Appendix 5: Terms of reference

PIKE RIVER MINE

INTERNAL OPERATIONAL REVIEW

Terms of Reference
(Unsigned version)

23 February 2011
1. Purpose

The Chief Executive has commissioned a review of the Department’s operational actions in relation to the underground mining operations at Pike River Coal Mine to:

a. determine a complete factual record of its interactions with the Mine; and

b. provide in-depth analysis and conclusions regarding how the Department exercised its responsibilities as the regulator under the Health and Safety in Employment Act 1992 as it related to the Mine.

This will form part of preparing its anticipated response to and participation in the Royal Commission on the Pike River Coal Mine Tragedy.

2. Background

On 19 November 2010, an explosion was reported at Pike River coal mine near Greymouth. At the time 31 men were working inside the underground mine – two escaped shortly after the explosion, but the remaining 29 workers were trapped inside.

A team from the Department of Labour arrived at the site the following day to assist the police and emergency services with the rescue operation.

After a second explosion at the mine on 24 November 2010 it became apparent there were no survivors. Since then the Department has been assisting emergency services with a possible recovery operation.

The Department has had regular interactions with Pike River coal mine since its inception (November 2008) and an inspector last visited the mine on 2 November 2010. At that visit he noticed two minor mechanical hazards, which the company dealt with.

The Department has begun an investigation to determine whether the duties imposed under the Health and Safety in Employment Act 1992 (and associated regulations) in respect of work at the Mine prior to the explosion on 19 November 2010 were complied with.

The Department is also undertaking work to complete an accurate record of matters as they relate to its policy and legislative functions in this area.

3. Proposed scope for Review

The Review will cover the following areas:

1. Determining a complete record of the Department’s interactions, whether through its health and safety inspectorate or otherwise, with the Mine including;
a. all site visits or other forms of inspection

b. all communications (whether oral or written), including the provision of information and advice

c. all notices or other requirements or requests made of the Mine by the Department

d. all responses (if any) from the mine to such notices, requirements or requests

2. An assessment of these interactions including reference to;

a. the nature of the Department’s regulatory role

b. the qualifications and experience of those undertaking it

c. the Department’s documented approach to discharging its regulatory responsibilities under the Health and Safety in Employment Act 1992 including its Enforcement Policy

3. An assessment of the Department’s management and support of its interactions with the Mine including;

a. the systems and processes in place to ensure appropriate matters were raised and followed up;

b. the support for and management of those employees carrying out the regulatory role.

4. **Process**

Independent reviewer(s) of suitable qualification and experience from outside the Department will be appointed to undertake the Review.

The reviewer(s) will report to the Chief Executive in accordance with the purpose described above.

A person from within the Department will be appointed to manage the review, including:

- managing the appointment of, and relationship with, the external reviewers
- assisting the reviewers in undertaking the investigation and completing their report

Background documents, (briefings, records of meetings, register of actions and other related materials) will be made available as appropriate.
Key people within the organisation will be made available for interviews as appropriate.

5. Governance and Management

The Chief Executive of the Department of Labour will be the Sponsor for the Department’s Internal Operational Review. The Deputy Chief Executive – Executive Group will be responsible for its oversight and management.

6. Timing and Deliverables

It is expected that the Review will commence in February 2011 and that the independent reviewer will provide regular updates to the Sponsor and a formal report as follows:

- an interim progress report by 4 April 2011
- a final report no later than 31 May 2011

7. Budget

*This will be agreed with the reviewer on confirmation of the approach for the review.*

8. Process and key dates

Compilation of documentation by the Labour group will be completed by 28 February 2011.

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<td>External review commences</td>
<td>28 February 2011</td>
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<tr>
<td>Interim Progress report</td>
<td>4 April 2011</td>
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<tr>
<td>Final Report</td>
<td>no later than 31 May 2011</td>
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