

## JOINT LEGISLATIVE FRAMEWORK PAPER

Prepared by the Departments of Labour and Conservation and the Ministries of  
Economic Development and for the Environment

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**PROVISIONAL LIST OF TOPICS FOR INCLUSION IN TIER 2 PAPER BEING  
PREPARED BY THE DEPARTMENT OF LABOUR (DOL)**

**The following list of proposed topics for inclusion in the paper is provisional as the paper is in the early stages of development. References to Issues are to the issues identified in the Commission's minute dated 18 March 2011**

Proposed topics include:

- History of health and safety legislation applicable to underground coal mines.
- A brief history of mine explosions causing multiple fatalities in New Zealand and the recommendations of inquiries into those events including summaries of the recommendations of the inquiries (Issue 1.2).
- Policy considerations which prompted the enactment of the Health and Safety in Employment Act 1992 (HSE Act) and its application to underground coal mining, including development of health and safety legislation in New Zealand leading to the introduction of performance-based health and safety legislation (Issue 1.4).
- Development of the regulatory framework and administrative arrangements under the HSE Act from 1992-2006 including staged implementation of performance-based legislation, implementation of the legislation in the mining sector, the functions of the mining inspectorate and the transfer of functions from the Ministry of Economic Development to DoL (Issue 1.4).
- The recognised practices (including codes of practice, guidelines, advisories, notices and instructions issued by regulatory authorities and other organisations) which applied at the incident date (Issue 1.6).
- Chronology of interactions between DoL and Pike River Coal Ltd (PRC) concerning mine development (Issue 1.10).

**PROVISIONAL LIST OF TOPICS FOR INCLUSION IN TIER 2 PAPER BEING  
PREPARED BY THE DEPARTMENT OF CONSERVATION (DOC)**

**The following list of proposed topics for inclusion in the paper is provisional as the paper is in the early stages of development. References to Issues are to the issues identified in the Commission's minute dated 18 March 2011**

Proposed topics include:

- Timeline of conservation-related legislation pertaining to Pike River Coal mine including a description of conservation and mining legislation pre-1980 and the conservation reforms of the 1980's (Issue 1.2).
- The establishment and functions of DoC including the provisions of the Conservation Act 1987, allocation of conservation land and legislative amendments.
- The establishment of the Paparoa National Park, the West Coast Accord and Forests (West Coast Accord) Act.
- History of DoC and its structure.
- Description of the West Coast Tai Poutini Conservancy and how it is structured to undertake its mining workload.
- Chronology of interactions between DOC and Pike River Coal Ltd (PRC) including pre-application discussions and authorisation, PRC's application for an access arrangement and other consents for the use of public conservation land and the period post authorisations including variations to the access arrangement, annual work plan approvals and variations (Issue 1.10).
- DOC's involvement in PRCL's application for resource consents.

**PROVISIONAL LIST OF TOPICS FOR INCLUSION IN TIER 2 PAPER BEING PREPARED BY THE MINISTRY OF ECONOMIC DEVELOPMENT (MED)**

**The following list of proposed topics for inclusion in the paper is provisional as the paper is in the early stages of development. References to Issues are to the issues identified in the Commission's minute dated 18 March 2011**

Proposed topics include:

- Background history of the New Zealand Mining Industry (Issue 1.1).
- The legal requirements and recognised practices which governed mining in New Zealand pre 1992 (Mining Act 1971, Coal Mines Act 1979, Coal Mines Licensing Regulations 1980 (Repealed), Coal Mines (Management and Safety) Regulations 1980 (Repealed), Coal Mines (Electrical) Regulations 1980 (Repealed) (Issue 1.3).
- The policy underpinning the Coal Mines Act 1979 and the Crown Minerals Act 1991, including the separation of Crown Minerals Bill from Resource Management Bill.
- The geography and geology of the area where the mine is situated including exploration, coal properties, production, coal resources (Issue 1.8).
- The consent and approval process, including the terms and conditions sought by or imposed by MED and a chronology of interactions between MED and Pike River Coal Limited (PRC) concerning mine development including document lists and site visits including provisions of the Minerals Programme for Coal 1996 (Issues 1.9 and 1.10).
- The history of the design, development and construction of the mine and associated systems to the extent of documents held by MED (Issue 1.11).
- The state of development and layout of the mine as at the incident date, including all plans of the mine prepared at the time to the extent that such documents are held by MED (Issue 1.12).

**PROVISIONAL LIST OF TOPICS FOR INCLUSION IN TIER 2 PAPER BEING  
PREPARED BY THE MINISTRY FOR THE ENVIRONMENT (MFE)**

**The following list of contents is provisional as the paper is in the early stages of development. References to Issues are to the issues identified in the Commission's minute dated 18 March 2011**

Proposed topics (relevant to issue 1.3) include:

- History of legislative reviews commenced in the 1980s as they related to underground coal mining, leading to the enactment of the Resource Management Act 1991 and separation of the Crown Minerals Bill as a separate Bill
- Cabinet consideration and decisions and publication of government proposals
- The legislative process including select committee, departmental and review group process, publication of review group report
- Developments following change of government
- Enactment of the Resource Management Act and the Crown Mineral Act
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