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## **Health and Safety at Work (Hazardous Substances—Location Compliance Certification for Classes 2 to 6, and 8) Performance Standard 2019**

This performance standard is issued under regulation 6.43 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 by WorkSafe New Zealand, after being satisfied that appropriate consultation has been carried out under regulation 6.44 of those Regulations

### **Contents**

	Page
1 Title	2
2 Commencement	2
<b>Part 1</b>	
<b>Preliminary Provisions</b>	
3 Purpose	3
4 Scope	3
5 Interpretation	3
6 Application of performance standard dependent on substances held	4
<b>Part 2</b>	
<b>Assessing a hazardous substance location for a location compliance certificate</b>	
7 Verifying certification requirements are met	4
8 Location visits	5
9 Verification of distances	6
10 Separation distance across boundary	6
<b>Part 3</b>	
<b>Certification and record-keeping requirements</b>	
Subpart 1—Issuing location compliance certificates	
11 Date of issue	6

12	Location compliance certificate may be issued for each hazardous substance location in workplace	7
13	Conditional compliance certificates	7
	Subpart 2—Information to be recorded in location compliance certificate	
14	Scope of certification	8
15	Other matters to be recorded	9
16	Multiple hazardous substance locations on compliance certificate	10
17	Extension of renewal period	10
18	Additional information to be recorded on conditional compliance certificate	11
	Subpart 3—Renewing, varying and changing scope of location compliance certificate	
19	Conditional compliance certificates	11
20	Variation of compliance certificate	11
21	Requests to change scope	11
	Subpart 4—Records	
22	Record-keeping requirements	12

### **Schedule 1**

#### **Process and information requirements applying to certification of hazardous substance locations generally**

### **Schedule 2**

#### **Requirements specific to class 2 and 3.1 substances**

### **Schedule 3**

#### **Requirements specific to class 3.2 and 4 substances**

### **Schedule 4**

#### **Requirements specific to class 5.1.1 and 5.1.2 substances**

### **Schedule 5**

#### **Requirements specific to class 5.2 substances**

### **Schedule 6**

#### **Requirements specific to classes 6.1A, 6.1B, 6.1C, 8.2A and 8.2B**

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## **Performance standard**

### **1 Title**

This is the Health and Safety at Work (Hazardous Substances—Location Compliance Certification for Classes 2 to 6, and 8) Performance Standard 2019.

### **2 Commencement**

This performance standard comes into force on [x] 2019.

## Part 1 Preliminary Provisions

### 3 Purpose

The purpose of this performance standard is to set out the information and process requirements that a compliance certifier must comply with when issuing or renewing a location compliance certificate for a hazardous substance location at which a class 2, 3, 4, 5, 6 or 8 substance is present.

### 4 Scope

For the purposes of regulation 6.43, this performance standard sets out the requirements applying when certifying the matters referred to in the following regulations:

- (a) regulation 10.34, in relation to a compliance certificate for a hazardous substance location at which a class 2.1.1, 2.1.2, or 3.1 substance is present:
- (b) regulation 10.36, in relation to a compliance certificate for a hazardous substance location at which a class 3.2 or class 4 substance is present:
- (c) regulation 12.17, in relation to a compliance certificate for a hazardous substance location at which a class 5.1.1 or class 5.1.2 substance is present:
- (d) regulation 12.42, in relation to a compliance certificate for a hazardous substance location at which a class 5.2 substance is present:
- (e) regulation 13.38, in relation to a compliance certificate for a hazardous substance location at which a class 6 or class 8 substance is present.

### 5 Interpretation

- (1) In this performance standard, unless the context otherwise requires,—

**Act** means the Health and Safety at Work Act 2015

**competent person** means a person employed or engaged by a compliance certifier to inquire into, inspect, assess, or examine a hazardous substance location on behalf of the compliance certifier, who is either—

- (a) a compliance certifier authorised to issue a location compliance certificate for the hazardous substance location; or
- (b) a person who—
  - (i) under the supervision of the compliance certifier, has visited one or more hazardous substance locations at which similar types and quantities of hazardous substances are present and work of a similar nature involving hazardous substances is carried out; and
  - (ii) has satisfied the compliance certifier they are competent to—
    - (A) collect all information relevant to assessing the hazardous substance location for a location compliance certificate; and
    - (B) inquire into, inspect and examine the hazardous substance location; and

- (C) assess whether the hazardous substance location complies with the applicable requirements of the Regulations; and
- (D) prepare a report containing sufficient information to enable the compliance certifier to determine whether the hazardous substance location complies with the applicable requirements of the Regulations.

**FRR** means fire resistance rating

**location compliance certificate** means a compliance certificate for a hazardous substance location

**register of compliance certificates** means the register of compliance certificates referred to in regulation 6.26(1) of the Regulations

**Regulations** means the Health and Safety at Work (Hazardous Substances) Regulations 2017

- (2) A term or expression that is defined in the Act or the Regulations or safe work instrument and that is used, but not defined, in this performance standard has the same meaning as in the Act or the Regulations or safe work instrument.

## **6 Application of performance standard dependent on substances held**

For the avoidance of doubt, if some but not all of the hazardous substances specified in this performance standard are present at a hazardous substance location, the Schedules apply only to the extent they are relevant.

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### **Example**

A hazardous substance location does not hold any class 5 hazardous substances. Schedules 4 and 5 do not apply.

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## **Part 2**

### **Assessing a hazardous substance location for a location compliance certificate**

#### **7 Verifying certification requirements are met**

- (1) Before issuing a location compliance certificate, a compliance certifier must, in accordance with this performance standard, verify that the hazardous substance location complies with the applicable requirements of the Regulations in respect of each matter requiring certification, regardless of whether or not a location compliance certificate has been issued previously for the hazardous substance location.
- (2) For the purpose of subclause (1), a compliance certifier must—
  - (a) ensure they obtain all relevant information, including—
    - (i) confirmation of the quantities of hazardous substances present at the hazardous substance location; and
    - (ii) all necessary measurements, calculations and other details; and
  - (b) carry out the inquiries, inspections, assessments, and examinations necessary to verify that the criteria for issuing a compliance certificate have been met; and

- (c) take the relevant actions specified in:
  - (i) Schedule 1, in relation to the criteria applying to the certification of hazardous substance locations generally;
  - (ii) Schedule 2, in relation to the criteria applying to the certification of a hazardous substance location where a class 2 or 3.1 substance is present;
  - (iii) Schedule 3, in relation to the criteria applying to the certification of a hazardous substance location where a class 3.2 or 4 substance is present;
  - (iv) Schedule 4, in relation to the criteria applying to the certification of a hazardous substance location where a class 5.1.1 or 5.1.2 substance is present;
  - (v) Schedule 5, in relation to the criteria applying to the certification of a hazardous substance location where a class 5.2 substance is present;
  - (vi) Schedule 6, in relation to the criteria applying to the certification of a hazardous substance location where a class 6.1A, 6.1B, 6.1C, 8.2A or 8.2B substance is present 6.
- (3) A compliance certifier may verify that a hazardous substance location complies with an applicable requirement of the Regulations by taking an action other than an action specified in the applicable Schedule, if the compliance certifier is satisfied the other action—
  - (a) is appropriate having regard to the specific circumstances or conditions at the hazardous substance location; and
  - (b) will enable the compliance certifier to verify compliance to a standard at least equivalent to that which would have been achieved by taking the action specified in the Schedule.
- (4) A compliance certifier may use checklists and computer-based assessments when verifying that a hazardous substance location complies with the applicable requirements of the Regulations, provided the checklists and computer-based assessments address each action and record specified in the applicable Schedule.

## **8 Location visits**

For the purposes of clause 7, a compliance certifier must—

- (a) visit the hazardous substance location personally to carry out the inquiries, inspections, assessments, and examinations necessary for the purposes of determining whether it complies with the applicable requirements of the Regulations; or
- (b) obtain a report that—
  - (i) has been prepared by a competent person who has—
    - (A) visited the hazardous substance location; and
    - (B) in the course of that visit, carried out the inquiries, inspections, assessments, and examinations necessary to enable the compliance certifier to verify compliance with the applicable requirements of the Regulations in accordance with clause 7; and

- (ii) contains sufficient information for the compliance certifier to assess the hazardous substance location for the purpose of determining whether it complies with the applicable requirements of the Regulations.

## **9 Verification of distances**

- (1) If an applicable requirement of the Regulations prescribes a distance to be met, a compliance certifier must verify the distance by—
  - (a) referring to an accurate, to scale drawing or a plan of the hazardous substance location; or
  - (b) measuring the distance; or
  - (c) estimating the distance on site, if it is not reasonably practicable to measure the distance.
- (2) If a hazardous substance is contained in a package, cylinder, or a tank wagon, the package, cylinder or tank wagon must be treated as if it is full of that substance for the purpose of calculating a separation distance unless the package, cylinder or tank wagon—
  - (a) is gas free; or
  - (b) is subject to an approved compliance plan or exemption which enables the separation distance to be calculated on a different basis.

## **10 Separation distance across boundary**

- (1) This clause applies when a compliance certifier is verifying that a prescribed separation distance has been met.
- (2) For the purposes of subclause (1), if the separation distance extends across the boundary of the property at which the relevant hazardous substance is present, the compliance certifier must verify that there is an agreement in place with the neighbour.
- (3) In this clause, **neighbour** means the owner, lessee, sub-lessee, occupier, or person in possession of any property beyond the boundary of the property at which the relevant hazardous substance is present.

# **Part 3**

## **Certification and record-keeping requirements**

### **Subpart 1—Issuing location compliance certificates**

## **11 Date of issue**

A location compliance certificate must be issued on the date the compliance certifier is satisfied that the hazardous substance location meets all relevant requirements of the Regulations, or as soon as reasonably practicable after that date.

**12 Location compliance certificate may be issued for each hazardous substance location in workplace**

If there is more than one hazardous substance location within a workplace, a compliance certifier may issue a separate location compliance certificate for each one, provided the locations are not likely to adversely affect each other in terms of the hazardous substances they hold.

**13 Conditional compliance certificates**

- (1) This clause applies in relation to the discretion of a compliance certifier to issue a conditional compliance certificate under regulation 6.24 of the Regulations for a minor failure to meet a relevant requirement in the Regulations.
- (2) If a compliance certifier has identified in relation to a hazardous substance location four or more minor failures to meet the relevant requirements, the compliance certifier must consider refusing to issue a conditional compliance certificate.
- (3) If the failure to meet the relevant requirement cannot be rectified within three months after the date of the issue of the conditional compliance certificate, the compliance certifier—
  - (a) must not issue a condition compliance certificate; and
  - (b) notify WorkSafe in accordance with regulation 6.23(2)(c) of the Regulations.
- (4) If the failure to meet the relevant requirement can be rectified by a date that is earlier than three months after the date of the issue of the conditional compliance certificate, the compliance certifier must consider electing the earlier date as the date by which the requirement must be met.
- (5) If on or before the date by which the relevant requirement must be met, the PCBU with management or control of the hazardous substance location informs the compliance certifier that the requirement has been met, the compliance certifier must—
  - (a) verify that the relevant requirement has been met; and
  - (b) update the register of compliance certificates to show the date on which the relevant requirement was met.
- (6) If on or before the date by which the relevant requirement must be met the compliance certifier has not been informed that the relevant requirement has been met,—
  - (a) the compliance certifier must notify—
    - (i) the PCBU with management or control of the hazardous substance location in writing of the expiry of the conditional compliance certificate; and
    - (ii) WorkSafe in writing—
      - (A) of the expiry of the conditional compliance certificate; and
      - (B) that the compliance certifier has not been informed that the relevant requirement has been met.

- (b) a location compliance certificate must not be issued for the hazardous substance location.

## Subpart 2—Information to be recorded in location compliance certificate

### 14 Scope of certification

- (1) A compliance certifier must ensure that a location compliance certificate specifies the scope of the certificate in accordance with subclauses (2) to (6).
- (2) Subject to subclause (3), a compliance certifier must record in a location compliance certificate the name (where relevant) and classification or classifications of each hazardous substance or combination of hazardous substances present at the hazardous substance location.

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#### Example

##### Hazardous substance classes

Classes 3.1A, 3.1B, 3.1C

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#### Example

##### Hazardous substance name and class

Ethanol 3.1B

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- (3) A compliance certifier must record only those hazardous substances or combination of hazardous substance that exceed the threshold quantity (as modified by the quantity-ratio sum) or trigger the requirement for a location compliance certificate.

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#### Example

If a class 3 substance and LPG are present at the workplace but only the class 3 substance exceeds the threshold quantity, LPG must not to be included on the location compliance certificate

A location compliance certificate is not required for a workplace at which diesel fuel (class 3.1D) is present. Consequently, diesel fuel is not to be included on the location compliance certificate.

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- (4) A compliance certificate may only refer to regulations that apply to the hazardous substance location (for example, if all of the hazardous substances present at the hazardous substance location are class 3.1 substances, the compliance certificate must refer to regulation 10.34 not regulation 10.36).
- (5) A compliance certifier must record in a location compliance certificate the maximum quantity or volume of each hazardous substance or combination of hazardous substances present at the hazardous substance location.

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#### Example

Hazardous substance	Maximum quantity
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Ethanol	1000L
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Hazardous substance	Maximum quantity
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Class 3.1A	300L
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- (6) For the purposes of subclause (5), a compliance certifier must:



- (a) in the case of a hazardous substance location that holds a hazardous substance in a package or cylinder, treat the package or cylinder as if it was full of the substance unless the package or cylinder is gas free:
- (b) in the case of a hazardous substance location that holds a hazardous substance in bulk, specify the safe fill level as the maximum quantity or volume:
- (c) in the case of a hazardous substance location that holds a hazardous substance in a stationary tank, specify the water capacity of the stationary tank determined for the purpose of calculating separation distances.

## **15 Other matters to be recorded**

- (1) A compliance certifier must ensure that the following information is recorded in a compliance certificate:
  - (a) that the certificate has been issued in accordance with regulation 6.23 and the applicable regulation specified in clause 4:
  - (b) that the applicable requirements specified in the Regulations have been met:

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### **Example**

Location compliance certificate

Issued in accordance with regulations 6.23 and 10.34 of the Health and Safety at Work (Hazardous Substances) Regulations 2017.

This certificate certifies that the requirements prescribed in regulation 10.34 for a location compliance certificate have been met, with exception of requirement specified below, which must be met by the date indicated.

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### **Example**

Conditional location compliance certificate

Issued in accordance with regulations 6.24 and 10.34 of the Health and Safety at Work (Hazardous Substances) Regulations 2017

This certificate certifies that the requirements prescribed in regulation 10.34 for a location compliance certificate have been met, with the exception of the requirements specified below which must be met by the date indicated.

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- (c) a unique certificate number that includes as a prefix the compliance certifier's authorisation number issued by WorkSafe:

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### **Example (new certificate)**

000498-LCC4987

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### **Example (renewed certificate)**

000498-LCC4987A

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### **Example (renewed certificate)**

- (d) 000498-LCC13415 the street address of the workplace at which the hazardous substance location or locations are located, including the street number, street name, suburb, postcode, town, or city:

- (e) the position or positions within the workplace where the hazardous substance location or locations are located:
- (f) the following details of the PCBU with management or control of a workplace where a hazardous substance is located:
  - (i) full legal name:
  - (ii) trading name:
  - (iii) New Zealand Business Number (if any):
  - (iv) company number (if any):
  - (v) contact details:
  - (vi) postal address:
- (g) the date of issue:
- (h) the date the compliance certificate comes into force:
- (i) the date of expiry:
- (j) the full name and authorisation number of the compliance certifier, as specified in the certifier's document of authorisation issued by WorkSafe:
- (k) the handwritten signature or electronic signature of the compliance certifier.

#### **16 Multiple hazardous substance locations on compliance certificate**

If a compliance certifier wishes to issue a single location compliance certificate for more than one hazardous substance location at a workplace, the compliance certifier must ensure that—

- (a) only those hazardous substance locations for which the location compliance certificate is being issued are recorded on the certificate; and
- (b) the details of each hazardous substance location are separately recorded on the location compliance certificate.

#### **17 Extension of renewal period**

- (1) If WorkSafe advises a compliance certifier that it has extended the renewal period of a location compliance certificate under regulation 8.2 of the Regulations, the compliance certifier may:
  - (a) record on the location compliance certificate that WorkSafe has specified a new expiry date for the certificate; and
  - (b) update the register of compliance certificates to reflect the new expiry date for the location compliance certificate.
- (2) If the location compliance certificate expires and a new location compliance certificate for the hazardous substance location is sought, the compliance certifier—
  - (a) must issue the new location compliance certificate with an expiry date determined in accordance with regulation 8.1(1), 8.1(2) or 13.38(2), as applicable; and

- (b) may not record a different expiry date, unless the PCBU with management or control of the hazardous substance location has obtained from WorkSafe an extension to the renewal period for that new location compliance certificate.

## **18 Additional information to be recorded on conditional compliance certificate**

- (1) A compliance certifier must ensure that a conditional compliance certificate—
  - (a) states that a relevant requirement has not been met; and
  - (b) specifies the regulation that imposes the relevant requirement; and
  - (c) describe the nature of the failure to meet the relevant requirement; and
  - (d) specifies the date by which the relevant requirement must be met.
- (2) A compliance certifier must, on or before the date by which the relevant requirement must be met, record in the register of compliance certificates the date on which the relevant requirement was met to the satisfaction of the compliance certifier.

### Subpart 3—Renewing, varying and changing scope of location compliance certificate

## **19 Conditional compliance certificates**

A compliance certifier must not renew, reissue, or extend a conditional location compliance certificate.

## **20 Variation of compliance certificate**

A compliance certifier must not vary a location compliance certificate that has been issued, other than to correct a minor error.

## **21 Requests to change scope**

- (1) A compliance certifier who receives a requested change of scope—
  - (a) is not permitted by the Regulations to vary the existing location compliance certificate to incorporate the requested change; but
  - (b) may, if the compliance certifier is satisfied that the hazardous substance location meets the applicable requirements of the Regulations related to the requested change of scope, either—
    - (i) issue a separate location compliance certificate that applies only in respect of the requested change of scope; or
    - (ii) on the expiry of the existing location compliance certificate, renew the location compliance certificate in accordance with this performance standard and incorporate the requested change of scope.
- (2) For the purposes of this clause, a **requested change of scope** means a request from the PCBU with management or control of a hazardous substance location for one or more of the following changes to be made to the existing location compliance certificate for the hazardous substance location—
  - (a) the addition of a hazardous substance:

- (b) a greater quantity of an existing hazardous substance:
- (c) a repositioned hazardous substance location.

## Subpart 4—Records

### **22 Record-keeping requirements**

- (1) A compliance certifier must—
  - (a) subject to subclause (2), comply with the record-keeping requirements specified in Schedules 1 to 6, as applicable; and
  - (b) if applicable, keep a record of the reasons the compliance certifier is satisfied the criteria for verifying compliance in accordance with clause 7(3) have been satisfied; and
  - (c) if satisfied that a hazardous substance location meets all relevant requirements, keep a record of the date on which the certifier was satisfied.
- (2) A compliance certifier who verifies the compliance of a hazardous substance location in accordance with clause 7(3) may make a record other than a record specified in the applicable Schedule if the compliance certifier is satisfied the other record is—
  - (a) appropriate having regard to the action taken to verify compliance; and
  - (b) of a standard at least equivalent to the record specified in the Schedule.
- (3) A compliance certifier who employs or engages a competent person who is not a compliance certifier must keep a record of that person's training and competence in accordance with the Health and Safety at Work (Hazardous Substances—Information and Process Requirements) Performance Standard 2018.
- (4) If a compliance certifier has verified that a neighbour has agreed to the extension of a separation distance in accordance with clause 10, the compliance certifier must record that the agreement is in place and its details.
- (5) In the case of a conditional compliance certificate, a compliance certifier must record—
  - (a) the reason for the failure of the hazardous substance location to meet the relevant requirement; and
  - (b) the conditional compliance certificate's expiry date; and
  - (c) any evidence to confirm that the relevant requirement has been met; and
  - (d) if the compliance certifier is satisfied the relevant requirement has been met, the date on which the certifier was satisfied.
- (6) If, in accordance with clause 17, a compliance certifier records on a location compliance certificate that WorkSafe has specified a new expiry date for the certificate, the compliance certifier must ensure they obtain and keep a record of—
  - (a) a copy of the document issued by WorkSafe extending the renewal period for the certificate under regulation 8.2 of the Regulations; and
  - (b) the copy of the certificate recording WorkSafe's specification of the new expiry date.

## Schedule 1

### Process and information requirements applying to certification of hazardous substance locations generally

#### 1 Evaluate the threshold quantity

- (1) This clause applies when a compliance certifier is determining which regulations are relevant for the purpose of certifying a workplace as a hazardous substance location.
- (2) The compliance certifier must—
  - (a) take the action specified in column 3 of table 1.1; and
  - (b) make and retain the records specified in column 4 of table 1.1.

**Table 1.1**

Item	Regulation	Action	Records
1	2.5	The compliance certifier must evaluate the threshold quantity, including the quantity-ratio sum (where applicable), for each of the regulations specified in column 2 where— (a) a threshold quantity dictates the requirement for a location certificate; or (b) a threshold initiates a control that is subject to certification.	For each of the regulations specified in column 2, a record must be made of— (a) the quantities and classifications of the hazardous substances; and (b) the thresholds that are exceeded; and (c) a determination of the relevant subparts or regulations that apply.
2	5.2, 5.3		
3	5.6		
4	10.3		
5	10.4		
6	10.6(1)(a)		
7	11.8		
8	12.8		
9	12.17		
10	12.34		
11	12.42		
12	13.34		

#### 2 Notification requirements

- (1) This clause applies when a compliance certifier is determining whether:
  - (a) in relation to a hazardous substance location where a class 2, 3 or 4 substance is present, the requirements of regulation 10.26(2) have been met for the purposes of—
    - (i) regulation 10.34(1)(a), for a class 2 or 3.1 substance; and
    - (ii) regulation 10.36(1)(a), for a class 3.2 or 4 substance; and
  - (b) in relation to a hazardous substance location where a class 5.1.1 or 5.1.2 substance is present, the requirements of regulation 12.8(4) have been met for the purposes of regulation 12.18(a); and
  - (c) in relation to a hazardous substance location where a class 5.2 substance is present, the requirements of regulation 12.34(4) have been met for the purposes of regulation 12.43(a); and
  - (d) in relation to a hazardous substance location where class 6.1A, 6.1B, 6.1C, 8.2A or 8.2B substance is present, the requirements of regulation 13.34(4) have been met for the purposes of regulation 13.39(a).
- (2) The compliance certifier must—

- (a) take the action specified in column 3 of table 1.2; and
- (b) make and retain the records specified in column 4 of table 1.2.

**Table 1.2**

Item	Regulation	Action	Records
1	10.26(2) 12.8(4) 12.34(4) 13.34(4)	Verify— (a) either— (i) the notification that is dated prior to commissioning; or (ii) the most recent location compliance certificate; and (b) the details of the notification or the most recent location compliance certificate including: (i) the name of the company, and the PCBU; and (ii) the street address of the workplace; and (c) the maximum quantity and classification held are as notified; and (d) the nature of the storage, manufacture, and use (as applicable) involving the hazardous substances are as notified.	Make a record of— (a) either— (i) the notification; or (ii) the compliance certificate; or (iii) a unique reference to identify the notification or certificate; and (b) the quantities notified for each relevant class of substance; and (c) the quantities present.

### 3 Information, instruction and training

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 4.5 have been met for the purposes of—
  - (a) regulation 10.34(1)(c), in relation to a hazardous substance location where a class 2 or 3.1 substance is present; and
  - (b) regulation 10.36(1)(b), in relation to a hazardous substance location where a class 3.2 or class 4 substance is present; and
  - (c) regulation 12.18(c), in relation to a hazardous substance location where a class 5.1.1 or 5.1.2 substance is present; and
  - (d) regulation 12.43(c), in relation to a hazardous substance location where a class 5.2 substance is present; and
  - (e) regulation 13.39(c), in relation to a hazardous substance location where a class 6.1A, 6.1B, 6.1C, 8.2A or 8.2B substance is present.
- (2) The compliance certifier must—
  - (a) take the action specified in column 3 of table 1.3 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the records specified in column 4 of table 1.3 that correspond to the provision specified in column 2 of that table.

**Table 1.3**

Item	Regulation	Action	Records
1	4.5	Verify that there is a process for each worker to receive relevant information and training.	Make a record of the process.

2	4.5(2)	Verify the requirements for information provided to workers are met.	Make a record of— <ul style="list-style-type: none"> <li>(a) the information provided which specifies if and where safety data sheets are available; and</li> <li>(b) a list with examples of other relevant reference materials.</li> </ul>
3	4.5(3)(a)	Verify the requirements for instruction and training provided to workers are met.	Make a record— <ul style="list-style-type: none"> <li>(a) confirming the information is included in the instructions and training or retain an example or copy; and</li> <li>(b) of the type of instruction and training received (classroom, on the job) and the duration of the training; and</li> <li>(c) if a document of confirmation is issued to the worker, of the nature of the document.</li> </ul>
4	4.5(3)(b)	Verify that there has been an appropriate period of practical experience under direct supervision.	Make a record of the type of task, duration and nature of supervision.
5	4.5(5)	Verify that there is a record of training and instruction for each worker and that this record is available for inspection.	A record of the worker’s instruction and training or a reference to it.
6	4.5(6)	Verify that where information, instruction and training was not required for a worker, the PCBU can demonstrate that the worker’s previous experience is equivalent.	A sample of one of the records or a reference to it.

#### 4 Signage

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 2.5 and 2.6 have been met for the purposes of regulations—
  - (a) 10.34(1)(f), in relation to a hazardous substance location where a class 2 or 3.1 substance is present; and
  - (b) 10.36(1)(h), in relation to a hazardous substance location where a class 3.2 or 4 substance is present; and
  - (c) 12.18(j), in relation to a hazardous substance location where a class 5.1.1 or class 5.1.2 substance is present; and
  - (d) 12.43(j), in relation to a hazardous substance location where a class 5.2 substance is present; and
  - (e) 13.39(i), in relation to a hazardous substance location where a class 6.1A, 6.1B, 6.1C, 8.2A and 8.2B substance is present.
- (2) The compliance certifier must—

- (a) take the action in column 3 of table 1.4 that corresponds to the provision specified in column 2 of that table; and
- (b) make and retain the records specified in column 4 of table 1.4 that correspond to the provision specified in column 2 of that table.

**Table 1.4**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
1	2.5(2)	Verify that the signs are compliant.	Photographs of the signs
2	2.6(1)	Verify that compliant signage is positioned at all required entrances to the building and land.	A record of required entrances to the building and land or marked up plan. Photographs of the signs where practical. The photographs must include sufficient landscape details to confirm the location. Where this is not practical, a note confirming compliance should be made.
3	2.6(3)	Verify that compliant signage is displayed at each required room or compartment entrance.	A list of all rooms or a marked-up plan. Photographs of the signs if practical. Where this is not practical, a note confirming compliance.
4	2.6(4)	Verify that compliant signage is displayed immediately next to each outdoor area.	A list of all outdoor areas or a marked-up plan. Photographs of the signs where practical. Where this is not practical, a note confirming compliance.

## **5 Fire extinguishers**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 5.3, 5.4 and 5.5 have been met for the purposes of regulations—
  - (a) 10.34(1)(g), in relation to a hazardous substance location where a class 2 or 3.1 substance is present; and
  - (b) 10.36(1)(i), in relation to a hazardous substance location where a class 3.2 or 4 substance is present; and
  - (c) 12.18(l), in relation to a hazardous substance location where a class 5.1.1 or 5.1.2 substance is present; and
  - (d) 12.43(l), in relation to a hazardous substance location where a class 5.2 substance is present; and
  - (e) 13.39(j), in relation to a hazardous substance location where a class 6.1A, 6.1B, 6.1C, 8.2A or 8.2B substance is present.
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 1.5 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the records specified in column 4 of table 1.5 that correspond to the provision specified in column 2 of that table.



**Table 1.5**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
1	5.3(1)	Verify the correct numbers of fire extinguishers are present.	A record of— (a) the required extinguishers or a marked-up plan; and (b) confirmation the extinguishers are in place by marking up the plan, making a note, or similar; and (c) the test dates of samples of the extinguishers
2	5.4(1)	Verify the fire extinguishers are clearly visible and readily accessible in an emergency.	A record of proximity, visibility and accessibility of fire extinguishers to the hazardous substance location.
3	5.5	Verify that the capability of the fire extinguishers.	A record of the ratings of sample extinguishers or hose diameter of a hydrant system.

## 6 Emergency response plans (ERP)

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 5.6 to 5.13 have been met for the purposes of regulations—
- (a) 10.34(1)(g), in relation to a hazardous substance location where a class 2 or 3.1 substance is present; and
  - (b) 10.36(1)(i), in relation to a hazardous substance location where a class 3.2 or 4 substance is present; and
  - (c) 12.18(l), in relation to a hazardous substance location where a class 5.1.1 or 5.1.2 substance is present; and
  - (d) 12.43(l), in relation to a hazardous substance location where a class 5.2 substance is present; and
  - (e) 13.39(j), in relation to a hazardous substance location where a class 6.1A, 6.1B, 6.1C, 8.2A or 8.2B substance is present.
- (2) The compliance certifier must—
- (a) take the action in column 3 of table 1.6 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the record specified in column 4 of table 1.6 that corresponds to the provision specified in column 2 of that table.

**Table 1.6**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
1	5.7(2)	Verify the ERP describes all reasonably foreseeable emergencies.	A copy of the ERP or sections of it.

2	5.7(3)(a)	Verify the ERP describes the actions to be taken.	A copy of the ERP, sections of it or a reference to it
3	5.7(3)(b)	Verify the ERP identifies each person with responsibility and gives the required information.	A copy of the ERP, sections of it or a reference to it
4	5.7(3)(c)	Verify that the ERP specifies the prescribed actions.	A copy of the ERP, sections of it or a reference to it.
5	5.7(3)(d)	Verify the ERP provides an inventory and compliant site plan.	A copy of the ERP, sections of it or a reference to it.
6	5.7(4)	Verify the ERP— (a) specifies the required extra information for emergencies involving a fire; and (b) provides for retention of liquid or liquid oxidising substance or organic peroxide present.	A copy of the ERP, sections of it or a reference to it.
7	5.8	The ERP is implemented in the event of an emergency.	A record of the implementation of it for events during the previous 12 months
8	5.9	Verify that all equipment, materials and responsible people are available within the times specified in the ERP.	Notes of the sampling or a record of the tests.
9	5.10	Verify the PCBU is able to confirm the plan is available to every person responsible for executing any part of the plan and emergency service providers identified in the plan.	A note recording how the plan has been made available. A reference to its location.
10	5.11	Verify that if the FENZ has been given the opportunity to review the ERP, any recommendations have been given effect to in the ERP by the PCBU.	A record of advice to FENZ and a note of any recommendations from FENZ.
11	5.12	Verify the ERP has been tested, that new persons are competent and new procedures are workable, and that records of the tests are held.	(a) A reference to the tests and actions taken. (b) A record of the PCBU records.

## 7 Secondary containment

- (1) This clause applies for the purposes of regulations—
- (a) 10.34(1)(h), in relation to a hazardous substance location where a class 2 and 3.1 substance is present; and
  - (b) 10.36(1)(j), in relation to a hazardous substance location where a class 3.2 and 4 substance is present; and
  - (c) 12.18(k), in relation to a hazardous substance location where a class 5.1.1 and 5.1.2 substance is present and

- (d) 12.43(k), in relation to a hazardous substance location where a class 5.2 substance is present; and
- (e) 13.39(l), in relation to a hazardous substance location where a class 6.1A, 6.1B, 6.1C, 8.2A or 8.2B substance is present (together, the **applicable regulations**).
- (2) For the purposes of the applicable regulations, subclause (3) and table 1.7 apply when a compliance certifier is determining whether the requirements of the following regulations have been met, according to the type of container in which the relevant class of hazardous substance is held:
- |  | Surface<br>containers              | Above<br>ground<br>tank | Below<br>ground<br>tank | Class 3.1<br>Above ground<br>tank |
|--|------------------------------------|-------------------------|-------------------------|-----------------------------------|
| (a) for class 3 or 4 substances, regulations         | 10.30<br>10.31,<br>10.32,<br>10.33 | 17.100                  | 17.101                  | 17.102                            |
| (b) for class 5.1.1 or 5.1.2 substances, regulations | 12.13<br>12.14,<br>12.15,<br>12.16 | 17.100                  | 17.101                  |                                   |
| (c) for class 5.2 substances, regulations            | 12.38<br>12.39,<br>12.40,<br>12.41 | 17.100                  | 17.101                  |                                   |
| (d) for class 6 or 8 substances, regulations         | 13.30<br>13.31,<br>13.32,<br>12.33 | 17.100                  | 17.101                  |                                   |
- (3) The compliance certifier must—
- (a) take the action in column 3 of table 1.7 that corresponds to the provision specified in column 2 of that table; and
- (b) make and retain the records specified in column 4 of table 1.7 that correspond to the provision specified in column 2 of that table.

**Table 1.7**

Item	Regulation	Action	Records
1	10.31	Verify that—	Make a record of—
	10.32	(a) the capacity of the secondary containment system is at least as great as the prescribed minimum; and	(a) the maximum pooling capacity; and
	10.33		(b) the prescribed capacity of the secondary containment; and
	12.14	(b) the capacity of the secondary containment system for stationary tank and process containers is based on the water capacity of the tank or process container; and	(c) the actual capacity of the secondary containment; and
	12.15		(d) the nature of fire resistant construction; and
	12.16	(c) the secondary containment will contain the substance without leakage and will enable recovery of the substance; and	(e) the impervious nature of the secondary containment system, including tests and inspections undertaken on it; and
	12.39		(f) the process to recover the
	12.40		
	12.41		
	13.31		
	13.32		
	13.33		
	17.100	there are controls to prevent contamination by incompatible substances or material.	
	17.101		
		For class 3, 4, 5 substances, verify that there are controls which exclude any ignition source capable	

		of igniting the substance or decomposing the substance thermally.	(g)	substances; and for class 3, 4, 5 substances, controls that prevent ignition; and
		For class 6 and 8 substances, verify that there are controls to prevent people from being directly exposed to any toxic or biological corrosive substances contained in the secondary containment system.	(viii)	for toxic or biological corrosive substances, controls that prevent people from being directly exposed e.g. signage, site induction instructions; and
			(ix)	controls that prevent the substance from being contaminated with incompatible substances.
2	10.30 12.13 12.38 13.30	If containers of different capacities are held at the place, verify the secondary containment system has a capacity of at least the sum of each individual container category.		A record to confirm either—
			(a)	containers of different sizes are not held at one place; or
			(b)	if they are held that the secondary containment capacity is at least the sum of each individual container capacity.
3	10.30 12.13 12.38 13.30	Verify that the secondary containment is able to contain the leaked hazardous substance.		A record of one of the results of the verification. This can include:
			(a)	for an above ground tank with integral secondary containment, no evidence of leakage into or from the interstitial space:
			(b)	for a below ground tank with secondary containment, no evidence of leakage into or from the interstitial space:
			(c)	for a below ground tank, no evidence of losses from the stock reconciliation records:
			(d)	for single skin above ground tanks 250,000 L and greater capacity, evidence of a 10 yearly flood test:
			(e)	for single skin above ground tanks up to 250,000 L, either the results of a technical inspection or a 10 yearly flood test:
			(f)	for above ground tanks, the distance between the tank and the inside of the bund wall, including compliance with the crest locus.

4	17.102(3)	Verify the total quantity of class 3.1 substances in the stationary tank(s) in the secondary containment system does not exceed 75,000,000 L, unless a greater amount is approved by WorkSafe.	A record of the quantity within the secondary containment system and a reference to any approval.
5	17.102(4) 17.102(5)	Verify that the aggregate capacity of any group of stationary tanks does not exceed 25,000,000 L unless a greater amount is approved by WorkSafe.	A record of the quantity in each group of tanks and a reference to any approval by Worksafe.
6	17.102(6) 17.102(7)	Verify that any intermediate secondary containment system is compliant.	A record of the details of the secondary containment system.

## 8 Site Plan

- (1) This clause applies for the purposes of regulations:
- (a) 10.34(1)(i), in relation to a hazardous substance location where a class 2 or 3.1 substance is present; and
  - (b) 10.36(1)(f), in relation to a hazardous substance location where a class 3.2 and 4 substance is present; and
  - (c) 12.18(d), in relation to a hazardous substance location where a class 5.1.1 and 5.1.2 substance is present; and
  - (d) 12.43(d), in relation to a hazardous substance location where a class 5.2 substance in a closed container is present; and
  - (e) 13.39(fa), in relation to a hazardous substance location where a class 6.1A, 6.1B, 6.1C, 8.2A or 8.2B substance is present (together, the **applicable regulations**).
- (2) For the purposes of the applicable regulations, subclause (3) and table 1.8 apply when a compliance certifier is determining whether the requirements of the following regulations have been met:
- (a) 10.26(4)(b), for a class 2, 3 or 4 substance:
  - (b) 12.8(5)(b), for a classe 5.1.1 or 5.1.2 substance:
  - (c) 12.34(5)(b), for a class 5.2 substance:
  - (d) 12.36(2), for a class 5.2 substance that is being manufactured or used:
  - (e) 13.34(5)(b), for a class 6.1A, 6.1B, 6.1C, 8.2A or 8.2B substance.
- (3) The compliance certifier must—
- (a) take the action in column 3 of table 1.8 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the record specified in column 4 of table 1.8 that corresponds to the provision specified in column 2 of that table.

**Table 1.8**

Item	Regulation	Action	Records
1	10.26(4)(b) 12.8(5)(b) 12.34(5)(b) 13.34(5)(b)	Verify the site plan is of the relevant place and is uniquely identifiable.	

Health and Safety at Work (Hazardous Substances—Location Compliance  
Certification for Classes 2 to 6, and 8) Performance Standard 2019

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2	10.26(4)(b) 12.8(5)(b) 12.34(5)(b) 13.34(5)(b)	Verify the site plan is accurate and includes all prescribed information.	A copy of the site plan. Including: (a) the dimensions in relation to the site boundary: (b) a north point accurately orientated: (c) hazardous substance locations: (d) hazardous areas: (e) separation distances from protected places and public places: (f) all controlled zone distances.
3	10.26(4)(b) 12.8(5)(b) 12.34(5)(b) 13.34(5)(b)	Verify the site plan has sufficient detail to determine its purpose.	A copy of the site plan, including: (a) the scale that enables the plan to meet its purpose: (b) elevation drawings: (c) where relevant a legend or key that defines colours, shaded areas, symbols, abbreviations, etc.: (d) where relevant where the scale and complexity of the workplace demand, separate drawings provided to meet the purpose.

## **Schedule 2**

### **Requirements specific to class 2 and 3.1 substances**

#### **1 Classes 2 and 3.1 substances to be secured**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 10.4 have been met for the purposes of regulation 10.34(1)(b).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 2.1; and
  - (b) make and retain the records specified in column 4 of table 2.1.

**Table 2.1**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
2	10.4(1)	Verify that the requirements relating to security are met.	Records which detail the means by which the substances are secured.

#### **2 Segregation of incompatible substances of classes 2 and 3.1 substances**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 10.5 have been met for the purposes of regulation 10.34(1)(e).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 2.2; and
  - (b) make and retain the records specified in column 4 of table 2.2.

**Table 2.2**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
1	10.5	Verify that incompatible substances are segregated.	Records which identify incompatible substances and the means of segregation.

#### **3 Hazardous area classes 2.1.1, 2.1.2, 3.1A, 3.1B or 3.1.C substances**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 10.26(4)(b)(ii) and 10.26(4)(c) have been met for the purposes of regulations 10.34(1)(d).
- (2) A compliance certifier must—
  - (a) take the action in column 3 of table 2.3 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the records specified in column 4 of table 2.3 that correspond to the provision specified in column 2 of that table.

**Table 2.3**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
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1	10.6(1)(a)	Verify whether the hazardous area is delineated in accordance with AS/NZS 60079.10.1:2009.	A note as to whether the hazardous area is compliant.
2	10.26(4)(b)	(a) Verify that the hazardous area is delineated, classified and depicted on a site plan. (b) Verify sample elements of the plan to ensure it is correct.	The hazardous area site plan and a note confirming it is correct.
3	10.26(4)(c)	Verify the documentation relevant to the hazardous area including: (a) current electrical certificate for electrical equipment within the hazardous area: (b) documentation confirming operating equipment such as fork hoists are suitable for the area.	(a) A reference to the electrical dossier. (b) A copy (or date and identifier) of electrical certificate(s). (c) A copy of the nameplate or supplier document confirming compliance.

#### 4 Separation of class 2.1.1 permanent gas

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 11.19 have been met for the purposes of regulation 10.34(1)(j).
- (2) A compliance certifier must—
  - (a) take the action in column 3 of table 2.4 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the record specified in column 4 of table 2.4 that corresponds to the provision specified in column 2 of that table.

**Table 2.4**

Item	Regulation	Action	Records
1	11.19(2)	Verify separation distance of 2.5 m between the vehicle fill points and storage of permanent gas is met.	A record that confirms the minimum distance is complied with.
2	11.19(3)	Verify that the prescribed separation distances are met.	A record that confirms the minimum distance is complied with.
3	11.19(5)	Verify that the prescribed separation distances are met.	A record that confirms the minimum distance is complied with.
4	11.19(6)	Verify that the prescribed separation distances are met.	A record that confirms the minimum distance is complied with.

#### 5 Separation of class 2.1.1 liquefiable gas: cylinders

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 11.20 have been met for the purposes of regulation 10.34(1)(j).
- (2) A compliance certifier must—
  - (a) take the action in column 3 of table 2.5 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the record specified in column 4 of table 2.5 that correspond to the provision specified in column 2 of that table.

**Table 2.5**



<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
1	11.20	Determine which subclause(s) if any of regulation 11.20 apply to the hazardous substance location.	A record of the determination and the quantities of class 2.1.1 liquefiable gas present.
2	11.20(1)	Verify that the separation distances are met.	A record of the basis for the verification.
3	11.20(2)	Verify that where the cylinders contain up to 100 kg the requirements relating to the proximity of buildings and openings are met.	A record of the basis for the verification.
4	11.20(3)	Verify the cylinders are not located within 1 m of an opening to a drain.	A record of the basis for the verification.
5	11.20(4)	Verify that where the cylinders contain more than 100 kg and up to 300 kg, the requirements relating to the proximity of buildings and openings are met.	A record of the basis of the verification, including the nature of fire resistant materials, separation distance and openings.
6	11.20(5)	Verify that where the cylinders contain more than 300 kg and up to 1000 kg, the requirements relating to the proximity of buildings and openings are met and the wall of the building is vapour tight.	A record of the nature of basis of the verification, including the nature of the FRR materials, separation distance and openings.

**6 Separation of class 2.1.1 liquefiable gas: above ground stationary tank, transportable container, tank wagon, tank fill transfer point**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 11.21 have been met for the purposes of regulation 10.34(1)(j).
- (2) A compliance certifier must—
  - (a) take the action in column 3 of table 2.6; and
  - (b) make and retain the records specified in column 4 of table 2.6.

**Table 2.6**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
1	11.21	Verify that the separation distances are met for the stationary tank, transportable container or tank wagon and the tank fill transfer point.	A record of— (a) capacity of the container; and (b) confirmation that minimum prescribed distances are met.

**7 Separation of class 2.1.1 liquefiable gas: cylinder filling**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 11.22 have been met for the purposes of regulation 10.34(1)(j).
- (2) A compliance certifier must—
  - (a) take the action in column 3 of table 2.7; and
  - (b) make and retain the records specified in column 4 of table 2.7.

**Table 2.7**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
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1	11.22(1)	Verify that the separation distances are met for the cylinder filling station.	A record of— (a) quantity of liquefiable gas at the hazardous substance location; and (b) confirmation that minimum prescribed distances are met.
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### 8 Separation of LPG, propane, and butane: stationary container system

- (1) This clause applies when a compliance certifier is determining whether a stationary container system containing LPG, propane, butane, or isobutane meets the following regulations for the purposes of regulation 10.34(1)(k):
  - (a) Subpart 3 of Part 17 of the Regulations, in relation to separation distances of above ground stationary tanks:
  - (b) Subpart 7 of Part 17 of the Regulations, in relation to firefighting equipment and facilities:
  - (c) regulation 17.56, in relation to vapourisers:
  - (d) regulation 17.80, in relation to records.
- (2) A compliance certifier must, for each of tables 2.8.1, 2.8.2, 2.8.3 and 2.8.4,—
  - (a) take the action in column 3 of the table that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the records specified in column 4 of the table that correspond to the provision specified in column 2 of that table.

**Table 2.8.1**

Item	Regulation	Action	Records
1	17.17	Determine which provisions of 17.17 apply.	A record of the determination.
2	17.17(1) 17.17(3)	Verify the separation distances between class 2.1.1 liquefied gas tanks and class 2.1.1 permanent gas tanks.	A record of— (a) capacity of the tanks; and (b) confirmation the minimum prescribed distances are met.
3	17.17(2) 17.17(3)	Verify the separation distances between class 2.1.1 liquefied gas tanks.	A record of— (a) capacity of the tanks; and (b) confirmation that minimum prescribed distances are met.
4	17.21(2)(b)	Verify the separation distance between a class 2.1.1 liquefied gas tank and a tank containing a class 2.1.1 permanent tank or a tank containing a class 6, 8 or 9 substance that does not have a flammable classification.	A record of— (a) capacity of the tanks; and (b) confirmation that minimum prescribed distances are met

**Table 2.8.2**

Item	Regulation	Action	Records
1	17.40	Determine the applicability of 17.40	A record of the tank capacity or cluster capacity (as relevant).
2	17.40(2) 17.42	Verify that the fire-fighting equipment and facilities are compliant	A record of— (a) the type of firefighting system; and (b) verification of the water

- (c) delivery rate; and the results of testing the system; and
- (d) the test date.

**Table 2.8.3**

Item	Regulation	Action	Records
1	17.56	Determine the applicability of 17.56.	A record of the nature of the vapouriser and the capacity.
2	17.56(1)	Verify that the vapouriser is recorded in the register of approved vapourisers.	Record the register reference.
3	17.56(3)	Verify that the separation distance requirements are met.	A record of the separation distance.

**Table 2.8.4**

Item	Regulation	Action	Records
1	17.80	Determine whether 17.80 applies.	
2	17.80(1) 17.80(3)	Verify that a plan is available which depicts the prescribed items.	A record of the plan or a reference of the plan and a statement that it is compliant.
3	17.80(2)	Verify there are records available.	A copy of the records or a reference to it.
4	17.80(3)	Verify there is a process to update the records.	A record of the process or a reference to it.

## 9 Separation of class 2.1.2 aerosols

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 11.8 and 11.23 have been met for the purposes of regulation 10.34(1)(j).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 2.9 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the records specified in column 4 of table 2.9 that correspond to the provision specified in column 2 of that table.

**Table 2.9**

Item	Regulation	Action	Records
1	11.8 11.23	(a) Establish the quantity of aerosols present and confirm the aggregate water capacity exceeds 3,000 L. (b) Determine the nature of any neighbouring property and verify the separation distance. (c) Determine which subclauses apply.	Records of quantities and separation distances.

### *Hazardous substance location holding not more than 10,000 L aggregate water capacity*

2	11.24(1)(a) 11.24(1)(b)	Verify the construction details of the room or building including details of the walls, ceiling, doors and fittings as well as the fire protection.	Records of the building layout, building construction, FRR, building details and fire protection. Records of building details are to include records of
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			tags of the building elements.
3	11.24(1)(c) 11.24(1)(d)	Verify that the general purpose warehouse used for receiving, storing, and distributing mixed goods (including flammable aerosols)— (a) is not a warehouse for the primary purpose of storing hazardous substances; and (b) is not accessible by the general public; and (c) has the flammable aerosols in the warehouse separated from the rest of the warehouse in accordance with the prescribed requirements and has prescribed fire protection.	Records of the building layout, building construction, FRR, building details and fire protection. Records of building details are to include records of tags of the building elements.
<b><i>Hazardous substance location holding more than 10,000 L but not more than 100,000 L aggregate water capacity of flammable aerosols</i></b>			
4	11.25(1)(a) 11.25(1)(b)	Verify the construction details and the fire protection of the building or the room	Records of the building layout, building construction, FRR, building details and fire protection. Records of building details are to include records of tags of the building elements.
5	11.25(1)(c) 11.25(1)(d)	Verify the location that is in a general purpose warehouse for receiving, storing, and distributing mixed goods (including flammable aerosols)— (a) is not a warehouse for the primary purpose of storing hazardous substances; and (b) is not accessible by the general public. Verify the construction details and the fire protection of the building or the room.	Records that the warehouse is a general purpose warehouse and is not accessible by the public. Records of the building layout, building construction, FRR, building details and fire protection. Records of building details are to include records of tags of the building elements.
<b><i>Hazardous substance location holding more than 100,000 L aggregate water capacity of flammable aerosols</i></b>			
6	11.26(a) 11.26(b)	Verify the construction details and the fire protection of the building or the room.	Records that the warehouse is a general purpose warehouse and is not accessible by the public. Records of the building layout, building construction, FRR, building details and fire protection. Records of building details are to include records of tags of the building elements.
7	11.26(c) 11.26(d)	Verify that the location— (a) is in a general purpose warehouse used for receiving, storing, and distributing mixed goods (including flammable aerosols); and (b) is not a warehouse for the primary purpose of storing hazardous substances; and (c) is not accessible by the general public. Verify the flammable aerosols in the warehouse are separated from the rest of the warehouse. Verify the construction details and the fire protection of the building or the room.	Records that the warehouse is a general purpose warehouse and is not accessible by the public. Records that the warehouse is a general purpose warehouse and is not accessible by the public. Records of the building layout, building construction, FRR, building details and fire protection. Records of building details are to include records of tags of the building elements.

## 10 Separation of class 3.1A, 3.1B and 3.1C substances: bulk containers

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 11.28 have been met for the purposes of regulations 10.34(1)(j) when 3.1A, 3.1B or 3.1C substances are contained in a bulk container (excluding 3.1C substances located in a tank in a room or chamber of 240/240/240 FRR supplying fuel to an internal combustion engine or burner).
- (2) A compliance certifier must—
  - (a) take the action in column 3 of table 2.10; and
  - (b) make and retain the records specified in column 4 of table 2.10.

**Table 2.10**

Item	Regulation	Action	Records
1	11.28	Verify that— <ol style="list-style-type: none"> <li>(a) the separation distances are based on the water capacity of the bulk container; and</li> <li>(b) the prescribed separation distance requirements are met.</li> </ol>	A record including— <ol style="list-style-type: none"> <li>(a) vessel capacity; and</li> <li>(b) substance contained; and</li> <li>(c) confirmation that prescribed separation distances are met.</li> </ol>

## 11 Separation of class 3.1 substances: transfer point to protected place

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 11.35 have been met for the purposes of regulation 10.34(1)(j) for fill points used to fill a tank wagon.
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 2.11; and
  - (b) make and retain the records specified in column 4 of table 2.11.

**Table 2.11**

Item	Regulation	Action	Records
1	11.35	Verify the separation distance to a protected place is met.	A record including: <ol style="list-style-type: none"> <li>(a) substances contained;</li> <li>(b) confirmation that the prescribed separation distance is met.</li> </ol>

## 12 Class 3.1 substance to be held in a building of a certain type

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 11.29 have been met for the purposes of regulation 10.34(1)(j).
- (2) The compliance certifier must—
- (3) take the action in column 3 of table 2.12 that corresponds to the provision specified in column 2 of that table; and
- (4) make and retain the records specified in column 4 of table 2.12 that correspond to the provision specified in column 2 of that table.

**Table 2.12**

Item	Regulation	Action	Records
<b>Storage Cabinet</b>			
1	11.29(3)	Verify— (a) the quantity of substances and their hazard classifications; and (b) the standard which the cabinet is constructed to; and (c) where more than one cabinet is located within a building, the aggregate capacity of the cabinets and the separation of the cabinets; and (d) for AS 1940 cabinets, the exclusion of sources of ignition around the cabinet.	A record of: (a) the plate on the cabinet or the standard the cabinet is constructed to; and (b) the location of the cabinet; and (c) the separation distance between the cabinets (where applicable); and (d) exclusion of ignition sources.

**Building types A, B, C and D storage**

2	11.29(2)	Verify— (a) the building type; and (b) compliance with the building type in all aspects i.e. walls, roof, doors and windows; and (c) the classification of substance; and (d) the package sizes; and (e) the prescribed separation distances; and (f) the actual separation distances.	A record of— (a) the quantity and hazard classes of the substances stored; and (b) the building type; and (c) the details of the FRR building elements, including suppliers tags for doors and windows; and (d) the actual separation distances.
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**13 Storage of class 3.1 substances in packages up to 60 litres: separation from protected place**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 11.30 have been met for the purposes of 10.34(1)(j) when a class 3.1A, 3.1B, or 3.1C substance is located in a package in a building or an external storage area.
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 2.13; and
  - (b) make and retain the records specified in column 4 of table 2.13.

**Table 2.13**

Regulation	Action	Records
11.30	Verify the separation distance to a protected place is met.	A record including— (a) substances contained; and (b) confirmation that the prescribed separation distance is met.

**14 Storage of packages holding 3.1 substances in a store inside a building**

- (1) This clause applies when a compliance certifier is determining whether requirements of regulation 11.31 have been met for the purposes of regulation 10.34(1)(j).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 2.14 that corresponds to the provision specified in column 2 of that table; and

- (b) make and retain the records specified in column 4 of table 2.14 that correspond to the provision specified in column 2 of that table.

**Table 2.14**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
1	11.31	Determine which elements of 11.31 apply.	A record of the determination and the quantities of class 3 substances present.
2	11.31(1)(a)	Verify— (a) the stored substances are within the prescribed maximum; and (b) the construction details of the building, including details of the walls, ceiling, doors and the prescribed quantity and package size limitations; and (c) where applicable, the requirements for when a door is opening into a building.	A record of— (a) the quantity of flammable substances; and (b) the FRR elements, including supplier’s tags for doors and windows; and (c) details of compliance with prescribed requirements for a door opening into a building.
3	11.31(1)(b)	Verify— (a) the stored substances are within the prescribed maximum; and (b) the construction details of the building including details of the walls, ceiling, doors and the prescribed quantity and package size limitations; and (c) where applicable, the requirements for when a door is opening into a building.	A record of— (a) the quantity of flammable substances; and (b) the FRR elements, including supplier’s tags for doors and windows; and (c) details of compliance with prescribed requirements for a door opening into a building.
4	11.31(1)(c)	Verify— (a) the stored substances are within the prescribed maximum; and (b) the construction details of the building including details of the walls, ceiling, doors and the prescribed quantity and package size limitations; and (c) where applicable, the requirements for when a door is opening into a building.	A record of— (a) the quantity of flammable substances; and (b) the FRR elements, including supplier’s tags for doors and windows; and (c) details of compliance with prescribed requirements for a door opening into a building.
<b><i>Type D storage with more than two walls in common with another building</i></b>			
5	11.31(3)	Verify— (a) the stored substances are within the prescribed maximum; and (b) the construction details of the building including details of the walls, ceiling, doors and the prescribed quantity and package size limitations.	A record of— (a) the quantity of flammable substances and package sizes; and (b) the FRR elements, including supplier’s tags for doors and windows.

**15 Storage of class 3.1 substances in packages of more than 60 litres: separation from protected place**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 11.34 have been met for the purposes of 10.34(1)(j) when

a class 3.1A, 3.1B, or 3.1C substance is located in a package in a building or an external storage area.

- (2) The compliance certifier must—
- (a) take the action in column 3 of table 2.15; and
  - (b) make and retain the records specified in column 4 of table 2.15.

**Table 2.15**

Regulation	Action	Records
11.34	Verify the separation distance to a protected place is met.	A record including— <ul style="list-style-type: none"> <li>(a) substances contained; and</li> <li>(b) confirmation that the prescribed separation distance is met.</li> </ul>

**16 Class 3.1 substance used or in open package or container in a building**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 11.36 and 11.37 have been met for the purposes of regulation 10.34(1)(j)
- (2) The compliance certifier must—
- (a) take the action in column 3 of table 2.16 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the records specified in column 4 of table 2.16 that correspond to the provision specified in column 2 of that table.

**Table 2.16**

Item	Regulation	Action	Records
1	11.36	Verify the building type and the construction details of the building. Determine which regulations apply.	A record of— <ul style="list-style-type: none"> <li>(a) the building FRR details including suppliers tags for doors and windows; or</li> <li>(b) details of compliance with AS/NZS 4114.1:2003 e.g. a record of the plate or the suppliers verification.</li> </ul>

***Type 1 workroom or a paint mixing room***

2	11.37(2)(a)	Verify the workroom/ paint mixing room holds no more than the prescribed quantity or container size and the location of the building.	A record of container sizes, aggregate quantities and location of the building.
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***Type 2 or Type 3 workroom***

3	11.37(2)(b)	Verify that the building holds no more than the prescribed quantity.	A record of hazardous substance classes and aggregate quantities.
4	11.37(4)	Verify the separation distances exceed the prescribed separation distances.	A record of the actual and prescribed separation distances.

***Other building type reg 11.37(5)***

5	11.37(5)	Verify— <ul style="list-style-type: none"> <li>(a) the quantity of hazardous substances; and</li> <li>(b) that the quantity of class 3.1 substances is not more than the specified maximum; and</li> <li>(c) the occupancy of the building; and</li> <li>(d) the construction details of that part of the</li> </ul>	A record of— <ul style="list-style-type: none"> <li>(a) the quantities; and</li> <li>(b) the building details in the vicinity of the flammable substances; and</li> <li>(c) the occupational details of the building.</li> </ul>
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- (e) building; and  
the controls on prohibiting ignition sources.

### 17 Packages holding class 3.1A, 3.1B and 3.1C substances in retail stores

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 11.32 or 11.33 have been met for the purposes of regulation 10.34(1)(j).
- (2) A compliance certifier must—
  - (a) take the action in column 3 of table 2.17 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the record specified in column 4 of table 2.17 that correspond to the provision specified in column 2 of that table.

**Table 2.17**

Item	Regulation	Action	Records
1	11.32(1) 11.33(1)	Determine the applicability of 11.32 and 11.33.	A record of the business type and container details.
2	11.32(1)(b)	Verify that the quantities of class 3.1 substances are not more than the maximum.	A record of the quantities.
3	11.33(2)(b)	Verify that requirements for separation are compliant.	A record of the separation details.
4	11.33(2)(c)	Verify that the retail store complies with section 3.4 (General Requirements for Retail Storage) of AS/NZS 3833:2007.	A record of the building elements.
5	11.33(1)(d) 11.33(1)(e)	Verify that the building is compliant.	A record of the separation distances. Where there is an intervening wall, a record of the FRR elements of the wall.

### 18 LPG, propane, butane, or isobutane for indoor storage or use

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 11.42 have been met for the purposes of regulation 10.34(1)(j).
- (2) A compliance certifier must—
  - (a) take the action in column 3 of table 2.18; and
  - (b) make and retain the records specified in column 4 of table 2.18.

**Table 2.18**

Item	Regulation	Action	Records
1	11.42(1)	Verify that the quantities of LPG, propane, butane or isobutane are not more than the maximum.	A record of the quantities.

### **Schedule 3**

#### **Requirements specific to class 3.2 and 4 substances**

#### **1 Temperature control plan class 3.2 and 4 substances**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 10.22 have been met for the purposes of regulation 10.36(1)(d).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 3.1 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the record specified in column 4 of table 3.1 that correspond to the provision specified in column 2 of that table.

**Table 3.1**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
1	10.22(2)	Verify there is a temperature control plan and system in place.	A record of the temperature control plan and system, or a reference to the plan.
2	10.22(2)(a)	Verify that the temperature control plan monitors and controls the temperature of the space in which the substance is located and prevents the temperature exceeding the prescribed temperature.	A record of elements of the plan, or a reference to the plan.
3	10.22(2)(b)	Verify steps that are to be taken, if the prescribed temperature is exceeded, to prevent the emergency temperature being reached.	A record of the elements of the plan, or a reference to the plan.

#### **2 Boundary of the controlled zone class 3.2 and 4 substances**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 10.28 have been met for the purposes of regulation 10.36(1)(e).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 3.2 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the records specified in column 4 of table 3.2 that correspond to the provision specified in column 2 of that table.

**Table 3.2**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
1	10.28	Determine which subclause applies.	A record of the subclause.
2	10.28(2), 10.28(3) 10.28(4) and Schedule 9	Verify the FRR of the wall. Verify the separation distance to the boundary of the controlled zone.	A record of the wall FRR details and/or a record of the actual and prescribed distances.

#### **3 Segregation and reduce the likelihood of unintended ignition classes 4.1.1, 4.1.2 and 4.1.3**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 10.5, 10.23, 10.24 and 10.25 have been met for the purposes of regulation 10.36(1)(g).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 3.3 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the records specified in column 4 of table 3.3 that correspond to the provision specified in column 2 of that table.

**Table 3.3**

Item	Regulation	Action	Records
1	10.5	Verify that the classes 3.2 or 4 substances are segregated from the incompatible substances.	Records which— <ol style="list-style-type: none"> <li>(a) identify the hazardous substance location; and</li> <li>(b) identify the classes of substances present; and</li> <li>(c) note whether there are any incompatible substances nearby; and</li> <li>(d) specify the means of segregation.</li> </ol>
2	10.23	For class 4.1.1 substances that may cause fire through friction, verify that where any substances with UN serial numbers UN1331, UN1343, UN1944, UN1945 or UN2254 are present, they are not subject to more than 50% of the minimum amount of friction required to cause ignition.	Records which— <ol style="list-style-type: none"> <li>(a) record the quantities of the substances; and</li> <li>(b) confirm compliance</li> </ol>
3	10.24(1)(a)	Verify whether 4.1.2A, 4.1.2B, 4.1.2C or 4.1.2D substances are in a conforming secured storage area.	Records which— <ol style="list-style-type: none"> <li>(a) record quantities of the substances; and</li> <li>(b) record details of section 5 of AS/NZS 5026:2012</li> </ol>
4	10.24(2)(a)	Verify that 4.1.2A, 4.1.2B, 4.1.2C, 4.1.2D, 4.1.2E or 4.1.2F substances in packaging or containers are handled in accordance with regs 10.5, 10.21, 10.22, 10.24(5) and 10.24(6).	Records which— <ol style="list-style-type: none"> <li>(a) list the nature of the segregation; and</li> <li>(b) list the ignition prevention measures; and</li> <li>(c) list the temperature control measures; and</li> <li>(d) confirm the substances are not subject to impact or shock; and</li> <li>(e) confirm compliance with the friction limits.</li> </ol>
5	10.24(2)(b) 10.24(3)	Verify that the packaging or containers of 4.1.2A, 4.1.2B, 4.1.2C, 4.1.2D, 4.1.2E or 4.1.2F substances have a maximum capacity and thermal properties that will not cause or contribute to a fire or explosion.	Records which— <ol style="list-style-type: none"> <li>(a) confirm packaging is compliant; and</li> <li>(b) confirm the thermal properties are compliant.</li> </ol>
6	10.24(7)	Verify that any 4.1.2A substances are not: <ol style="list-style-type: none"> <li>(a) more than 500g per packages or container;</li> <li>(b) transported by sea, air, public road or public railway.</li> </ol>	Records which— <ol style="list-style-type: none"> <li>(a) record the quantity of 4.1.2 substances; and</li> <li>(b) confirm transportation compliance</li> </ol>

7	10.25(1)	For class 3.2 and class 4.1.3 substances, verify that— (a) the minimum concentration of desensitising agent has been determined; and (b) there are procedures to ensure the desensitising agent does not fall below 125% of the minimum concentration.	A record of the minimum concentration and the procedure.
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**4 Class 3.2 and 4 substances to be secured**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 10.4 have been met for the purposes of regulation 10.36(1)(c).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 3.4 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the records specified in column 4 of table 3.4 that correspond to the provision specified in column 2 of that table.

**Table 3.4**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
1	10.4(1)	Verify that the substances are present in quantities specified in Schedule 9, Table 2.	Records which— (a) identify the hazardous substance location; and (b) identify the quantity of hazardous substances present.
2	10.4(1)(a)	Verify that classes 4.1.2A, 4.1.2B, 4.1.2C and 4.1.2D substances are secured to the standard prescribed in regulation 10.24(1).	Records confirming compliance with the elements of section 5 of AS/NZS 5026:2012
3	10.4(1)(b)	Verify that for class 3.2 substances and all other class 4 substances, the hazardous substance location is secured from access by persons other than those permitted by the PCBU to access the substance.	Specify the means by which the substances are secured.

## Schedule 4 Requirements specific to class 5.1.1 and 5.1.2 substances

### 1 Classes 5.1.1 and 5.1.2 substances to be secured

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 12.3 have been met for the purposes of regulation 12.18(b).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 4.1; and
  - (b) make and retain the records specified in column 4 of table 4.1.

**Table 4.1**

Item	Regulation	Action	Records
1	12.18(b)	Verify— (a) that the quantity exceeds the threshold specified in Schedule 10 table 6; and (b) that the hazardous substance location is secured from access by persons other than those permitted by the PCBU to access the substance.	Records which— (a) identify the hazardous substance location; and (b) identify the means by which the substances are secured.

### 2 Reduce the likelihood of unintended ignition

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 12.9 have been met for the purposes of regulation 12.18(e).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 4.2 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the record specified in column 4 of table 4.2 that corresponds to the provision specified in column 2 of that table.

**Table 4.2**

Item	Regulation	Action	Records
1	12.9(1)(a)	Verify compliance with regulation 12.5(5).	A record of the temperature control details.
2	12.9(1)(b)	Verify that the area around the class 5 substance is free of incompatible substances.	A record of segregation details.
3	12.9(1)(c)	Verify the details of separation from ignition sources.	A record of the separation distance or walls.
4	12.9(1)(d)	Verify separation of particulate matter or gas from ignition sources.	A record of the separation distance or walls.
5	12.9(1)(f)	Verify no ability to ingress electrical equipment.	A record of the separation distance or walls.
6	12.9(2)	Verify that containers are closed.	A note, photograph, or equivalent.

### 3 Class 5.1.1 and 5.1.2 substances unintended combustion

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 12.12 have been met for the purposes of regulation 12.18(f).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 4.3 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the record specified in column 4 of table 4.3 that corresponds to the provision specified in column 2 of that table.

**Table 4.3**

Item	Regulation	Action	Records
1	12.12(1)(a)	Verify that a controlled zone is established and that persons not personally permitted within the controlled zone are excluded.	A record of the controlled zone.
2	12.12(1)(b)	Verify that the separation requirements comply with the requirements of 12.9(1)(b)(i) and (c) or 12.9(1)(b)(ii) and (c).	A record of the means by which the separation is established.
3	12.12(2)	Verify that regulations 12.9(1)(d), (e) and (f) and (if classes 5.1.1 or 5.1.2 are manufactured or used) and regulation 12.10 are met.	A record of the means of compliance
4	12.12(3)	Verify— <ol style="list-style-type: none"> <li>(a) the separation of the interior of a proximate building that is a place of regular habitation and not dedicated to the use or manufacture of the hazardous substance; and</li> <li>(b) the separation of any place where a person may be legally present in the controlled zone.</li> </ol>	A record of the means of separation.

#### **4 Fixed structures to be compatible**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 12.12 have been met for the purposes of regulation 12.18(f).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 4.4; and
  - (b) make and retain the records specified in column 4 of table 4.4.

**Table 4.4**

Item	Regulation	Action	Records
1	12.18(g)	Verify that any fixed structure or equipment within the location is constructed of compatible material and is not an ignition source.	A records of material and construction details.

#### **5 Personal protective equipment class 5.1.1 and 5.1.2**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 12.6 and 12.11 have been met for the purposes of regulation 12.18(h)
- (2) The compliance certifier must—

- (a) take the action in column 3 of table 4.5 that corresponds to the provision specified in column 2 of that table; and
- (b) make and retain the records specified in column 4 of table 4.5 that correspond to the provision specified in column 2 of that table.

**Table 4.5**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
1	12.6(1) 12.6(2) 12.6(3) 12.6(4) 12.6(5) 12.6(6)	Review the hazardous substances and the nature of the activities and verify the PPE is suitable.	A record which conveys— (a) the availability of the PPE; and (b) the nature of the PPE; and (c) the PPE is compatible with the substance; and (d) the substance does not accumulate on the PPE; and (e) the PPE does not cause the substance to combust. Records which confirm— (a) the PPE material cannot be degraded in the specified PPE life; and (b) the suitability of the PPE for the operating temperatures; and (c) the instructions are accessible; and (d) the instructions are readily understandable.
2	12.11	Unless the hazardous substance location has only 65-70% aqueous nitric acid, verify whether combustion is intended or contact with incompatible substances, ignition sources, or exposure to greater temperature than the limit is anticipated	Record whether— (a) combustion is intended; and (b) contact or exposure is intended or anticipated.
3	12.11(1)	Verify the worker uses PPE at any time— (a) a class 5.1.1 or 5.1.2 substance comes into contact with an ignition source or an incompatible substance or material or may be exposed to a greater temperature than the limit set in regulation 12.5(5); and (b) it is reasonable to expect that such contact or exposure might accidentally occur.	A record which refers to— (a) availability of the PPE (b) the nature of the PPE; and (c) evidence that the PPE cannot be degraded; and (d) the maintenance documentation; and (e) the operating procedure.
4	12.11(2)	Verify the PPE— (a) is designed, constructed, and operated so as to prevent the substance making direct contact with the wearer or user; and (b) meets the requirements of regulation 12.6(4), (5), and (6).	

## 6 Documentation classes 5.1.1 and 5.1.2 substances

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 12.9(1)(e) have been met for the purposes of regulation 12.18(i).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 4.6; and
  - (b) make and retain the records specified in column 4 of table 4.6.

**Table 4.6**

Item	Regulation	Action	Records
1	12.9(1)(e)	Verify there are compliant PPE and handling procedures.	Record— <ol style="list-style-type: none"> <li>(a) the documented procedure, a copy of the header and contents of the documented procedure, or a unique reference to identify the documented procedure; and</li> <li>(b) that the procedural requirements of 12.9(1)(e) are complied with; and</li> <li>(c) that the documented procedure is being implemented at the location.</li> </ol>

**7 Class 5.1.1 and 5.1.2 substances manufactured or used**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 12.19 have been met.
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 4.7; and
  - (b) make and retain the records specified in column 4 of table 4.7.

**Table 4.7**

Item	Regulation	Action	Records
1	12.19	Verify where class 5.1.1 or 5.1.2 substances are manufactured or used that there are documented procedures to ensure that every person leaving the location is free of any class 5.1.1 or 5.1.2 substance.	Records of the documented procedure, a copy of the header and contents of the documented procedure, or a unique reference to identify the documented procedure.



## **Schedule 5**

### **Requirements specific to class 5.2 substances**

#### **1 Class 5.2 substances to be secured**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 12.45 have been met for the purposes of regulation 12.43(b).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 5.1 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the record specified in column 4 of table 5.1 that corresponds to the provision specified in column 2 of that table.

**Table 5.1**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
1	12.45(1)	If a class 5.2A1, 5.2B, 5.2C, or 5.2D substance is present, confirm that the substance secured in a compliant container [Note that AS 2714—2008 does not address class 5.2A substances].	A record of the plate of the container.
2	12.45(2)	If a class 5.2E or 5.2F substance is required to be secured, confirm that it is secured from unauthorised access.	A record or file note of the compliant security arrangement.

#### **2 Reduce unintended combustion or explosion for class 5.2 substances**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 12.35(1)(a) to (d) and (f) and regulation 12.35(2) have been met for the purposes of regulation 12.43(e) and 12.43(i).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 5.2 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the records specified in column 4 of table 5.2 that correspond to the provision specified in column 2 of that table.

**Table 5.2**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
1	12.35(1)(a)	Verify the temperature of the immediate area around the class 5.2 substances complies with the relevant requirements of regulation 12.27.	Records which specify: <ol style="list-style-type: none"><li>(a) the control temperatures; and</li><li>(b) the actual temperature; and</li><li>(c) the process; and</li><li>(d) the control mechanisms.</li></ol>

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2	12.28(1)	Verify that a class 5.2 substance is not likely to be subject to any impact or pressure shock that could result in an explosion or a fire (unless ignition is intended).	A file note of the location
3	12.35(1)(b)	Verify the area around the class 5.2 substance is free of incompatible substances or materials and is separated from them by the prescribed distance or complying wall.	Records of— (a) the location; and (b) the detail of the wall or the separation distance.
4	12.35(1)(c)	Verify the substance is separated from ignition sources by the prescribed distance or complying wall.	
5	12.35(1)(d)	Verify any area where particulate matter or vapour from a class 5.2 substance is likely to form is separated from any ignition source by the prescribed separation distance or complying wall to the degree provided in paragraph (c).	
6	12.35(1)(e)	Verify there are compliant PPE and handling procedures.	A record or note of the— (a) process for persons to enter the location; and (b) the personal protective equipment.
7	12.35(1) (f)	Verify the location is designed and managed so that any moisture, gas, particulate matter, or vapour of class 5.2 substances does not present a hazard in respect of electrical equipment that may be present.	A record or note of the location and the measures taken by the PCBU.
8	12.35(2)	Verify a package or container that contains a class 5.2 substance within a hazardous substance location is kept closed except as allowed under regulation 12.36(1)(a) which relates to the manufacturing or use of class 5.2 substances.	A record or note of the containers closed.
9	12.31(1)	Verify that the documentation requires any spill or leak of the substance to be immediately; absorbed or diluted using compatible absorbents or diluents, or otherwise recovered.	Records of the documentation or notes referencing the documentation
10	12.31(2)	Verify the documentation requires that any absorbed, diluted, or otherwise recovered substance is— (a) correctly disposed of; or (b) analytically tested and recorded as being free of any incompatible substance.	Records of the documentation or notes referencing the documentation.
11	12.31(3)	Verify that any absorbents or PPE used in the recovery of a class 5.2 substance are disposed of according to the requirements for the disposal of such substances specified in the Hazardous Substances (Disposal) Notice 2017 dealing with their disposal, if the class 5.2 substance has not been removed from the absorbents or equipment.	

### 3 Personal protective equipment for class 5.2 substances

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 12.29 and 12.30 have been met for the purposes of regulation 12.43(h).
- (2) The compliance certifier must—

- (a) take the action in column 3 of table 5.3 that corresponds to the provision specified in column 2 of that table; and
- (b) make and retain the records specified in column 4 of table 5.3 that correspond to the provision specified in column 2 of that table.

**Table 5.3**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
1	12.29(1)	Verify that when a class 5.2 substance is used where contact or exposure with the substance is not intended or anticipated, the PCBU ensures the worker uses PPE which is designed, constructed, and operated compliantly.	Records which— (a) detail the processes used; and (b) specify details of the PPE.
2	12.29(3)(a) 12.29(4) 12.29(5)	Verify that— (a) the PPE is designed and constructed of materials that are suitable for the circumstances in which they are operated; and (b) there is readily accessible and understandable documentation on the use and maintenance of the PPE.	Records which confirm— (a) the range of circumstances; and (b) the suitability of the PPE; and (c) that documentation on instruction, use and maintenance is available.
3	12.30(1) 12.30(2)	Verify that compliant PPE is used when— (a) a class 5.2 substance is used; and (b) there is contact or exposure with the substance; and (c) exposure of the substance to temperature, incompatible substance or pressure shock is intended, anticipated or might accidentally occur.	Records of— (a) the location; and (b) details of the PPE, including manufacturer’s details confirming compliance; and (c) operating procedures or use of the PPE.

#### 4 Control of adverse effects of combustion or explosion of class 5.2

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 12.37 have been met for the purposes of regulation 12.43(f).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 5.4; and
  - (b) make and retain the records specified in column 4 of table 5.4.

**Table 5.4**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
1	12.37	Verify there is a controlled zone established and that— (a) any person not personally permitted to be there by the PCBU is excluded from the zone; and (b) the prescribed separation requirements are complied with.  Verify that the PCBU with management or control of the hazardous substance location has ensured that, within the controlled zone, the requirements of regulation 12.35(1)(a), (b), (e), and (f), and (if being manufactured or used) regulation 12.36,	A record of: (a) the location; and (b) the controlled zone; and (c) the details of the walls or separation distances; and (d) the separation distance to any proximate building.

have been met.

Verify that the PCBU with management or control of the hazardous substance location has ensured that the interior of any proximate building that is a place of regular habitation and not dedicated to the use or manufacture of the hazardous substance, or any place where a person may legally be that would otherwise be within the controlled zone, has been separated in accordance with the prescribed requirements.

## 5 Fixed structures constructed from compatible material

- (1) This clause applies when a compliance certifier is determining whether fixed structures are constructed of compatible material for the purposes of regulation 12.43(g).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 5.5; and
  - (b) make and retain the record specified in column 4 of table 5.5.

**Table 5.5**

Item	Regulation	Action	Records
1	12.43(g)	Verify that any fixed structure or installed equipment is constructed of compatible material and is not an ignition source.	A record of the general nature of the structures or installed equipment.

## 6 Class 5.2 substances manufactured or used

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 12.36 have been met for the purposes of regulation 12.44.
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 5.6 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the records specified in column 4 of table 5.6 that correspond to the provision specified in column 2 of that table.

**Table 5.6**

Item	Regulation	Action	Records
1	12.36(1)	Verify— <ol style="list-style-type: none"> <li>(a) packages are closed; and</li> <li>(b) no person is exposed to the substance unless protected by PPE; and</li> <li>(c) every person leaving the hazardous substance location is free of the substance.</li> </ol>	Records which include— <ol style="list-style-type: none"> <li>(a) documentation of procedures and evidence of training or details of operations; and</li> <li>(b) details of PPE.</li> </ol>
2	12.36(2)	The hazardous substance location is separated from any other hazardous substance location by the prescribed distance or a compliant separating wall.	Records which include— <ol style="list-style-type: none"> <li>(a) details of the hazardous substance location; and</li> <li>(b) details of the separation distances – prescribed and actual; and</li> <li>(c) details of any walls.</li> </ol>

## Schedule 6

### Requirements specific to classes 6.1A, 6.1B, 6.1C, 8.2A and 8.2B

#### 1 Class 6.1 substance certified handlers

- (1) This clause applies when a compliance certifier is determining whether, for the purposes of regulation 13.39(b), the requirements of the following regulations have been met:
  - (a) 13.9 and 13.10 for class 6 substances:
  - (b) 14.3 and 14.4 for fumigants.
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 6.1; and
  - (b) make and retain the records specified in column 4 of table 6.1.

**Table 6.1**

Item	Regulation	Action	Records
1	13.9(1)(a) 13.9(2) 14.3 14.4	Where there is a class 6.1A or 6.1B substance or any class 6.1 substance that requires a controlled substance licence, verify that— <ol style="list-style-type: none"> <li>(a) the substance is under the personal control of a certified handler; or</li> <li>(b) if being applied by aerial application, a pilot with a chemical rating is present; or</li> <li>(c) if the substance is handled by another person who is not a certified handler, the certified handler—                             <ol style="list-style-type: none"> <li>(i) is present at the place where the substance is being handled; and</li> <li>(ii) has provided guidance to the person in respect of the handling; and</li> <li>(iii) is available at all times to provide assistance to the person while the substance is being handled by the person; or</li> </ol> </li> <li>(d) is secure.</li> </ol>	Record— <ol style="list-style-type: none"> <li>(a) confirmation of the need for a controlled substance licence; and</li> <li>(b) the names of the certified handlers and their certificate numbers; and</li> <li>(c) the certificate expiry dates; and</li> <li>(d) the procedure(s) and the guidance that has been provided; and</li> <li>(e) details of the secure containment.</li> </ol>

#### 2 Separation distances for 6.1 A, 6.1B, 6.1C, 8.2A and 8.2B substances

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 13.41, 13.42, 13.43, 17.28 and 17.29 have been met for the purposes of regulation 13.39(e).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 6.2 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the records specified in column 4 of table 6.2 that correspond to the provision specified in column 2 of that table.

**Table 6.2**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
1	13.41	Verify for 6.1A, 6.1B, or 6.1C substances the substances and stores meet the prescribed separation distances from protected places	Record: (a) the actual and prescribed separation distances: (b) in a retail store, that the containers are closed and do not include class 6.1A.
2	13.42	Verify for 6.1A, 6.1B, or 6.1C substances: (a) the substances and stores meet the prescribed separation distances from protected places: (b) in a retail store that holds 6.1B or 6.1C substances for retail sale and the packages remain closed, the minimum separation distance from and within the building is zero.	Record: (a) the actual and prescribed separation distances: (b) in a retail store, that the containers are closed and do not include class 6.1A.
3	13.43	Verify for 8.2A or 8.2B substances: (a) the substances and stores meet the minimum prescribed separation distances for— (i) stores where containers are opened; and (ii) stores where the containers remain closed: (b) in any retail store to which the public has access to class 8.2A or 8.2B substances for retail sale, the packages remain closed.	Record: (a) the actual and prescribed separation distances: (b) in a retail store, that the containers are closed.
4	17.28	Verify that a tank containing a class 6.1A, 6.2B or 6.1C substance (not 6.1D for the purposes of this performance standard) that does not have a 2.1.1, 2.1.2 or 3.1 classification meets the minimum prescribed separation distances from a protected place and a public place.	Records of— (a) capacity of the tank; and (b) actual and prescribed separation distances.
5	17.29	Verify that a tank containing a class 8.2A or 8.2B substance (that does not have a 2.1.1, 2.1.2, 3.1, 6.1A, 6.2B or 6.1C classification) meets the prescribed separation distances from a protected place or public place.	Records of— (a) capacity of the tank; and (b) actual and prescribed separation distances.

### **3 Segregate incompatibles from classes 6.1A, 6.1B, 6.1C, 8.2A and 8.2B**

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 13.29 have been met for the purposes of regulation 13.39(f).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 6.3 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the record specified in column 4 of table 6.3 that corresponds to the provision specified in column 2 of that table.

**Table 6.3**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
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1	13.29(2)	Verify whether any substances or materials specified in Schedule 15 which are incompatible with classes 6.1A, 6.1B, 6.1C, 8.2A, and 8.2B are present. Verify whether there are any substances or materials that should not be stored together (according to Safety Data Sheets)	A record of the substances.
2	13.29(1) 13.29(3)	Verify— (a) that the hazardous substances are not in contact with incompatible substances; and (b) that containers of incompatible substances are stored separately.	A record of the means of compliance.

#### 4 Stores for classes 6.1A, 6.1B, 6.1C, 8.2A and 8.2B substances

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 13.35 have been met for the purposes of regulation 13.39(d)(i).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 6.4 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the records specified in column 4 of table 6.4 that correspond to the provision specified in column 2 of that table.

**Table 6.4**

Item	Regulation	Action	Records
1	13.35(1)	Verify that a store containing a class 6 or class 8 substance or both is compliant with the prescribed requirements.	A record of— (a) the floor area of the store; and (b) the access for emergency services; and (c) the details of the store; and (d) the number of exits; and (e) any authorisation from WorkSafe; and (f) secondary containment details; and (g) ventilation details; and (h) procedures to minimise stack collapse or damage; and (i) the security; and (j) segregation details; and (k) any sources of heat.
2	13.35(1)	Verify that a store containing class 6 or class 8 substance or both and which is opened is also compliant with the additional prescribed requirements.	A record of— (a) shower and eyewash facilities, including the name plate; and (b) shower and eyewash facilities have been tested; and (c) hand-washing facilities.

## 5 Classes 6.1A, 6.1B and 6.1C substances in an indoor storage cabinet

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 13.36 have been met for the purposes of regulation 13.39(d)(ii).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 6.5 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the records specified in column 4 of table 6.5 that correspond to the provision specified in column 2 of that table.

**Table 6.5**

Item	Regulation	Action	Records
1	13.36(1)	Verify for each hazardous substance location that is an indoor storage cabinet for class 6.1A, 6.1B, or 6.1C substances referred to in regulation 13.34(1), the cabinet is— (a) compliant; and (b) located in accordance with the prescribed requirements; and (c) marked as prescribed.	A record of— (a) the location of the cabinet; and (b) the plate of the cabinet; and (c) the markings of the cabinet; and (d) the quantities in the cabinet.
2	13.36(1)	Verify that— (a) there are no incompatibles inside the cabinet; and (b) there is a nearby source of water for hand-washing.	A confirmatory record.

## 6 Classes 8.2A and 8.2B substances in an indoor storage cabinet

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 13.37 have been met for the purposes of regulation 13.39(d)(iii).
- (2) The compliance certifier must—
  - (a) take the action in column 2 of table 6.6 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the records specified in column 3 of table 6.6 that correspond to the provision specified in column 2 of that table.

**Table 6.6**

Item	Regulation	Action	Records
1	13.37(1)	Verify for each hazardous substance location that is an indoor storage cabinet for a class 8.2A and/or 8.2B substances referred to in regulation 13.34(1), the cabinet is— (a) compliant; and (b) the maximum quantity of hazardous substance is not exceeded (c) located in accordance with the prescribed requirements; and (d) marked as prescribed.	A record of— (a) the location of the cabinet; and (b) the plate of the cabinet; and (c) the markings of the cabinet; and (d) the quantities in the cabinet.
2	13.37(1)	Verify that— (a) there are no incompatibles inside the	A confirmatory record.



- (b) cabinet; and
- (b) there is a nearby source of water for hand-washing.

## 7 Fixed structures constructed from compatible material

- (1) This clause applies when a compliance certifier is determining whether fixed structures are constructed of compatible material for the purposes of regulation 13.39(g).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 6.7; and
  - (b) make and retain the record specified in column 4 of table 6.7.

**Table 6.7**

Item	Regulation	Action	Records
1	13.39(g)	Verify that any fixed structure or installed equipment is constructed of compatible material and is not an ignition source.	A record of the general nature of the structures or installed equipment.

## 8 Equipment and PPE for classes 6.1A, 6.1B, 6.1C, 8.2A and 8.2B substances

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulations 13.7 and 13.8 have been met for the purposes of regulation 13.39(h).
- (2) The compliance certifier must—
  - (a) take the action in column 3 of table 6.8 that corresponds to the provision specified in column 2 of that table; and
  - (b) make and retain the records specified in column 4 of table 6.8 that correspond to the provision specified in column 2 of that table.

**Table 6.8**

Item	Regulation	Action	Records
1	13.7	Verify when a class 6 or 8 substance is being used at a hazardous substance location— <ol style="list-style-type: none"> <li>(a) the equipment used to handle the substance is compliant; and</li> <li>(b) the equipment is accompanied by documentation covering the use and maintenance of the equipment; and</li> <li>(c) the documentation is readily available and understandable; and</li> <li>(d) the workplace has the facilities that are specified.</li> </ol>	A record of— <ol style="list-style-type: none"> <li>(a) the equipment and the state of it; and</li> <li>(b) either the documentation or a note referencing the documentation; and</li> <li>(c) the use and maintenance of the equipment; and</li> <li>(d) the facilities.</li> </ol>
2	13.8	Verify that PPE is used.	A record of the PPE and procedures.

## 9 Clean-up materials and equipment 6.1A, 6.1B, 6.1C, 8.2A and 8.2B

- (1) This clause applies when a compliance certifier is determining whether the requirements of regulation 13.45 have been met for the purposes of regulation 13.39(k).

- (2) The compliance certifier must—
- (a) take the action in column 3 of table 6.9; and
  - (b) make and retain the records specified in column 4 of table 6.9.

**Table 6.9**

<b>Item</b>	<b>Regulation</b>	<b>Action</b>	<b>Records</b>
1	13.45	Verify that equipment, materials and chemicals are available.	Records of— <ul style="list-style-type: none"><li>(a) the nature of the equipment, materials and chemicals; and</li><li>(b) where they are located.</li></ul>

Made at Wellington on Day Month 2019.

Nicole Rosie  
Chief Executive  
WorkSafe New Zealand

This performance standard is administered by WorkSafe New Zealand.