

# Notice of Exemption

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In accordance with section 220 of the Health and Safety at Work Act 2015 (the Act), Civil Aviation Authority of New Zealand is exempted from compliance with regulations 9.18(1), 9.23(3)(c), 9.27(1) [only in respect of the controlled zone] and 9.27(2)(a)-(c) of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the HS Regulations) for the storage of explosives at Location C ('the Location') as specified in the accompanying letter from Kane Patena, Acting Chief Executive at WorkSafe New Zealand to Monique Masoe, National Manager Explosive Detector Dog Unit at New Zealand Aviation Security Service, subject to the following conditions.

Civil Aviation Authority of New Zealand must –

- (1) ensure the aggregate quantity of all explosive material and articles (explosive(s)) at the Location does not exceed 15 kg; and
- (2) ensure any quantity of an explosive that is not in operational use is stored at the Location in a readily movable container that meets the design and construction requirements of regulation 9.19(2)(a) and that holds a current compliance certificate issued under regulation 9.20 of the HS Regulations; and
- (3) ensure that each readily moveable container is held in a storage room that is secured from unauthorised access; and
- (4) ensure that there is signage at each entrance to the storage room communicating the restriction of no unauthorised access; and
- (5) ensure that the aggregate quantity of all explosives stored in a single readily movable container at the Location does not exceed 4 kg; and
- (6) ensure that, where there is more than one readily movable container at the Location, the readily movable containers are separated from each other by a distance of no less than 1.7 metres; and
- (7) ensure that any explosive in a readily movable container at the Location is held in a non-metallic case designed to protect sensitive material from shock waves (such as a 'pelican case' or equivalent); and
- (8) ensure that the aggregate quantity of all explosives held in a case described in condition (7) does not exceed 1 kg; and; and
- (9) prepare and maintain an emergency response plan for the Location, including a fire evacuation procedure, in accordance with the requirements of regulations 5.7 to 5.13 of the HS Regulations; and
- (10) ensure a copy of the emergency response plan and fire evacuation procedure is made available to the nearest Fire and Emergency New Zealand (FENZ) fire station and the airport fire station; and
- (11) annually notify the nearest FENZ fire station and the airport fire station of the location, quantity and type of explosives stored; and

- (12) no less than quarterly, undertake a visual inspection of the explosives at the Location, and maintain a record of those inspections, including, for each inspection the date of inspection and findings; and
- (13) ensure that, where practicable, no explosives are kept beyond the recommended shelf-life specified by the manufacturer of that explosive, unless it is necessary to retain the explosive beyond the recommended shelf-life, in which case the explosive must remain in a safe and serviceable condition; and
- (14) dispose of any explosive that is not in a safe and serviceable condition, or that is beyond its recommended shelf-life (unless it is necessary to retain the explosive as provided for by condition 13), through the New Zealand Defence Force; and
- (15) ensure that no detonators are taken to or held at the Location; and
- (16) ensure that no manufacturing involving a class 1 substance occurs at the Location; and
- (17) ensure that the Location complies with regulation 9.24(1) of the HS Regulations; and
- (18) provide a copy of this Notice of Exemption to any compliance certifier engaged to issue a compliance certificate for each readily movable container under regulation 19.20; and
- (19) hold a copy of this exemption at the Location.

In these conditions:

- (i) reference to an explosive does not include safety ammunition; and
- (ii) all quantities given are in NEQ as defined in regulation 10(6) of the HS Regulations.

This exemption takes effect from the date specified in the *Gazette* notice required by section 221 HSWA, which will be 30 August 2024 and expires on 30 August 2029 unless it is replaced sooner or revoked. This exemption is given the reference HS2207.

Signed at Wellington this 27 day of August 2024.



Kane Patena  
Interim Chief Executive  
WorkSafe New Zealand