

Application for exemption under Regulation 13.44 of the hazardous substances regulations

Use this form to apply for an exemption (or an amendment to an exemption) from compliance under section 220 of the Health and Safety at Work Act (HSWA) 2015 and Regulation 13.44 of the Health and Safety at Work (Hazardous Substances) Regulations 2017

This application relates only to Regulations 13.30-13.33, 13.34-13.37, 13.38, 13.39 and 13.41-13.43

Section 4 of this application form is to be completed and signed by the Compliance Certifier.

Email: hsapplications@worksafe.govt.nz

Post: Hazardous Substances Team, WorkSafe New Zealand, PO Box 165, Wellington 6140

1. Applicant details

Full legal name:

Trading name: (if different from above)

New Zealand Business Number (NZBN):

Contact person

Name:

Work phone:

Mobile phone:

Email:

Applicant's physical address:

Applicant's postal address: Same as above

2. Authorisation

I certify that:

- I have the authority to make this application
- to the best of my knowledge, the information provided in this application is complete, accurate and correct.

Signature:

Print name:

Capacity in which signed:

Date: DD / MM / YEAR

3. The application

Before WorkSafe can grant an exemption under Section 220 of HSWA we need to be satisfied that the:

- > extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to it, and
- > exemption is not inconsistent with the purpose of HSWA.

Site for which the application applies

Physical address:

Description of the hazardous substances, location and the activities of the site:

- Compliant site plan must be provided (Regulation 3(3))
- Attach copy of inventory (Regulation 3.1)

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What exemption are you seeking?

What regulation(s) are you seeking an exemption from:

Secondary containment

- 13.30 13.32
 13.31 13.33

Storage at HSL

- 13.34 13.36
 13.35 13.37

Compliance certification

- 13.38 13.39

Separation distances

- 13.41 13.43
 13.42

Assessment of the options for compliance

Detail all other options that have been considered which would enable compliance with the specified regulations and explain why the other options have been discounted: (use more pages if necessary)

Assessment against S220 of HSWA

Why is it not reasonably practicable to comply with the regulation(s) above?

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Assessment of risk

What are the risks from being exempted and how will you mitigate the risks? (check the exemption is not inconsistent with ensuring the health and safety of workers and others – do not detail regulatory requirements)

Provide details of staff numbers and their training at the hazardous substance location and staff numbers in adjacent on-site facilities:

Provide details of mitigating features (eg ventilation and vapour monitoring)

List supporting attachments: (may include site plans, drawings, compliance certificates, other certificates, reports, inventory, photos etc)

Do you have any agreements with neighbours: (as per Regulation 9)

Yes (provide a copy) No Not applicable

Provide details on nature of adjacent on-site protected places including offices:

4. Compliance certifier details

Compliance certifier name:

Approval number:

Inspection date: DD / MM / YEAR

Compliance certifier report

Including comments on why the site is not compliant with Health and Safety at Work (Hazardous Substances) Regulations 2017 and adequacy of all proposed alternative controls (mitigations) to ensure health and safety of workers and other persons:

Signature of compliance certifier:

Date: DD / MM / YEAR

The personal information you provide with this form is collected and will be held and used by WorkSafe for assessing your application and in accordance with the purposes of the Health and Safety at Work (Hazardous Substances) Regulations 2017 and provisions of the Privacy Act 1993. Information you provide will only be disclosed as required or permitted at law.

The provision of information by you is voluntary but if you do not provide full information WorkSafe may not be able to progress your application. Under the Privacy Act 1993 you may request access to or correction of personal information about you.

For more information about WorkSafe's Privacy Statement and Policy, please refer to the WorkSafe website: [worksafe.govt.nz](https://www.worksafe.govt.nz)