

**Reprint
as at 4 April 2016**



Mines Rescue (Levy) Regulations 2014
(LI 2014/21)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 17th day of February 2014

Present:

His Excellency the Governor-General in Council

Pursuant to section 10(1) of the Mines Rescue Act 2013, His Excellency the Governor-General makes the following regulations, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Labour made after complying with the requirement specified in section 10(8) of that Act.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint. Note 4 at the end of this reprint provides a list of the amendments incorporated.

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

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Regulations

1 Title

These regulations are the Mines Rescue (Levy) Regulations 2014.

2 Commencement

These regulations come into force on 1 March 2014.

3 Application

- (1) Regulations 4 to 10 apply after 31 March 2014.
- (2) Regulation 11 applies to the period beginning on 1 March 2014 and ending on the close of 31 March 2014.

4 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Mines Rescue Act 2013

emergency preparedness costs means the portion of the expected costs that the board expects to incur in performing—

- (a) the functions specified in section 8(b) of the Act; and
- (b) the functions specified in section 8(d) of the Act as they relate to the functions specified in section 8(b) of the Act

expected costs means the direct and indirect costs that the board expects to incur in performing the functions specified in section 8(a), (b), and (d) of the Act and that are notified by the board in accordance with section 10(5)(b) of the Act

micro-mining operation means—

- (a) an opencast coal mining operation with fewer than 6 mine workers;
- (b) an underground metalliferous mining operation with fewer than 3 mine workers who ordinarily work below ground;
- (c) a tunnelling operation with fewer than 3 mine workers who ordinarily work below ground

opencast coal mining operation means a mining operation (within the meaning of clause 2 of Schedule 3 of the Health and Safety at Work Act 2015) associated with the extraction of coal and where no person works below ground

quarter means a period of 3 consecutive calendar months that ends with the last day of March, June, September, or December

response readiness costs means the portion of the expected costs that the board expects to incur in performing—

- (a) the functions specified in section 8(a) of the Act; and
- (b) the functions specified in section 8(d) of the Act as they relate to the functions specified in section 8(a) of the Act

suspended means,—

- (a) in relation to a mining operation, that the activities listed in clause 2(a) and (b) of Schedule 3 of the Health and Safety at Work Act 2015 are for the time being not being carried out, but the mining operation has not been abandoned; and
- (b) in relation to a tunnelling operation, that tunnelling activities are for the time being not being carried out, but the tunnelling operation has not been abandoned

tunnelling operation means a tunnelling operation (within the meaning of clause 4 of Schedule 3 of the Health and Safety at Work Act 2015) to the extent that the tunnelling operation relates to a tunnel or shaft that is, or is intended to be, at least 150 metres long

underground coal mining operation means a mining operation (within the meaning of clause 2 of Schedule 3 of the Health and Safety at Work Act 2015) associated with the extraction of coal and where any person works below ground

underground metalliferous mining operation means a mining operation (within the meaning of clause 2 of Schedule 3 of the Health and Safety at Work Act 2015) associated with the extraction of minerals and where any person works below ground.

Regulation 4 **opencast coal mining operation**: amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 4 **suspended** paragraph (a): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 4 **tunnelling operation**: amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 4 **underground coal mining operation**: amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 4 **underground metalliferous mining operation**: amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

5 Mine operator must pay levy to board

- (1) Each mine operator must pay a levy for a mining operation in accordance with these regulations.
- (2) The levy payable for a mining operation comprises—
 - (a) a response readiness costs component calculated in accordance with regulation 6; and
 - (b) an emergency preparedness costs component calculated in accordance with regulation 7.
- (3) The mine operator must pay the levy to the board.

6 Response readiness costs component of levy

- (1) The response readiness costs component of the levy payable for a mining operation is calculated using the following formula:

$$a \times \frac{b}{c}$$

where—

- a is the response readiness costs
- b is the risk-weighted number of mine workers at the mining operation
- c is the total risk-weighted number of mine workers at all mining operations to which these regulations apply.

- (2) In subclause (1), the **risk-weighted number of mine workers** at a mining operation is the number of mine workers at the mining operation multiplied by the risk factor that is specified for the mining operation in accordance with the Schedule.

7 Emergency preparedness costs component of levy

- (1) The emergency preparedness costs component of the levy payable for a mining operation is calculated using the following formula:

$$\frac{a}{b + (c \div 3)}$$

where—

- a is the emergency preparedness costs
- b is the total number of mining operations to which these regulations apply, excluding micro-mining operations
- c is the total number of micro-mining operations.

- (2) Despite subclause (1), the emergency preparedness costs component of the levy payable for a micro-mining operation is calculated using the following formula:

$\frac{a}{3}$

where—

a is the emergency preparedness costs component of the levy payable for a mining operation under subclause (1).

8 When levy payable

- (1) The levy must be paid quarterly.
- (2) The board must invoice each mine operator in respect of the levy payable by the mine operator before the end of the second month following the end of the quarter.
- (3) The final date for payment of the levy is the 20th day of the third month following the end of the quarter.

9 Extension of time for payment

The board may, in its discretion, grant a mine operator an extension of time for payment of the levy if the board is satisfied that an extension is desirable due to the mine operator's financial circumstances.

10 Returns to be made to board

- (1) Every mine operator must, for each quarter, provide the information specified in subclause (2) to the board to enable the board to determine the amounts of levy payable.
- (2) The information is—
 - (a) the information described in clauses 1, 2, 3, 4, and 12 of Schedule 10 of the mining and quarrying regulations;
 - (b) a copy of any notification that the mine operator is required to provide to WorkSafe under regulation 211 of the mining and quarrying regulations;
 - (c) in the case of a micro-mining operation, evidence that the mining operation falls within the definition of micro-mining operation.
- (3) Every mine operator must provide the information specified in subclause (2) to the board before the end of the month following the end of the quarter.
- (4) In subclause (2), **mining and quarrying regulations** means the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016.

Regulation 10(4): amended, on 4 April 2016, by regulation 231(2) of the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016 (LI 2016/17).

11 Levy payable for period before 1 April 2014

- (1) A levy is payable by every mine operator that operates a coal mine (within the meaning of section 2 of the Mines Rescue Trust Act 1992) during the period beginning on 1 March 2014 and ending on the close of 31 March 2014.
- (2) The amount of the levy payable under subclause (1) is one-third of the levy that would have been payable for the coal mine for a quarter if section 7(1) of the Mines Rescue Trust Act 1992 had not been repealed.
- (3) The levy payable under subclause (1) is payable to the board on or before 20 June 2014.

Schedule Risk factor of mining operations

r 6(2)

| Type of mining operation | Risk factor |
|---|-------------|
| Underground coal mining operation | 1 |
| Underground metalliferous mining operation | 0.35 |
| Tunnelling operation where no tunnel-boring machine is used | 0.35 |
| Opencast coal mining operation with underground workings | 0.25 |
| Tunnelling operation where a tunnel-boring machine is used | 0.2 |
| Opencast coal mining operation with no underground workings | 0.1 |

The risk factor of a suspended mining operation is the figure in the second column of the table (opposite the applicable type of mining operation) multiplied by 0.3

Michael Webster,
for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 20 February 2014.

Reprints notes

1 *General*

This is a reprint of the Mines Rescue (Levy) Regulations 2014 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016 (LI 2016/17): regulation 231

Health and Safety at Work Act 2015 (2015 No 70): section 232