

3 February 2015

Duncan and Teri France
44 Cochrane Avenue
Whangaparoa
Auckland 0932

Dear Duncan and Teri France

I refer to your request under the Official Information Act 1982 that was transferred to the Ministry of Business, Innovation and Employment (the Ministry) on 12 January 2015, in which you requested advice on:

“[any] governmental measures that have been taken to improve mine safety after the Pike River Mine disaster, and the timing of those measures”.

The Government’s measures to improve mine safety broadly implement all 16 recommendations of the Royal Commission on the Pike River Coal Mine Tragedy, that are set out in its report released on 30 November 2012 (<http://pikeriver.royalcommission.govt.nz/>).

The Government agreed to implement the recommendations in December 2012, and that this would be done by December 2013. The implementation programme was completed on time, with a detailed implementation plan covering both actions and timings made publicly available on the Ministry’s website: <http://www.mbie.govt.nz/pdf-library/what-we-do/pike-river/pike-river-implementation-plan-december-2013-update.pdf>.

The implementation plan refers to actions for some recommendations that are ongoing and form part of the business as usual for the Ministry and WorkSafe New Zealand (WorkSafe NZ). Many of the ongoing actions fall under the wider health and safety reform that is underway in response to the Independent Taskforce on Workplace Health and Safety, which reported on 30 April 2013. The Government responded to the Taskforce in August 2013 in *Working Safer, A Blueprint for Health and Safety at Work*, which is available on line at: <http://www.mbie.govt.nz/pdf-library/what-we-do/workplace-health-and-safety-reform/Safety-First-blueprint.pdf>. Further information about progress on ongoing implementation is as follows.

Recommendation 1 - A new health and safety Crown agent

The *Working Safer* reform envisions a “well-resourced regulator with a firm regulatory stance focused on the areas of most risk” (page 9). Work to strengthen the regulator’s oversight of mining was underway before WorkSafe NZ was established and continues. In late 2011, the regulator established the High Hazard Unit and, in January 2013, it appointed a Chief Inspector of Mines. The High Hazard Unit’s extractives unit currently has eight experienced specialist mines and quarries Inspectors, including the Chief Inspector, who cover approximately 60 identified high hazard sites, ie, surface and underground coal and metalliferous mines, as well as major construction tunnels (such as Waterview in Auckland). The extractives unit also oversees health and safety in approximately 1000 quarries and alluvial mines and is also involved in multi-agency oversight of operational rail tunnel safety.

Recommendations 2 and 16 – An effective regulatory framework

As part of the wider *Working Safer* reform, the Health and Safety Reform Bill is currently before Parliament and supporting regulations and guidance are being developed. The mining regulations will be carried over to coincide with the new law coming into force. WorkSafe New Zealand is continuing to develop and update the codes of practice for mining -

<http://www.business.govt.nz/worksafe/information-guidance/guidance-by-industry/extractives/extractives-codes-and-guidance>.

Recommendations 3 and 4 – Alignment with the Crown Minerals Act

Guidance is available online to support the alignment of mining regulations and Crown Minerals Act approval and review processes - <http://www.nzpam.govt.nz/cms/iwi-communities/doc-library/factsheets/guide-to-govt-mgmt-of-minerals-coal.pdf>.

Recommendations 5 to 7, and 11 – Directors, senior management and worker participation

The Health and Safety Reform Bill currently before Parliament includes a health and safety due diligence duty for officers of businesses and undertakings, and changes to the worker participation framework. A summary of the health and safety reform programme is available at - <http://www.mbie.govt.nz/what-we-do/workplace-health-and-safety-reform>.

Recommendations 8 to 10, and 12 – Regulator supervision of mining qualifications

WorkSafe New Zealand established the Board of Examiners in October 2014 to oversee the mining competency framework - <http://www.business.govt.nz/worksafe/information-guidance/guidance-by-industry/extractives/board-of-examiners>.

Recommendations 13 and 14 – Emergency management in mines

WorkSafe New Zealand continues to test the Underground Mines Emergency Protocol, with a level 3 exercise held at the Waterview tunnelling operation on 10 July 2014 - <http://www.business.govt.nz/worksafe/news/in-focus/pike-river/underground-mines-emergency-protocol>.

Recommendation 15 – Supporting the Mines Rescue board in legislation

On 1 March 2014, the Minister of Labour recognised the new Mines Rescue board, bringing the new Mines Rescue Act 2013 into effect. The associated mines rescue levy regulations came into effect at the same time - <https://gazette.govt.nz/notice/id/2014-go1059>, and <http://www.mbie.govt.nz/what-we-do/pike-river-implementation-plan/pike-river-mine-rescue-levy>.

If you wish to discuss any aspect of your request or this response, or if you require any further assistance, please contact Kathy Drysdale, on 04 901 8600 or kathy.drysdale@mbie.govt.nz.

Yours sincerely



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