

# Exemption from provisions of Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016

---

**Note: This is a consolidation of the exemption granted on 3 December 2019 and the amendment made dated on 17 June 2020. It is provided for reference only and has no legal status.**

In accordance with section 220 of the Health and Safety at Work Act 2015 (the Act), I Nicole Rosie, Chief Executive, exempt **Pike River Recovery Agency Te Kāhui Whakamana Rua Tekau mā Iwa (PRRA)** from compliance with regulation 170(4)(a) of the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016 (the Regulations).

I do so being satisfied that:

- the extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to it; and
- the exemption is not inconsistent with the purpose of the Act.

This exemption is subject to the following terms and conditions:

(1) Subject to paragraph (1A), the exemption applies only in respect of re-entry and recovery of the drift up to the phenolic plug.

(1A) However, the exemption applies only in respect of re-entry and recovery of the drift up to the VCD2 seal, on and from the date on which –

- (a) the VCD2 seal has been installed; and
- (b) a design engineer engaged by the PRRA has accepted the VCD2 seal complies with its rating.

(2) During the re-entry and recovery up to the seal, the seal must –

- (a) remain in place; and
- (b) maintain a sufficiently high atmospheric flow resistance and low leakage flow to allow the area between the roof fall and the seal to –

- (i) be positively pressurised relative to the ventilation in the open drift and the old mine workings; and
  - (ii) remain nitrogen-filled.
- (3) If there is a change that could have a significant impact on how the PRRA can safeguard the health and safety of workers and others, PRRA must—
  - (a) respond in accordance with the critical controls included in its principal control plans, principal hazard management plans, and associated standard operating procedures and trigger action response plans; and
  - (b) inform WorkSafe immediately of any significant change.
- (4) To avoid doubt, nothing in this exemption prevents the PRRA from entering the area between the roof fall and the VCD2 seal in full compliance with the Regulations.
- (5) In paragraph (2), **seal** means –
  - (a) The phenolic plug:
  - (b) On and from the date referred to in paragraph (1A), the VCD2 seal.

This exemption takes effect on 5 December 2019 and expires on 5 December 2024 unless it is sooner replaced or revoked.

Signed at Wellington this 3<sup>rd</sup> day of December 2019

Nicole Rosie  
Chief Executive  
WorkSafe New Zealand