



Health and Safety at Work (Infringement Offences and Fees) Amendment Regulations 2017

Patsy Reddy, Governor-General

Order in Council

At Wellington this 26th day of June 2017

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 211 of the Health and Safety at Work Act 2015—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Workplace Relations and Safety made after consulting persons and organisations in accordance with section 217(1) of that Act.

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Regulations

1 Title

These regulations are the Health and Safety at Work (Infringement Offences and Fees) Amendment Regulations 2017.

2 Commencement

These regulations come into force on 1 December 2017.

3 Principal regulations

These regulations amend the Health and Safety at Work (Infringement Offences and Fees) Regulations 2016 (the **principal regulations**).

4 Schedule 1 amended

In Schedule 1, after the table relating to the Health and Safety at Work (Worker Engagement, Participation, and Representation) Regulations 2016, insert the cross-heading and table set out in the Schedule of these regulations.

Schedule

New cross-heading and table inserted in Schedule 1

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<i>Health and Safety at Work (Hazardous Substances) Regulations 2017</i>			
Regulation	Description of offence	Fee (\$)	
		Individual	Entity
2.4(1)	Failing to label stationary tank or process container	1,000	6,000
2.4(2)	Failing to make information available near tank wagon or transportable container	1,000	6,000
2.5(2)	Failing to display hazardous substance signage	300	1,500
2.11(3)	Failing to ensure safety data sheet is readily accessible to workers and emergency service workers	300	1,500
3.1(1)	Failing to keep and maintain inventory of hazardous substances at workplace	300	1,500
4.5(5)	Failing to keep record of training and instruction	300	1,500
5.12(4)	Failing to make record of emergency response plan test	300	1,500
5.12(5)	Failing to keep record of emergency response plan test for 2 years	300	1,500
9.3(1)	Failing to ensure class 1 substance is under control of certified handler	1,000	6,000
9.5(1)	Possessing specified class 1 substance without controlled substance licence	500	—
9.6(1)	Possessing smokeless powder or certain other propellants without firearms licence, firearms dealer's licence, or controlled substance licence	500	—

Regulation	Description of offence	Fee (\$)	
		Individual	Entity
9.35(6)(a)	Failing to notify WorkSafe of incident at outdoor pyrotechnic display	1,000	6,000
9.35(6)(b)	Failing to maintain record of incident at outdoor pyrotechnic display	300	1,500
11.43(2)	Failing to verify hazardous substance location has current compliance certificate or valid compliance plaque before delivering LPG, propane, butane, or isobutane to location	1,000	6,000
13.3(1)	Failing to keep record of application of specified class 6 or 8 substance in specified place	300	1,500
13.3(2)	Failing to keep record of application of specified insecticide in specified place	300	1,500
13.5(1)	Failing to provide WorkSafe with specified information if sodium fluoroacetate is present in workplace	1,000	6,000
13.9(1)	Failing to ensure that specified class 6 substance is under control of certified handler or secured from access	1,000	6,000
13.12(2)	Possessing specified class 6 substance without controlled substance licence	500	—
13.13(3)	Failing to ensure that no person purchases or acquires specified class 6 substance from PCBU without controlled substance licence	1,000	6,000
13.19(2)	Failing to erect signage when vertebrate toxic agent used outdoors	1,000	6,000
13.19(6)	Failing to ensure signage remains in place for specified period	1,000	6,000
13.25(2)	Failing to erect signage when specified pesticides used indoors	1,000	6,000
13.25(4)	Failing to remove signage within specified period	1,000	6,000
14.6(1)	Possessing fumigant without controlled substance licence	500	—
14.7(1)	Failing to give notice of intended fumigation	1,000	6,000
14.7(2)	Failing to give notice of intended fumigation	1,000	6,000
14.10	Failing to erect signs for fumigation	1,000	6,000
14.18	Failing to keep record of application of fumigant	300	1,500
15.44(1)	Tampering with markings on cylinder, cylinder fitting, or fire extinguisher	1,000	6,000
15.56(1)	Failing to ensure cylinder not charged unless it has passed specified inspections and tests	1,000	6,000
15.57(1)(a)	Failing to keep cylinder testing records	300	1,500
15.65	Carrying out duty of approved filler without holding approved filler certificate	500	—
16.5	Failing to ensure markings attached to tank or tank sub-frame	1,000	6,000
16.39(2)	Worker filling tank or tank compartment beyond maximum filling level	500	—
16.40(1)	Worker failing to observe requirements for transfer of liquid or gas to or from tank wagon	500	—
16.41(1)	Worker failing to observe requirements for leaving tank wagon unattended	500	—
17.76(1)	Failing to ensure markings attached to stationary tank	1,000	6,000
17.78(2)	Failing to ensure markings on pipework connected to above ground stationary tank	1,000	6,000

Regulation	Description of offence	Fee (\$)	
		Individual	Entity
18.6(1)	Failing to keep record of specified hazardous substances	300	1,500
18.6(2)	Failing to keep record of specified hazardous substances for 12 months	300	1,500
18.7(1)	Failing to provide WorkSafe with prescribed information where sodium fluoroacetate present in laboratory	1,000	6,000
18.9(3)	Failing to ensure sodium fluoroacetate is secured	1,000	6,000
19.4(1)	Failing to record location and movement of tracked substance	300	1,500
19.4(2)	Failing to ensure record includes specified information	300	1,500

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 December 2017, are made under the Health and Safety at Work Act 2015 (the **Act**). These regulations amend the Health and Safety at Work (Infringement Offences and Fees) Regulations 2016 (the **principal regulations**).

Schedule 1 of the principal regulations specifies—

- the offences against the Act and against other regulations made under the Act that are infringement offences; and
- the infringement fees payable for the infringement offences.

These regulations amend Schedule 1 of the principal regulations to specify various offences under the Health and Safety at Work (Hazardous Substances) Regulations 2017 as infringement offences and to specify the infringement fees payable for those infringement offences.

Regulatory impact statement

The Ministry of Business, Innovation, and Employment produced a regulatory impact statement on 30 September 2015 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.mbie.govt.nz/info-services/employment-skills/workplace-health-and-safety-reform/document-and-image-library/ris-cabinet-paper-phase-one-regulations.pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

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**Health and Safety at Work (Infringement Offences and
Fees) Amendment Regulations 2017**

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 29 June 2017.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

Wellington, New Zealand:

Published under the authority of the New Zealand Government—2017