

## Exemption from provisions of Health and Safety at Work (Hazardous Substances) Regulations 2017

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In accordance with section 220 of the Health and Safety at Work Act 2015 (the Act), I, Nicole Rosie, Chief Executive at WorkSafe New Zealand, exempt **Elgas Limited** from compliance with regulation 16.31 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 for four LPG tank wagons to have a tank wagon design compliance certificate.

I do so –

- being satisfied that:
  - a. the extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to it; and
  - b. the exemption is not inconsistent with the purpose of the Act; and
  - c. the pre-commissioning inspection under regulation 16.34(4)(a) enables the four LPG tank wagon semi-trailers to be issued a tank wagon record number (TAN).
- subject to the conditions listed in Appendix 1.

This exemption takes effect on **14 June 2019** and expires on **14 June 2024** unless it is replaced sooner or revoked.

Signed at Wellington this **13** day of June 2019.



Nicole Rosie  
Chief Executive  
WorkSafe New Zealand

## Appendix 1

### Exemption Conditions

The application to grant an exemption has been decided as follows:

The exemption is granted to Elgas Limited by WorkSafe in accordance with section 220 of the Health and Safety at Work Act 2015 to accept:

1. the following four LPG tank wagon semi-trailers being allocated a tank wagon record number without a tank wagon design compliance certificate:

MOT 94359

MOT 112349

MOT 119388 and

MOT 123121

The exemption is subject to the following conditions:

1. Elgas Ltd must operate and maintain each tank wagon in accordance with Part 16 the Health and Safety at Work (Hazardous Substances) Regulations 2017 except that for tank wagon 119388, it must comply with condition 3.
2. Prior to bringing these tank wagons back into service, Elgas Ltd must ensure that each tank wagon:
  - a. is fitted with a backup means for shutting off the delivery pump;
  - b. has the tanker plate marked with the maximum fill level for that tank wagon;
  - c. the rear bumper meets the horizontal load limit requirements of regulation 16.22;
  - d. has the strength of the chassis attachment ascertained. If the strength of the chassis attachment is less than 80% of that specified in Schedule 23, the attachment must be strengthened to 100% of that specified in Schedule 23;
  - e. is fitted with drive-away protection that ensures the tank wagon cannot be moved while discharge hoses are connected.
3. For tank wagon 119388, Elgas Ltd must increase the static roll threshold to 0.45g when major works are undertaken on the sub-frame, but no later than 3 years from the date of this exemption.
4. For tank wagon 119388, Elgas Ltd must notify WorkSafe ([hsapplications@worksafe.govt.nz](mailto:hsapplications@worksafe.govt.nz)) when condition 3 is completed.
5. Elgas Ltd must fix the issued record number (TAN) to the respective tank wagons in a manner that will ensure it will remain legible for the life of the tank wagon.