarrying operation and supervise the health and safety aspects of the operation on every day on which a quarry worker is at work” [Sec 14]. A **quarry operator** means a person who controls a quarrying operation. A **quarry worker** means a person who works in a quarrying operation, either as an employee or as a self-employed person.

## What does it mean for my business?

1. If you are extracting or processing rock or gravel from specific locations within your forests to build or maintain infrastructure (or sell for gain or reward) you need to appoint a **quarry manager**.
2. The quarry manager will be responsible for overseeing the H&S aspects of the quarry operation. The quarry manager will need to be an A or B grade manager. (Where explosives are used or there are 4+ workers on-site an A grade manager is required).
3. You need to advise Worksafe NZ of your quarry operations as soon as possible (this has been a statutory obligation since 1 January 2015).

<http://www.business.govt.nz/worksafe/notifications-forms/accident-serious-harm/notifications-reporting-form-extractives.pdf>

4. Jointly with your quarry manager, prepare a H&S Management Plan for your quarrying operation(s). The plan should focus on hazards and associated risk mitigation. Worksafe NZ’s Quarry Best Practice Guidelines (to be released Q3 2015) will guide you through this process.

### **19N Meaning of quarrying operation**

(1) In this Act, **quarrying operation**—

(a) means an activity carried out above ground for the purpose of—

(i) extracting any material, other than any coal or any mineral, from the earth; or

(ii) processing any material, other than any coal or any mineral, at the place where the material is extracted; and

(b) includes the place where an activity described in paragraph (a) is carried out; and

(c) includes any place in which any material extracted or processed in a quarry is crushed or screened.

(2) Subsection (1) applies whether or not the material is to be extracted or processed for commercial gain and whether or not the material is extracted or processed by the use of explosives.

Health and Safety in  
Employment Act 1992 - 16  
Dec 2013



In a forestry context it's possible that the quarry manager will not always be on site when quarrying activity is underway. In such circumstances, it will be important that the quarry manager designates a suitable competent person to supervise all work activities in the manager's absence. As with all forestry operations periodic inspection/assessment/audit of the activity is a method to demonstrate that active quarrying oversight and safe work practise is occurring.

**More information** - For issues or queries phone WorkSafe on 0800 030 040, or email the High Hazards Unit [hhu.extractives@worksafe.govt.nz](mailto:hhu.extractives@worksafe.govt.nz)

## Key Dates

### 1 January 2015

- Complete the Quarry Notification process.
- Revised competency requirements for safety critical roles in mining and quarrying were gazetted and came into force.
- To assist industry, Worksafe NZ has developed the following interim enforcement policy\*.

**If a quarry manager does not hold the required Certificate of Competence (CoC) a HHU Extractives Inspector may consider issuing an Improvement Notice under the HASE Act for a period of up to one year to enable the quarry manager to gain the relevant CoC. If an Improvement Notice is issued, it will state that the quarry may continue to operate while the quarry manager gains the relevant CoC.**

\*This is an interim measure and will only be considered until 1 July 2015

### 1 July 2015

- HHU Extractives will expect operators either to have a manager with the necessary Certificate of Competence OR be operating under an Improvement Notice. If a quarry is operating under an Improvement Notice, HHU Extractives expects the quarry operator to be committed to robust H&S management processes and actively supporting the manager to achieve the necessary Certificate of Competence within the period set out in the notice.
- Worksafe NZ releases the Good Practice Guideline for H&S in Quarry Operations. This guide will assist operators and managers in improving H&S practices at their operations



1 January 2016

- All existing Certificate of Competence expire. Current COC holders need to have completed additional unit standards and apply for renewal of their COC, prior to this date
- Required plans and management in place and functional.

## Resources to assist you to understand your obligations

**Am I a Quarry Operator** (Courtesy of Minex - a national Health & Safety Council for the New Zealand mining and quarry industry)

<http://www.minex.org.nz/documents/Am%20I%20a%20Quarry%20operator%20MinEx%20release%20April%209%202015.pdf>

**Quarry Manager's Certificate of Competence – Worksafe Position Paper**

<http://www.business.govt.nz/worksafe/information-guidance/all-guidance-items/position-statements/documents/quarry-managers-coc-position-statement.pdf>

Quarry Notification

<http://www.business.govt.nz/worksafe/notifications-forms/accident-serious-harm/notifications-reporting-form-extractives.pdf>

Change in Competency Requirement

<http://www.business.govt.nz/worksafe/information-guidance/guidance-by-industry/extractives/board-of-examiners/notices-1/change-in-competency-requirements>

Certificate of Competency Requirements

<https://mito.org.nz/extractive/certificates-of-competence-extractives>



Yours sincerely

A handwritten signature in black ink, appearing to read "David Rhodes".

David Rhodes  
Chief Executive

