

Summary of submissions

***SAFE WORK INSTRUMENT TO SPECIFY CONTROLLED
SUBSTANCE LICENCE REQUIREMENTS FOR
HAZARDOUS SUBSTANCES***

August 2023



Te Kāwanatanga o Aotearoa
New Zealand Government

WORKSAFE
Mahi Haumarū Aotearoa

Background

The Health and Safety at Work (Hazardous Substances – Modified Application of Controlled Substance Licence Requirements for Specified Class 1 Substances) Safe Work Instrument 2023 (the SWI) specifies licensing requirements for 13 class 1 (explosive) hazardous substances by categorising them as substances that require (or do not require) a controlled substance licence.

When requirements for hazardous substances were transferred from the Hazardous Substances and New Organisms Act 1996 (HSNO) to the Health and Safety at Work (Hazardous Substances) Regulations 2017, some class 1 hazardous substances were not ‘lifted and shifted’ into Schedule 7 of the Regulations. The SWI corrects this oversight.

WorkSafe New Zealand consulted on the SWI between 19 April and 17 May 2023. The SWI commences on 25 September 2023, and is published on our website.

This document is a summary of submissions made on the SWI, WorkSafe’s response to submitters’ feedback, and the resulting changes made to the SWI.

Consultation

WorkSafe consulted on the proposed SWI with its social partners (Business NZ and the Council of Trade Unions), organisations in the hazardous substances industry, government agencies, compliance certifiers, and the 14,000 stakeholders subscribed to WorkSafe’s Hazardous Substances Database. The draft SWI was also available to the public on our website.

WorkSafe received six submissions on the SWI proposal from PCBUs, industry bodies, and a government agency. The summary below outlines the submissions and resulting changes to the SWI.

Summary of submissions

There were submissions of general support for this SWI, which are not detailed in this summary.

Additions to Table 1 or 2

SUBMISSION	WORKSAFE RESPONSE
A request for a substance to be added to Table 2 of Schedule 7 (Substances that do not require controlled substance licence) through the SWI, despite not having the appropriate classification.	The Environmental Protection Authority (EPA) approves and classifies hazardous substances. Accordingly, this SWI must apply requirements based on the classifications determined by the EPA.
Certain substances should be added to Table 1 or 2 of Schedule 7 through the SWI.	WorkSafe reviewed the substances and identified that they already had controlled substance licence requirements due to the classifications applied by the EPA Certificate to Import Explosives.

Detonators

SUBMISSION	WORKSAFE RESPONSE
The SWI should refer to the 2019 edition of the United Nations Model Regulations for the Transport of Dangerous Goods, which differentiates between ‘Electric Detonators’ and ‘Electronic Detonators’.	The Health and Safety at Work (Hazardous Substances) Regulations 2017 defines UN Model Regulations with reference to the 2015 edition of the United Nations Model Regulations for the Transport of Dangerous Goods. The SWI is bound by this definition, but WorkSafe will notify the Ministry of Business, Innovation, and Employment (MBIE) that there is interest in updating the definition.

Correction of a substance/identification of an error

SUBMISSION	WORKSAFE RESPONSE
The draft SWI contains an error in the substance description relating to the addition of 1.4B UN0257 to Table 1.	WorkSafe corrected the substance description in the SWI and notified the submitters and stakeholders on the targeted consultation list of the error and subsequent correction.

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