

The Test Certifier Update, is a WorkSafe newsletter to support test certifiers by providing information, guidance and updates on hazardous substances and test certification.

The Update is also available to other interested parties on the WorkSafe New Zealand website at www.worksafe.govt.nz

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HAZARDOUS SUBSTANCES REGULATIONS EXPOSURE DRAFT

The exposure draft of the Health and Safety at Work (Hazardous Substances) Regulations is now available for viewing on the **Ministry of Business, Innovation and Employment** (MBIE) website.

The regulations for work involving hazardous substances carry through requirements currently prescribed under the Hazardous Substances and New Organisms Act 1996 (HSNO Act) in regulations, transfer notices, individual substance variations, and group standards, with some modifications to simplify requirements. The regulations also incorporate changes to codify existing good practice, in some cases based on the provisions of the Australian Model regulations.

Test certifiers are advised to read the exposure draft, and pay particular attention to Part 6 – Compliance Certification, which contains a number of new provisions or relevance to test certifiers (known as compliance certifiers under the new regime), including a new fee schedule.

Specific feedback is also being sought by MBIE in a number of areas (listed below) before Government makes any final policy decisions:

- > approved handler certification
- > storage of toxic (class 6) and corrosive (class 8) substances
- > controls on transit depots where class 6 & 8 substances are present
- > segregation requirements for class 6 or 8 substances
- > duty to establish hazardous substance location for class 6.1A, 6.1B, 6.1C or 8.2A substances
- > compliance certificates for class 6.1A, 6.1B, 6.1C or 8.2A substances
- > separation of hazardous substance location where class 6.1A, 6.1B, 6.1C or 8.2A substances are present.

Feedback on the draft regulations is to be submitted to MBIE at HSWregs@mbie.govt.nz **by 5pm, Friday 26 February 2016.**

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HEALTH AND SAFETY AT WORK QUICK REFERENCE GUIDE

WorkSafe has produced a quick reference guide to the new Health and Safety at Work Act. This guide provides information on some of the defining concepts of the new legislation including: What is a PCBU (Person Conducting a Business or Undertaking), Primary Duty of Care, Due Diligence and Effective Worker Participation.

A copy of this guide will be posted to all test certifiers in the New Year.

Test certifiers (or strictly speaking, compliance certifiers under the new regime) will need to have a general understanding of the Health and Safety at Work Act as well as detailed knowledge of the Health and Safety at Work (Hazardous Substances) Regulations, specific to the compliance certificates the issue.

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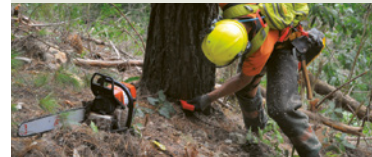


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1.4. OVERLAPPING DUTIES BETWEEN PCBUS

- Where there is overlap, and more than one PCBU has a duty in relation to the same matter, PCBUs need to consult, co-operate and co-ordinate activities to meet shared responsibility in regard to the health and safety of their workers, so far as is reasonably practicable.
- PCBUs with overlapping duties are not required to duplicate efforts, but, will need to work together to meet their duty of care (see Element 3). PCBUs cannot contract out of their duty. However, they can make reasonable arrangements with the other PCBUs to fulfil their duty.
- PCBUs should monitor each other to ensure everyone is doing what they agreed.
- The extent of a PCBU's duty depends on the level of influence and control the PCBU has over matters at work.



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ELEMENT 02/ MEANING OF WORKERS AND THEIR DUTIES

2.1. WHAT IS THE MEANING OF WORKERS?

- Workers are:
 - Employees, contractors or sub-contractors
 - Employees of contractors or sub-contractors
 - Employees of labour hire companies
 - Outworkers (including homeworkers)
 - Apprentices, trainees, people gaining work experience
 - Volunteer workers
- Volunteers working for voluntary organisations and officers (company directors) are not workers.
- Workers have responsibilities but not primary duty of care.

2.2. WHAT ARE WORKERS DUTIES?

- Workers must take reasonable care to ensure the health and safety of themselves and others in the workplace.
- Workers must follow any reasonable instruction from the PCBU that allows the PCBU to comply with the Act.
- Workers must co-operate with any reasonable policy or procedure of the PCBU relating to health and safety in the workplace.
- Workers have the right to refuse to undertake dangerous work.

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1080 ANNUAL REPORT 2014

The Environmental Protection Authority (EPA) has released their eighth annual report on the aerial use of 1080.

The reports' findings are consistent with previous years and show the 1080 regime is working as intended with the benefits of using 1080 being seen while the risks are minimised.

1080 is one of the most closely monitored hazardous substances in New Zealand. In 2007, 1080 was reassessed and controls on its aerial use were tightened.

The latest report shows there were 58 reports of aerial 1080 operations in 2014, covering 967,012 hectares. This is a similar number of operations to the 2013 year but over a larger area, mainly as a result of a combination of the cycle of pest control operations and the



Department of Conservation's Battle for our Birds programme.

[Read the 1080 Annual Report](#)

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NEW AUSTRALIAN STANDARD FOR LPG

Standards Australia have released a new standard - Load restraint for LP Gas cylinder distribution - AS 5714.

A preview of this new standard is available [here](#).

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HAZARDOUS SUBSTANCES TOOLBOX

The Hazardous Substances Toolbox has been updated and re-printed. It is available to order through the toolbox website: www.hazardoussubstances.govt.nz/order

A maximum of 5 toolboxes can be ordered per individual or workplace.

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SEASONS GREETINGS

We extend season's greetings to you all. Whether you are travelling or staying at home, or whatever, we hope you have a relaxing break and can spend quality time with your family and loved ones.

The coming year is likely to be another challenging one, as the Health and Safety at Work Act and regulations come into force.

So whilst you enjoy the Christmas break, don't forget to review the draft Health and Safety at Work (Hazardous Substances) Regulations. All 524 pages of them!

Merry Christmas from the Certifications, Approvals, and Registrations (CAR) Team.

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