

Guide for compliance authorisation

INDIVIDUAL


November 2017

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This guide is intended for any person applying for authorisation as a compliance certifier or to renew or vary their compliance certifier authorisation under the Health and Safety at Work (Hazardous Substances) Regulations 2017.

It should be read in conjunction with:

- *Authorising Compliance Certifiers - Health and Safety at Work (Hazardous Substances) Regulations 2017 - Operational Policy*
- *Fit and Proper Person Assessment (Health and Safety at Work (Hazardous Substances) Regulations 2017) - Policy*
- *Fit and proper test - Technical guide*

For additional information about the application process and the type of information required to support your application contact the Certifications, Approvals and Registration - Hazardous Substances, at WorkSafe New Zealand.

Part 1: Authorisation

WorkSafe New Zealand is responsible for determining whether an applicant for a compliance certifier authorisation is sufficiently qualified to issue compliance certificates within the scope of the authorisation, and subject to any conditions imposed on it.

Before granting a compliance certifier authorisation, WorkSafe must be satisfied that the requirements specified in regulations 6.5, 6.6 and 6.7 of the Regulations have been met. These require—

- applications to be in the form required by WorkSafe and to be accompanied by the appropriate fee and information in support of the application (which may include a scheme of insurance appropriate to the scope of the authorisation, if required by safe work instrument); and
- applicants to:
 - have the appropriate qualifications and practical experience in relation to hazardous substances and associated equipment or, for an applicant who is not an individual, accreditation by International Accreditation New Zealand (IANZ)
 - be a fit and proper person.

Compliance certifiers are authorised for a period of five years or less as specified by WorkSafe in the authorisation.

Part 2: How to apply

To become an authorised compliance certifier, the relevant application form supported with information required by the Regulations has to be submitted to WorkSafe for consideration.

Complete *Application for authorisation as compliance certifier (Individual)*, if you are an individual applying to become a compliance certifier, or to renew or vary the scope or conditions of your authorisation as a compliance certifier.

Please refer to Part 4 on how to complete the application form.

All application forms are available on the WorkSafe website at www.worksafe.govt.nz or can be requested by e-mail at hsapplications@worksafe.govt.nz.

Accompanying these application forms are various annexes (Annexes A, B, C, D, E and F) which are also available on the WorkSafe website for applicants to use to demonstrate they, or the individuals they employ or engage, have the qualifications required for authorisation as a compliance certifier. These annexes do not form part of this document.

The use of these annexes is not compulsory and WorkSafe will consider other sources of information received from applicants for the purposes of determining whether the relevant requirements are met.

The completed application form and supporting information must be e-mailed to hsapplications@worksafe.govt.nz or delivered to WorkSafe at:

POSTAL ADDRESS

WorkSafe New Zealand
PO Box 165
Wellington 6140
New Zealand

PHYSICAL ADDRESS

WorkSafe New Zealand
Level 6
86 Customhouse Quay
Wellington 6011
New Zealand

Part 3: Fees

Fees Structure

The fees relevant to applications for compliance certifier authorisations are prescribed in Schedule 2 of the Regulations as follows:

APPLICATION	FEE
Authorisation as new compliance certifier	\$830
Application to vary scope or conditions of compliance certifier authorisation	\$583
Renewal of compliance certifier authorisation	\$415

If you are applying to renew your authorisation with a request for variation of scope and/or conditions, the fee will be \$998 comprising:

- the fee associated with the renewal - \$415
- the fee associated with the variation - \$583

Payment of the relevant application fee will be requested by WorkSafe upon receipt of an application form. WorkSafe will not consider an application to be complete until such time as the appropriate fee has been paid.

Fees and term of authorisation

The default term for an authorisation as a compliance certifier is 5 years unless WorkSafe considers it necessary in the interest of safety to grant a shorter period.

The application fees are non-refundable unless the applicant informs WorkSafe of the intention to withdraw an application for authorisation as a compliance certifier.

The application fees prescribed by the Regulations apply regardless of the term of the authorisation.

Payment method

All fees can be paid by direct credit once an invoice has been generated by WorkSafe upon receipt of an application for authorisation as a compliance certifier.

Overseas applicants are required to pay all associated bank fees in addition to the application fees specified in Schedule 2 of the Regulations.

Please include the following details in your payment:

DIRECT CREDIT

Internet Banking Bill Payee: WorkSafe NZ

Direct Credits to: Westpac Account 03-0251-0040445-00

Invoice number: WSXXXXXX (refer to the invoice number provided by WorkSafe for all direct credit transfer)

Part 4: Filling in the application form (Individual)

The application form should be completed by an individual who wishes to become a compliance certifier, in accordance with the following instructions.

Please be aware that depending on the type of application being lodged (new, renewal, variation) some sections of the application form will not be relevant and therefore do not have to be completed.

The instructions below are intended to assist in ensuring that you provide accurate information and submit a complete application.

Section 1 - Applicant details

Complete this section with information about your name, company name, address for service and contact details.

This information will be used to register your application and include your details on the compliance certifier register published on the WorkSafe website, if your authorisation is granted.

If your name has changed, evidence of a name change must be provided such as a certified copy of a marriage certificate or statutory declaration with the inclusion of a birth certificate.

Section 2 - Type of application

Indicate in this section whether you are applying to:

- be authorised as a new compliance certifier
- renew your authorisation as a compliance certifier without variations to the scope or conditions of your authorisation
- renew your authorisation as a compliance certifier with variations to the scope or conditions of your authorisation
- vary the scope or conditions of your current authorisation as a compliance certifier.

Follow the instructions on the form to identify the sections relevant to the type of application being lodged.

A **new compliance certifier** is a person who has not previously been authorised by WorkSafe (under the Regulations) or the Environmental Protection Authority (under the Hazardous Substance and New Organisms Act 1996) to issue compliance certificates.

A **renewing compliance certifier** is a person who is currently authorised by WorkSafe (under the Regulations) or the EPA (under the HSNO Act 1996) to issue compliance certificates, and has made an application to renew the authorisation at least 20 working days before it ends.

A **variation of scope and/or conditions of an authorisation** can only be requested by an applicant who currently holds an authorisation or is applying to renew the authorisation as a compliance certifier.

A variation to the scope of an authorisation to issue compliance certificates may relate to:

- compliance categories;
- lifecycles;
- classes and quantities of hazardous substances;
- industry types.

A variation to the conditions of an authorisation may include the removal of existing conditions on the authorisation.

If a variation application is for a wider scope of an authorisation, WorkSafe may need additional information in order to be satisfied that you are qualified to be authorised. Additional evidence of qualifications may be requested by WorkSafe to process such a request.

Section 3 - Scope of authorisation

If WorkSafe grants a compliance certifier authorisation, the authorisation will specify the scope of the authorisation and may be made subject to conditions, as appropriate.

The scope will specify the categories of compliance certificate (compliance categories) required by particular provisions in the Regulations.

The compliance categories available for authorisation are summarised in the following table and must be specified in the *Application for authorisation as compliance certifier (Individual)*.

COMPLIANCE CATEGORY	REGULATION	DESCRIPTION
Approved fillers (cylinders, stationary tanks)	15.66	- Certification of approved fillers (cylinders, stationary tanks)
CYLINDERS		
Cylinder design verification	15.13	- Design verification of cylinders
Cylinder importation	15.16	- Compliance certificate for imported cylinders
UNRTDG cylinder importation (Schedule 19)	15.3(3)	- Compliance certificate for imported UNRTDG cylinders
Cylinder pre-commissioning	15.19	- Issue of pre-commissioning certificate
LPG fittings	15.37	- Compliance certificate for imported and manufactured fittings
CERTIFIED HANDLERS		
Class 1 certified handlers	4.1 9.3	- Compliance certificates for certified handlers - Requirement for certain class 1 substances to be under personal control of certified handlers.
Class 6 certified handlers (Agrichemicals)	4.1 13.9	- Compliance certificates for certified handlers - Requirement for certain class 6 substances to be under personal control of certified handlers.
Class 6 certified handlers (Fumigants)	4.1 14.3	- Compliance certificates for certified handlers - Fumigants that must be under personal control of certified handler
Class 6 certified handlers (Vertebrate Toxic Agents)	4.1 13.9	- Compliance certificates for certified handlers - Requirement for certain class 6 substances to be under personal control of certified handlers

COMPLIANCE CATEGORY	REGULATION	DESCRIPTION
Class 6 certified handlers (Industrial Chemicals)	4.1 13.9	<ul style="list-style-type: none"> - Compliance certificates for certified handlers - Requirement for certain class 6 substances to be under personal control of certified handlers
CLASS 1		
Container (magazines) design	9.20(1)(b) 9.20(4)(b)	<ul style="list-style-type: none"> - Design of magazines securing class 1 substances and certification that the magazine continues to meet the relevant design requirements
Container (readily movable containers) construction	9.20(2) 9.20(4)(b)	<ul style="list-style-type: none"> - Container construction of readily movable containers securing class 1 substances and certification that the readily movable containers continue to meet the relevant design requirements
Detonation and deflagration in darkness	9.28(5)	<ul style="list-style-type: none"> - Procedures for detonation or deflagration of class 1 substances in darkness
Blast over pressure and hazard	9.30(3)	<ul style="list-style-type: none"> - The level of blast overpressure and fire hazard or minor projection hazard for detonation or deflagration of class 1 substances
Outdoor Pyrotechnic displays	9.36	<ul style="list-style-type: none"> - Outdoor pyrotechnic displays involving firing of class 1 category G substances.
LOCATIONS		
Class 1 location	9.26	<ul style="list-style-type: none"> - Compliance certificate for hazardous substance location where a class 1 substance is present
Classes 2.1.1, 2.1.2 or 3.1 location	10.34	<ul style="list-style-type: none"> - Requirement to have compliance certificate if class 2.1.1, 2.1.2, or 3.1 substance present at hazardous substance location
Classes 3.2 or 4 location	10.36	<ul style="list-style-type: none"> - Requirement to have compliance certificate if class 3.2 or 4 substance present at hazardous substance location
Classes 5.1.1 or 5.1.2 location	12.17	<ul style="list-style-type: none"> - Requirement to have compliance certificate for hazardous substance location for class 5.1.1 or 5.1.2 substance
Class 5.2 location	12.42	<ul style="list-style-type: none"> - Requirement to have compliance certificate for hazardous substance location for class 5.2 substance
Classes 6 or 8 location	13.38	<ul style="list-style-type: none"> - Compliance certificate required for hazardous substance location for class 6 or 8 substance
STATIONARY CONTAINER SYSTEMS OR TANKS		
Compliance plan	Schedule 1 Clause 45 17.91	<ul style="list-style-type: none"> - Issuance of a compliance certificate for existing stationary container systems with compliance plan - Requirement for compliance certificate for stationary container systems

COMPLIANCE CATEGORY	REGULATION	DESCRIPTION
Installation of stationary container systems	17.91(2)(b)	- Requirement for a compliance certificate for the installation of stationary container systems
Vapourisers	17.91(2)(f)	- Requirement for a compliance certificate for stationary container systems that include a vapouriser
Burning of class 3.1 substance	17.91(2)(g)	- Requirement for a compliance certificate for stationary container systems for burning class 3.1 substance
Burners	17.91(2)(g) and (h)	- Requirement for a compliance certificate for stationary container systems that include a burner
Transfer point pipework	17.91(2)(i)(iii)	- Requirement for a compliance certificate for stationary container systems that include transfer line between ship and stationary tank
Repair, alteration and maintenance	17.91(2)(l)	- Requirement for a compliance certificate for any repairs, alterations and maintenance of stationary container tank
Dispenser	17.91(2)(m)	- Requirement for a compliance certificate for stationary container systems that include a dispenser
Design	17.93(1)(a)	- Certification of a design for a stationary tank or process container
Fabricator	17.93(1)(b)	- Certification of a fabricator for a stationary tank or process container
TANK WAGONS AND TRANSPORTABLE CONTAINERS		
Design	16.31	- Requirements for issue of design compliance certificates for tank wagons and transportable containers
Pre-commissioning	16.34	- Requirements for issue of pre-commissioning compliance certificates for tank wagons
In-service	16.36	- Requirements for issue and renewal of in-service compliance certificates for tank wagons

- Select the categories for which you can demonstrate suitable qualifications to be authorised and refer to the relevant regulations for more information about the functions to be performed by a compliance certifier.
- For class 1 certified handlers, specify under “Others” the industry types for which you require authorisation to issue compliance certificates and can demonstrate suitable qualifications. Refer to Appendix 1 for more information about industry types available for authorisation.
- For class 6 certified handlers (Vertebrate Toxic Agents), specify under “Others” the substances for which you require authorisation to issue compliance certificates and can demonstrate suitable qualifications. Refer to Appendix 2 for more information about vertebrate toxic agents available for authorisation.

- For class 6 certified handlers (Fumigants), specify under “Other” the substances for which you require authorisation to issue compliance certificates and can demonstrate suitable qualifications. Refer to Appendix 2 for more information about fumigants available for authorisation.

You can request your application to be assessed for additional compliance categories by including comments under ‘Other’. WorkSafe will review your comments and advise whether the scope of your compliance authorisation can include additional compliance categories.

Section 4 – Variation of scope and/or conditions

A compliance certifier may apply to WorkSafe to vary the scope of an authorisation or a condition of an authorisation (Regulation 6.13 of the Regulations).

Specify in this section any variation to the scope and/or conditions of your authorisation.

An application for a variation of scope and/or conditions may require additional information demonstrating that the applicant has the relevant qualifications before being granted by WorkSafe.

Refer to the table in the previous section to identify new compliance categories to be included under the scope of your authorisation.

Provide a detailed explanation of the reason(s) for any variation to scope and/or conditions of authorisation before submitting your application.

Section 5 – Fit and proper person assessment

Every applicant for compliance certifier authorisation must be assessed to determine whether the applicant is a fit and proper person to perform the functions of a compliance certifier (Regulation 6.8(2)(c) of the Regulations).

This assessment requires WorkSafe to review the following matters:

- the applicant’s criminal history;
- any pending criminal proceedings against the applicant;
- any protection order against the applicant;
- any court order against the applicant;
- any matters disclosed to WorkSafe by the Police in relation to the application; and
- any other relevant matters.

The *Fit and proper assessment form* is available on the WorkSafe webpage at www.worksafe.govt.nz or can be requested by e-mail at hsapplications@worksafe.govt.nz. This form must be included with your application for authorisation as a compliance certifier. This form is required for all types of applications (new, renewal or variation) submitted to WorkSafe.

Complete all the fields included in the Fit and proper assessment form and provide evidence of identification.

EVIDENCE OF IDENTIFICATION

In order to carry out a fit and proper person assessment covering off the matters referred to above, applicants are required to confirm their identity by providing a primary and secondary identity document (ID), one of which must be photographic.

WorkSafe will accept copies of the following documents as long as they are certified by a Justice of Peace, Barrister or Solicitor of the High Court of New Zealand, Notary Public or Court Official.

PRIMARY ID	SECONDARY ID
<ul style="list-style-type: none"> - NZ or Australian Passport; Overseas Passport with New Zealand Immigration Visa/Permit - NZ Firearms (Dealers) Licence - NZ Birth Certificate - NZ Citizenship Certificate 	<ul style="list-style-type: none"> - NZ Photo Driver's Licence - International Driver's Licence - NZ 18+ Card - Student Identity Cards - Employment Identity Cards - Community Services Card - NZ Electoral Roll Confirmation of Enrolment Letter - Utility Accounts/Other

If your name has changed, evidence of a name change must be provided, such as a certified copy of a marriage certificate or statutory declaration with the inclusion of a birth certificate.

ASSESSMENT PROCESS

Information on the fit and proper person assessment process can be found in the *Fit and Proper Person Assessment (Health and Safety at Work (Hazardous Substances) Regulations 2017) - Policy* available on the WorkSafe webpage at www.worksafe.govt.nz.

Refer to these documents for details about the consideration given to an applicant's criminal history, behavioural history and other matters where applicable.

NB:

- Any undeclared criminal history and behavioural history may result in your application for authorisation as a compliance certifier being declined by WorkSafe.
- Failure to complete the fit and proper form and authorise the New Zealand Police to release information to WorkSafe will result in your application for authorisation as a compliance certifier being declined.
- Any request for information on the report provided by the New Zealand Police to WorkSafe should be lodged directly with the New Zealand Police under the Privacy Act.

Section 6 – Knowledge of hazardous substances, adverse effects and gases under pressure

The criteria for being considered qualified for authorisation as a compliance certifier include the requirement for applicants to demonstrate their knowledge of:

- hazardous substances, associated classifications and adverse effects; and
- hazards and risks associated with gases under pressure (if applicable)¹.

Specify the hazards and risks associated with gases under pressure hazardous for which you can demonstrate knowledge.

¹ Regulation 6.6(1)(a)(i)(ii) and (iii) of the Regulations

Evidence of knowledge may include:

- The completion of academic qualifications and/or training courses.
- Appointment to a specialised role in a company managing hazardous substances and/or gases under pressure.
- A written record of the training/method of assessment, and the results, signed by a suitably qualified person who has trained or assessed your knowledge of hazardous substances and/or gases under pressure as per *Annex A: Assessment hazardous substances* and/or *Annex B: Assessment Gases under pressure*.
- A letter of support completed by a qualified person who has trained or assessed you to verify your knowledge of hazardous substances and detailing the basis for which you meet the relevant requirements.
- Evidence of assessments conducted for the purpose of issuing compliance certificates (include reference to substances, quantities, type of site assessed) under supervision of a compliance certifier.

NB:

- The completion of Annex A and Annex B is recommended for applicants who have limited documented information related to the required qualifications.
- If a signed, written record of training or assessment is provided, WorkSafe will consider the following:
 - The level of expertise, skills, knowledge of the person who conducted the training or assessment (the assessor);
 - The approach or method used by the assessor to assess the applicant's knowledge and experience;
 - The amount and detail of information provided by the assessor to demonstrate that the applicant has the appropriate qualifications; and
 - The relevance of the information provided by the assessor to the scope of the authorisation applied for.
- The letter of support from a qualified person who has trained or assessed you must describe the training provided or the method of assessment and the results of that training or assessment.
- As part of demonstrating your knowledge of hazardous substances, it is important that you demonstrate your knowledge of the regulations that apply to the substances you are seeking authorisation as a compliance certifier.

Section 7 – Knowledge of the Act, functions and duties, regulations, safe work instruments, prescribed exposure standards and performance standards

The criteria for being considered qualified for authorisation as a compliance certifier, include the requirement for the applicant to demonstrate their knowledge of:

- the functions and duties of a compliance certifier under the Regulations;
- the purpose of the Act, relevant duties and liabilities under the Act;
- relevant requirements of the Regulations and any safe work instruments;
- any prescribed exposure standards relating to hazardous substances; and
- any applicable performance standards².

Describe your knowledge of the purpose of the Act and relevant duties and liabilities under it, the functions and duties of a compliance certifier, relevant requirements in the regulations and safe work instruments, prescribed exposure standards and performance standards and how this knowledge was acquired over time.

² Regulation 6.6(1)(a)(iv), (v), (vi), (vii) and (viii) of the Regulations

Evidence of sufficient knowledge may include:

- the completion of academic qualifications and or training courses.
- appointment to a specialised role in a company managing hazardous substances under the HSNO Act or the Regulations.
- a written record of training/method of assessment, and the results, signed by a suitably qualified person who has trained or assessed your knowledge as per *Annex C: Assessment HSW legislation*.
- a letter of support completed by a qualified person to verify your knowledge of hazardous substances legislation and detailing the basis for which you meet the relevant requirements.
- evidence of assessments conducted for the purpose of issuing compliance certificates under supervision of a compliance certifier.

NB:

- The completion of Annex C is recommended for applicants who have limited documented information related to the required qualifications.
- If a signed, written record of training or assessment is provided, WorkSafe will consider the following:
 - The level of expertise, skills, knowledge of the person who conducted the training or assessment (the assessor);
 - The approach or method used by the assessor to assess the applicant's knowledge and experience;
 - The amount and detail of information provided by the assessor to demonstrate that the applicant has the appropriate qualifications; and
 - The relevance of the information provided by the assessor to the scope of the authorisation applied for.
- The letter of support from a qualified person who has trained or assessed you must describe the training provided or the method of assessment and the results of that training or assessment.

Section 8 – Experience with equipment, procedures, systems, handling, testing, inspection or design

The criteria for being considered qualified as a compliance certifier include the requirement for applicants to demonstrate they have experience:

- in the use of testing equipment or procedures required for the issue of compliance certificates;
- in the use of operating equipment and systems necessary to meet requirements for which a compliance certificate is to be issued, or for which a compliance certificate is required;
- handling hazardous substances, or testing or inspecting plant or equipment or the designs for these;
- under the supervision of a compliance certifier for the types of plant, equipment, qualifications or situations for which a compliance certificate may be required³.

Describe how your experience has been gained over time with an explanation of its relevance to the scope applied for authorisation.

³ Regulation 6.6(1)(b) to (f) of the Regulations

Evidence of sufficient experience may include:

- the completion of academic qualifications and/or training courses, including relevant unit standards (such as for the assessment of people or industry specific unit standards).
- appointment to a specialised role in a company managing hazardous substances under the HSNO Act or the Regulations.
- a written record of training/method of assessment, and the results, signed by a person qualified to verify your knowledge of equipment, procedures and systems as per *Annex D: Experience with equipment, procedures, systems, handling, testing, inspecting, design*.
- a written record of training/method of assessment, and the results, signed by a qualified person to verify your ability to assess handlers of hazardous substances or fillers of compressed gases as per *Annex E: Handler/filler assessment expertise*.
- a letter of support completed by a person qualified to verify your knowledge and testify of your practical expertise or a statutory declaration completed by a supervisor as per *Annex F: Statutory declaration – practical experience under supervision*⁴.
- evidence of assessments conducted for the purpose of issuing compliance certificates in relation to specific plant, equipment, situations or candidates requiring a compliance certificate to be issued (include reference to substances, quantities, type of site and equipment assessed, and lifecycles).

Section 9 – Maintenance of compliance certifier expertise

Applicants for renewal are subject to the same regulations requiring them to be suitably qualified as first-time applicants. Applicants for renewal will therefore need to ensure they maintain their expertise, as regulatory requirements change and new hazardous substances are developed, or understanding of their risks changes (Regulations 6.6 and 6.14(3) of the Regulations).

Describe how you have maintained your expertise during the term of your authorisation, including changes to regulatory requirements.

Evidence of maintenance of expertise may include:

- Attendance at WorkSafe compliance certifier workshops;
- Evidence of the assessment of plant, equipment, situations for which a compliance certificate may be required;
- Additional qualifications completed with relevance to hazardous substances;
- Training completed with relevance to hazardous substances in the workplace;
- Membership of a professional body representing compliance certifiers, businesses, industry experts of relevance to the management of hazardous substances;
- Revision of changes introduced to the Health and Safety at Work Act 2015 and relevant regulations, the HSW (Hazardous Substances) Regulations, relevant performance standards, safe work instruments and EPA Notices.

Section 10 – Record Keeping

As part of being considered for authorisation as a compliance certifier, all applicants are requested to describe their processes for maintaining (electronic and hardcopy) records relevant to the issuance of compliance certificates. This is requested in order for applicants to demonstrate their ability to meet requirements specified under relevant performance standards (Regulation 6.43(2)(c) of the Regulations).

⁴ The statutory declaration from your supervisor must describe practical experience relevant to the scope applied for authorisation.

Describe your systems and processes for maintaining records relevant to the issuance of compliance certificates.

Refer to the WorkSafe webpage at www.worksafe.govt.nz for more information about the performance standards relevant to the scope being sought for authorisation.

Section 11 – Consideration of your application

The applicant may and, if WorkSafe so requires, must appear and be heard in relation to the application (Regulation 6.5(6) of the Regulations).

If the applicant chooses to appear and be heard, WorkSafe must give the applicant at least 10 working days' notice of the hearing date, unless WorkSafe and the applicant agree to a shorter period.

The applicant may choose to be present in person or by phone during a hearing.

In most instances, attendance at a hearing will not be required by WorkSafe because the applicant will have provided sufficient information for WorkSafe to make a decision on the application.

Where issues have been identified with the performance of a compliance certifier or during the fit and proper assessment, a hearing may be appropriate to give the applicant the opportunity to make submissions in support of the application for authorisation.

Specify whether you would like to be heard on your application and if so whether you would like to do so in person or by phone.

Section 12 – Applicant's signature

All application forms must be signed and dated before being submitted to WorkSafe.

Sign and date your application in writing (or using an electronic signature) once you have read and accepted the terms associated with the application.

Part 5: Scheme of insurance

Applications for compliance certifier authorisation may need to be accompanied by evidence that the applicant is covered by a scheme of insurance for any civil liability that might arise from being authorised to issue compliance certificates (Regulation 6.5(1)(f) of the Regulations).

This will only be the case, if a safe work instrument has been made that requires it.

If a safe work instrument has been made requiring evidence of a scheme of insurance, the evidence must be provided to WorkSafe before a decision can be made to grant a compliance certifier authorisation.

The scheme of insurance will need to:

- be effective during the period of authorisation;
- cover the scope for which a compliance certifier is authorised under the Regulations.

Refer to the WorkSafe website to determine whether a safe work instrument has been made requiring a scheme of insurance to be submitted with your application and for further information and guidance on this.

Part 6: Processing time

WorkSafe must consider an application for authorisation as a compliance certifier within 20 working days after receiving it (Regulation 6.5(3) of the Regulations).

Applicants who are applying to renew their authorisation (with or without changes) are required to apply at least 20 working days before the expiry date of their current authorisation (Regulation 6.14(2) of the Regulations).

To make an application, applicants are required to provide:

- A completed and signed application form;
- Payment of the application fee;
- Evidence of a scheme of insurance (if applicable);
- A completed and signed Fit and proper assessment form;
- Evidence of knowledge of hazardous substances and/or gases under pressure;
- Evidence of knowledge of the Act, Regulations, safe work instruments and performance standards;
- Evidence in the use of testing equipment or procedures required for the issue of compliance certificates;
- Evidence in the use of operating equipment and systems necessary to meet requirements for which a compliance certificate is to be issued, or for which a compliance certificate is required;
- Practical experience handling hazardous substances, or testing or inspecting plant or equipment or the designs for these;
- Practical experience under the supervision of a compliance certifier for the types of plant, equipment, qualifications or situations for which a compliance certificate may be required;
- Evidence of maintenance of compliance certifier expertise (if applicable).

The 20 working days timeframe will start once all information referred to above (as applicable to the type of authorisation applied for) is received by WorkSafe.

In some instances, WorkSafe may require further information from the applicant to satisfy the matters specified in the Regulations before a decision is made. This additional information request may create delays in the processing of an application depending on the nature of the information requested.

If an application cannot be considered within 20 working days, WorkSafe will notify the applicant as soon as practicable and propose a time frame for consideration of, and decision on the application.

For renewing applicants who have applied at least 20 working days before expiry of their current, that authorisation will remain in force until the application is determined by WorkSafe.

Part 7: Grant of authorisation

WorkSafe must approve an application for authorisation, if it is satisfied of the matters set out in regulation 6.8(2) (for an individual).

Approval

If an application is approved, WorkSafe must notify the applicant of:

- the authorisation and its scope;
- any conditions to which the authorisation is subject;
- the term of the authorisation;
- the reasons for granting an authorisation of more limited scope than that applied for (if applicable); and
- the applicant's right of appeal to the District Court against the decision.
Regulation 6.8(5)&(8), HSW (Hazardous Substances) Regulations 2017.

The scope of an authorisation will reflect the applicant's qualifications, as determined according to the evidence available to WorkSafe.

If a renewing applicant has failed to a significant degree to comply with performance standards, WorkSafe may refuse to grant the authorisation (Regulation 6.14(4)(a) of the Regulations).

An application for renewal may be granted with a more limited scope than that applied for, if WorkSafe is satisfied as appropriate in the circumstances (Regulation 6.14(4)(b) of the Regulations).

The conditions of authorisation may include (but are not limited to):

- Reference to maximum quantity thresholds, specific hazardous substances classifications, specific industry types and/or equipment approved for certification.
- The compliance certifier to undergo training for a specified period during which he or she may perform the functions of a compliance certifier under supervision of a specified compliance certifier.
- Maintenance of a scheme of insurance during the term of authorisation.

The term of authorisation may be granted for a period of 5 years or shorter as specified by WorkSafe.

For renewing applicants who have applied 20 working days before expiry of their current authorisation and whose application has not been determined by WorkSafe within that timeframe, the renewal of authorisation takes effect from the date on which the previous authorisation ends.

Refusal

If an application is refused, WorkSafe will notify the applicant of:

- the refusal;
- the reasons for refusal; and
- the applicant's right to appeal to the District Court against the decision.

Appendices

IN THIS SECTION:

Appendix 1

Appendix 2

Appendix 1

Class 1 certified handlers – Industry types

INDUSTRY	DEFINITION
Construction	<ul style="list-style-type: none"> - Any work in connection with the alteration, construction, erection, installation, renewal or repair of a building, structure or infrastructure. This includes rock stabilization work near roads or the maintenance of roads. - This includes footing and trenching for the installation of powerlines but excludes electrical supply and transmission. - This excludes any work carried out underwater, on buoys, obstructions to navigation, on rafts, ships and wrecks (cf. underwater). - This excludes any construction in any mine, quarry or tunnel (cf. underground mining, quarrying, tunnelling). - This excludes demolition.
Demolition	<ul style="list-style-type: none"> - The use of explosives for the destruction of a building (including multi-level buildings), structure or infrastructure. - This excludes any work carried out underwater, on buoys, on obstructions to navigations, on rafts, ships and wrecks (cf. underwater).
Electrical Supply and Transmission	<ul style="list-style-type: none"> - Use of explosives in electrical supply and transmission. - Examples of use in this area include welding, crimping or circuit breakers.
Explosives Detection	<ul style="list-style-type: none"> - Explosives used to train animals or calibrate electronic and technical equipment for the detection of explosives. - Certain parties are exempt from requiring a certified handler compliance certificate. Refer to the regulations.
Land Operations	<ul style="list-style-type: none"> - The use of explosives for agricultural and conservation work, including activities such as fencing and track work. - This excludes any work carried out underwater, on buoys, obstructions to navigation, on rafts, ships and wrecks (cf. underwater).
Mechanical/ Engineering Processes	<ul style="list-style-type: none"> - Use of explosives in manufacturing. Explosives are used in an industrial context. - Mechanical engineering processes can include explosive forming, explosive cutting and explosive welding.
Oil and gas industry	<ul style="list-style-type: none"> - Use of explosives in the oil and gas industry, including underwater activities. - Seismic surveys are excluded from this industry type as they are dealt with separate.
Propellants	<ul style="list-style-type: none"> - The production of an explosive article or material that normally functions by deflagration and is used for propulsion purposes. - Propellants are used to propel a projectile or missile or to do other work through the rapid expansion of high pressure gas. - The manufacture of ammunition falls under this category, where an explosive (commonly black powder, smokeless powders or pyrodex) is used to propel a projectile. - This industry type excludes pyrotechnics.
Pyrotechnics	<ul style="list-style-type: none"> - Detonating or deflagrating explosives to produce some or all of the following effects for entertainment: <ul style="list-style-type: none"> - Heat - Light - Colour - Smoke - Sound - Throwing and Breaking - Throwing and breaking would commonly occur under controlled circumstances, i.e. throwing a car upside down, creating a rocket simulation or tearing a building to pieces - This industry type includes indoor pyrotechnic displays, outdoor pyrotechnic displays and special effects for film or television production or for public events such as air shows and spectacular occasions.

INDUSTRY	DEFINITION
Quarrying	<ul style="list-style-type: none"> - Quarrying means an activity that is carried out above ground for the purpose of extracting any material, other than coal or any mineral, from the earth (this definition is based on the definition of similar terms in Schedule 3 of the Health and Safety at Work Act 2015).
Research	<ul style="list-style-type: none"> - The systematic investigation and study of explosive substances or involving explosive substances. - Commonly done in an education or research facility.
Seismic surveys/ Exploration	<ul style="list-style-type: none"> - Use of explosives in geophysical surveys, including exploration for voids, oil, natural gas, coal, minerals and rock. - The exploration for oil and natural gas is included. This also includes underwater seismic activities.
Snow avalanche control	<ul style="list-style-type: none"> - Use of explosives to control snow avalanche risk. - Methods include hand charging, avalauncher and heli-bombing.
Storage for Distribution	<ul style="list-style-type: none"> - For the primary purpose of storage of explosives in a magazine/readily movable container or act of having explosives for sale.
Surface Mining	<ul style="list-style-type: none"> - Surface mining means an activity that is carried out above ground for the purpose of extracting coal or any mineral from the earth and excludes quarrying (this definition is based on the definition of similar terms in Schedule 3 of the Health and Safety at Work Act 2015).
Transport or Distribution	<ul style="list-style-type: none"> - The transport of any class 1 explosives for the purpose of cargo and freights by road, rail, water or air. - Transport also includes transfer operations where explosives are transferred from one mode of transport to another, e.g. at a port
Tunnelling	<ul style="list-style-type: none"> - Tunnelling means the extraction of fill by means of explosives. This includes operations in association with creating a tunnel/shaft or enlarging/extending any tunnel/shaft. Tunnels are always underground (this definition is based on the definition of similar terms in Schedule 3 of the Health and Safety at Work Act 2015).
Underground Mining - Coal	<ul style="list-style-type: none"> - Underground mining operation for the extraction of coal and the place at which the extraction is carried out. Coal means anthracite, bituminous coal, sub-bituminous coal and lignite and includes every other substance worked or normally worked with coal but excludes coal in the form of peat (this definition is based on the definition of similar terms in Schedule 3 of the Health and Safety at Work Act 2015).
Underground Mining - Metalliferous	<ul style="list-style-type: none"> - An underground mining operation means the extraction of minerals and the place at which the extraction is carried out (this definition is based on the definition of similar terms in Schedule 3 of the Regulations Health and Safety at Work Act 2015).
Underwater	<ul style="list-style-type: none"> - Specialist use of explosives underwater, on buoys, in waterways, on rafts, ships and wrecks. - Areas of use include bridge demolition or channel opening.

Appendix 2

Class 6 certified handlers – Vertebrate Toxic Agents

The following Vertebrate Toxic Agents are available for the certification of handlers:

- alpha-chloralose
- 3-chloro-p-toluidine hydrochloride (DRC 1339),
- potassium cyanide,
- sodium cyanide,
- yellow phosphorus,
- sodium fluoroacetate (1080),
- para-aminopropiophenone (PAPP) and
- microencapsulated zinc phosphide (MZP).

Class 6 certified handlers – Fumigants

The following Fumigants are available for the certification of handlers:

- dichloropropene,
- chloropicrin,
- dichloropropene & chloropicrin,
- hydrocyanic acid,
- methyl bromide,
- phosphine,
- aluminium phosphide,
- magnesium phosphide and,
- methyl iodide and chloropicrin.

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