



This performance standard is administered by WorkSafe New Zealand. For more information please see:

Website: <http://www.worksafe.govt.nz>

Contact phone: 0800 030 040

Contact address: PO Box 165 Wellington 6140 New Zealand

Health and Safety at Work (Hazardous Substances—Information and Process Requirements for Compliance Certifiers) Amendment Performance Standard 2023

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.

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Performance standard

1 Title

This is the Health and Safety at Work (Hazardous Substances—Information and Process Requirements for Compliance Certifiers) Amendment Performance Standard 2023.

2 Commencement

This performance standard comes into force on 1 May 2023.

3 **Principal performance standard**

This performance standard amends the Health and Safety at Work (Hazardous Substances—Information and Process Requirements for Compliance Certifiers) Performance Standard 2019.

4 **Clause 11 amended (Refusal to issue compliance certificates)**

Replace clause 11 with:

- "(1) A compliance certifier must establish and maintain a documented process to ensure that WorkSafe and the applicant are notified when a compliance certifier refuses to issue a compliance certificate in accordance with regulation 6.23(2).
- (2) If a compliance certifier considers that a relevant requirement has not been met and refuses to issue a compliance certificate, the compliance certifier should, within 15 working days, notify both the applicant and WorkSafe of the refusal and the reasons for the refusal in accordance with regulation 6.23(2)(b) and (c).
- (3) A notification to WorkSafe under regulation 6.23(2)(c) (the **notification**)—
- (a) must be given in the manner and form required by WorkSafe; and
 - (b) include the information referred to in subclause (4).
- (4) The notification must include all of the following information:
- (a) the legal name of the applicant;
 - (b) the New Zealand Business Number (NZBN) of the applicant (if applicable);
 - (c) the email address and telephone number of the applicant;
 - (d) the physical address where the hazardous substance is held (if applicable);
 - (e) the type of compliance certificate;
 - (f) the quantity and class of hazardous substances (if applicable);
 - (g) the equipment ID (if applicable);
 - (h) the date upon which the compliance certifier considered a relevant requirement for the issue of a compliance certificate had not been met;
 - (i) the relevant requirement, as specified in the regulations, that has not been met by the applicant;
 - (j) the reason(s) for the refusal;
 - (k) whether the compliance certifier considers that, due to the reason for the refusal, WorkSafe should urgently consider the notification and, if so, why;
 - (l) whether supporting information is available;
 - (m) the name of the compliance certifier refusing to issue the compliance certificate.
- (5) A compliance certifier may provide further relevant information (if any).
- (6) A compliance certifier must sign every notification of the refusal to issue a compliance certificate.

- (7) A compliance certifier's signature on a notification of the refusal to issue a compliance certificate may be electronic.
- (8) A compliance certifier must retain all records related to the refusal to issue a compliance certificate until a date that is at least five years after the date of the refusal."

28 March 2023

Made at Wellington on 28 March 2023.

Phil Parkes
Chief Executive
WorkSafe New Zealand

This performance standard is administered by WorkSafe New Zealand.