

Public consultation

*HAZARDOUS SUBSTANCES
SAFE WORK INSTRUMENTS*

April 2023



Te Kāwanatanga o Aotearoa
New Zealand Government

WORKSAFE
Mahi Haumarū Aotearoa



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tables

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Purpose

WorkSafe New Zealand is consulting on a proposed safe work instrument (SWI), the Health and Safety at Work (Hazardous Substances – Modified Application of Controlled Substance Licence Requirements for Specified Class 1 Substances) Safe Work Instrument 2023, which outlines controlled substance licence requirements for specified class 1 hazardous substances.

Your submissions will help WorkSafe determine whether the proposed SWI sets appropriate controlled substance licence requirements for the identified class 1 hazardous substances.

How to have your say

You can find the SWIs, a response forms, and information on providing a submission here: worksafe.govt.nz

Submissions can be made by email to: regulatory.frameworks@worksafe.govt.nz

The deadline for receipt of all submissions is **5pm on 17 May 2023**.

Your submission may be made public

The Official Information Act 1982 (OIA) allows New Zealand citizens and permanent residents, or anyone in New Zealand, to request official information from the government – including copies of submissions.

WorkSafe will let you know if we receive an OIA request for a copy of your submission. The content of your submission may be made available to the public; however, you can indicate on the response form whether you would prefer your details to be kept confidential.

WorkSafe will manage any personal information you supply in accordance with the Privacy Act 2020.

Next steps

Once consultation has closed, WorkSafe will analyse all submissions, and, as appropriate, use the feedback to inform the final design of the proposed SWI.

We will then present the SWI to the Minister for Workplace Relations and Safety for consideration and approval.

If the SWI is approved, we will:

- notify the SWI in the New Zealand Gazette
- publish the SWI on WorkSafe's website: worksafe.govt.nz
- publish a summary of submissions.

Our contact details

If you have any questions about this consultation, please contact: regulatory.frameworks@worksafe.govt.nz

About safe work instruments

A safe work instrument (SWI) is a form of legislation that supports or complements regulations. SWIs allow for greater flexibility and more timely updates to the regulatory framework, reflecting changes in technology, standards, and health and safety practices.

The WorkSafe New Zealand Act 2013 gives WorkSafe the function of developing SWIs. Section 227 of the Health and Safety at Work Act 2015 (HSWA) allows SWIs to define terms, prescribe matters, or make other provision in relation to any activity or thing, including (without limitation) listing standards, control of substances, and competency requirements. SWIs have legal effect only if they are referred to in regulations.

A SWI must be approved by the Minister for Workplace Relations and Safety. To approve a SWI, the Minister must be satisfied that the appropriate persons and organisations have been consulted.

There is more information about SWIs on our website [Safe work instruments](#)

Why this SWI is needed

Context

When requirements for hazardous substances were moved from the Hazardous Substances and New Organisms Act 1996 (HSNO) to the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the Regulations), some class 1 hazardous substances were not 'lifted and shifted' into Schedule 7 of the Regulations.

The tables in Schedule 7 specify whether a class 1 hazardous substance requires a controlled substance licence (CSL) by categorising the substance into:

- Table 1 (Substances that require controlled substance licence), or
- Table 2 (Substances that do not require controlled substance licence).

Reason for change

The proposed SWI will incorporate the class 1 hazardous substances that were not lifted and shifted into Schedule 7. It will specify the controlled substance licence requirements of each substance by adding them to or deleting them from the respective tables. This will provide PCBUs with certainty about whether a controlled substance licence is required for those class 1 hazardous substances.

The SWI will also correct a drafting error in Table 1 in Schedule 7, where a substance is recorded with the incorrect UN number.

Proposed requirements

We are proposing an SWI for the purposes of regulation 9.4 of the Regulations to amend Tables 1 and 2 in Schedule 7 of the Regulations by:

- **Deleting** a class 1 substance with the incorrect UN number from table 1 in Schedule 7:

1.4B	UN0267	Detonators, non-electric (for blasting). Articles consisting of a small metal or plastic tube containing explosives such as lead azide, PETN, or combinations of explosives. They are designed to start a detonation train. They may be constructed to detonate instantaneously or may contain a delay element
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TABLE 1:
Deletion from Table 1

- **Adding** the following class 1 substances to Table 1 in Schedule 7, including a corrected version of the deleted substance above:

1.1D	UN0082	ECONOTRIM Buttbuster
1.1D	UN0082	EZICHARGE
1.1D	UN0168	ACE ROUND
1.4B	UN0257	Detonators, non-electric (for blasting). Articles consisting of a small metal or plastic tube containing explosives such as lead azide, PETN, or combinations of explosives. They are designed to start a detonation train. They may be constructed to detonate instantaneously or may contain a delay element
1.4C	UN0278	Propellant TP-J-3000
1.4S	UN0441	Swetech Colliding Detonation Drill Collar Cutter, Type 1

TABLE 2:
Additions to Table 1

- **Adding** the following class 1 substances to Table 2 in Schedule 7:

1.4S	UN0173	Fenwal Explosive Switch Kit (UN0173; Release Devices, Explosive)
1.1G	UN0192	SIGNALS, Railway track, explosive
1.4B	UN0257	Current Limiting Protector
1.4C	UN0276	Cartridge Assembly P/N 30903870
1.4G	UN0353	Elide Fire Ball
1.4G	UN0431	Stat-X First Responder Fire Suppression System
1.4G	UN0453	Galaxy and Magnum Rockets
1.4S	UN0454	Thermit Igniter

TABLE 3:
Additions to Table 2

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worksafe.govt.nz



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