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Health and Safety at Work (Hazardous Substances—Charging LPG Cylinders of Less than 110 kg Water Capacity) Safe Work Instrument 2017

This safe work instrument is approved under section 227 of the Health and Safety at Work Act 2015 by the Minister for Workplace Relations and Safety, being satisfied that appropriate consultation has been carried out under section 227(3) of that Act.

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Safe Work Instrument

1 Title

This is the Health and Safety at Work (Hazardous Substances—Charging LPG Cylinders of Less than 110 kg Water Capacity) Safe Work Instrument 2017.

2 Commencement

This safe work instrument comes into force on 1 December 2017.

3 Overview

For the purposes of regulation 15.64(2)(b) of the Regulations, this safe work instrument sets requirements to be met by a person who charges an LPG cylinder of less than 110 kg water capacity, unless—

- (a) the person is an approved filler; or
- (b) the person is—
 - (i) undertaking a course of instruction or other training to become an approved filler; and
 - (ii) supervised at all times by an approved filler while charging the container.

4 Interpretation

- (1) In this safe work instrument, unless the context otherwise requires,—

Act means the Health and Safety at Work Act 2015

certificate of training means a certificate in a form prescribed by the LPGA that—

- (a) certifies that the person holding the certificate has—
 - (i) completed LPG cylinder training carried out in accordance with an LPGA training and competence scheme; and
 - (ii) been assessed by a site trainer or an LPGA appointed trainer as competent to charge LPG cylinders of less than 110 kg water capacity; and
- (b) specifies—
 - (i) the date on which the person completed the LPG cylinder training; and
 - (ii) the workplace or workplaces at which the person will charge LPG cylinders of less than 110 kg water capacity; and
 - (iii) the PCBU employing or engaging the person; and
 - (iv) a period of validity of 5 years

LPGA means the Liquefied Petroleum Gas Association of New Zealand

LPGA appointed trainer means a compliance certifier who is appointed in accordance with an LPGA training and competence scheme by the LPGA to train site trainers and LPGA fillers

LPGA filler means a person who—

- (a) has completed LPG cylinder charging training carried out in accordance with an LPGA training and competence scheme; and
- (b) has been assessed by a site trainer or an LPGA appointed trainer as competent to charge LPG cylinders of less than 110 kg water capacity; and
- (c) holds a certificate of training issued by the site trainer or an LPGA appointed trainer

LPGA training and competence scheme means an LPG cylinder charging training and competence scheme adopted by the LPGA and recognised by WorkSafe that—

- (a) provides for—

- (i) the appointment of LPGA appointed trainers; and
- (ii) the training, authorisation, and monitoring of site trainers; and
- (b) contains quality assurance provisions in relation to the performance of LPGA appointed trainers and site trainers; and
- (c) includes LPG cylinder charging training that addresses the following:
 - (i) the hazard classification and physical properties of LPG; and
 - (ii) the factors that can trigger the failure of an LPG cylinder; and
 - (iii) the potential adverse effects from the failure of or leakage from an LPG cylinder and actions that should be taken to manage those effects; and
 - (iv) the correct procedure for safely charging an LPG cylinder

site trainer means—

- (a) a person who—
 - (i) has been an LPGA filler for a period of at least 6 months; and
 - (ii) has been trained by an LPGA appointed trainer; and
 - (iii) is authorised by the LPGA in accordance with an LPGA training and competence scheme to carry out LPG cylinder charging training; and
 - (iv) only carries out LPG cylinder charging training at a workplace over which the PCBU who employs or engages the person has management or control; or
- (b) until 1 December 2018, a person who—
 - (i) was immediately before the commencement of this safe work instrument authorised as a site trainer in accordance with the delegation from the Environmental Risk Management Authority to the LPGA dated 1 September 2005; and
 - (ii) only carries out LPG cylinder charging training at a workplace over which the PCBU who employs or engages the person has management or control

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 and used, but not defined, in this safe work instrument has the same meaning as in the Act or the Regulations.

5 Requirements for charging LPG cylinders of less than 110 kg water capacity

- (1) For the purposes of regulation 15.64(2)(b) of the Regulations, a person may charge an LPG cylinder of less than 110 kg water capacity if—
 - (a) the person is an LPGA filler who—
 - (i) has within the previous 12 months been assessed by a site trainer or an LPGA appointed trainer in accordance with an LPGA training and competence scheme; and

- (ii) holds a current certificate of training issued by the site trainer or an LPGA appointed trainer; and
 - (iii) is engaged or employed by a PCBU who is specified in the certificate of training; and
 - (iv) charges the LPG cylinder at a workplace that is specified in the certificate of training; or
 - (b) the person—
 - (i) is training to become an LPGA filler; and
 - (ii) is supervised at all times while charging the cylinder by an LPGA filler who—
 - (A) has within the previous 12 months been assessed by a site trainer or an LPGA appointed trainer in accordance with an LPGA training and competence scheme; and
 - (B) holds a current certificate of training issued by a site trainer or an LPGA appointed trainer; and
 - (iii) is engaged or employed by a PCBU who is specified in the certificate of training held by the LPGA filler; and
 - (iv) charges the LPG cylinder at a workplace that is specified in the certificate of training held by the LPGA filler; or
 - (c) subject to subclause (2), the person—
 - (i) immediately before the commencement of this safe work instrument, held an approved filler certificate that was issued under section 82 of the Hazardous Substances and New Organisms Act 1996 for the purposes of regulation 60 the Hazardous Substances (Compressed Gases) Regulations 2004 by a person approved in accordance with the delegation from the Environmental Risk Management Authority to the LPGA dated 1 September 2005; and
 - (ii) is engaged or employed by a PCBU who is specified in the approved filler certificate; or
 - (d) subject to subclause (2), the person (**person A**)—
 - (i) is supervised at all times while charging the cylinder by a person referred to in paragraph (c) (**person B**); and
 - (ii) is engaged or employed by the PCBU specified in the approved filler certificate held by person B.
- (2) Subclause (1)(c) and (d) applies until 1 December 2018.

Made at Wellington on 27 November 2017.

Hon Iain Lees-Galloway
Minister for Workplace Relations and Safety

Date of notification in *Gazette*: 28 November 2017

This safe work instrument is administered by WorkSafe New Zealand.