

# New Bill gives green light to Pike River recommendations

A new health and safety Bill has been introduced to Parliament to enable implementation of the recommendations made by the Pike River Royal Commission of Inquiry.

If passed, the Health and Safety (Pike River Implementation) Bill is expected to come into force on 1 December 2013.

The Bill:

- establishes an independent workplace health and safety organisation called WorkSafe New Zealand
- amends the Health and Safety in Employment Act 1992 in relation to mining, and
- creates a new Mines Rescue Act 2013.

## WorkSafe

WorkSafe New Zealand will be a stand-alone agency with a dedicated focus on health and safety, consistent with the Pike River Royal Commission's recommendation.

WorkSafe will carry out the operational functions relating to workplace health and safety and energy safety which are currently the responsibility of the Ministry of Business, Innovation and Employment (MBIE).

WorkSafe's main objective is to "promote and contribute to the prevention of harm to all people at work and in, or in the vicinity of, the workplace". It is also envisaged that

WorkSafe will develop codes of practice, enforce compliance with health and safety legislation and encourage relevant stakeholders to share considerably more health and safety information than is currently the case.

## Amendments to the Health and Safety in Employment Act 1992

The amendments to the Health and Safety in Employment Act primarily involve the introduction of a new set of mining regulations which set clear expectations around the management of hazards in the mining industry. This is to make mining operations safer and to align New Zealand with international best practice in the mining industry.

The regulations will include:

- processes for managing hazards
- more robust minimum standards (e.g. for acceptable methane levels, and necessary emergency equipment)
- requirements for health and safety management systems
- new safety-critical roles, and
- strengthened training and competency requirements.

## Mines Rescue Act 2013

The Mines Rescue Act 2013 will repeal the Mines Rescue Trust Act 1992. The 2013 Act will better reflect the role and functions of the Mines Rescue Trust.

## Chapman Tripp comment

The new Bill is likely to help ease some uncertainties and anxieties following the Pike River tragedy. It will strengthen and provide more structure to the regulation of the mining industry which may come as some comfort to operators left in doubt as to requirements post-Pike River. Industry players will need to spend considerable time studying the new mining regime and its detailed, prescriptive requirements.

WorkSafe's value will come from its independence and sole dedication to health and safety in the workplace. The provision of more information to stakeholders is welcome. We have already seen an example in the Guideline issued by MBIE and the New Zealand Institute of Directors. Chapman Tripp's commentary on this Guideline is available online<sup>1</sup>.

The Bill can be viewed online<sup>2</sup>.

## Footnotes

1. <http://www.chapmantripp.com/publications/Pages/Health-and-safety-guide-for-directors.aspx>
2. <http://www.legislation.govt.nz/bill/government/2013/0130/latest/whole.html>



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