

Reprint
as at 15 May 2017



Health and Safety in Employment (Tunnelling Operations—Excluded Operations) Order 2013

(SR 2013/484)

Health and Safety in Employment (Tunnelling Operations—Excluded Operations) Order 2013: revoked, on 15 May 2017, by regulation 10 of the Health and Safety at Work (Mining Operations and Quarrying Operations) Amendment Regulations 2017 (LI 2017/62).

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 9th day of December 2013

Present:

The Right Hon John Key presiding in Council

Pursuant to section 19P of the Health and Safety in Employment Act 1992, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Labour, makes the following order.

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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.

This order is administered by the Ministry of Business, Innovation, and Employment.

Order

1 Title

This order is the Health and Safety in Employment (Tunnelling Operations—Excluded Operations) Order 2013.

2 Commencement

This order comes into force on 16 December 2013.

3 Certain operations excluded from definition of tunnelling operation

- (1) Any tunnelling operation that meets all of the criteria listed in subclause (2) is not a tunnelling operation for the purposes of section 19O of the Health and Safety in Employment Act 1992.
- (2) The criteria are—
 - (a) not more than 2 mine workers ordinarily work underground at the operation at any one time; and
 - (b) explosives are not used underground at the operation; and
 - (c) the operation relates to a tunnel or shaft that is, or is intended to be, not more than 15 metres long; and
 - (d) the concentration of methane is not likely to be more than 0.25% of the general body of air in any working area at the operation.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 16 December 2013, excludes certain tunnelling operations from the definition of tunnelling operation for the purposes of section 19O of the Health and Safety in Employment Act 1992, which has the effect of removing them from the definition of mining operation in section 19M and from the scope of Part 2B of that Act.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 12 December 2013.

Reprints notes

1 *General*

This is a reprint of the Health and Safety in Employment (Tunnelling Operations—Excluded Operations) Order 2013 that incorporates all the amendments to that order as at the date of the last amendment to it.

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) Amendment Regulations 2017 (LI 2017/62): regulation 10