

Compliance certifier authorisation

Knowledge of Health and Safety at Work Act 2015 and compliance certifier functions and duties

Regulation 6.6 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the Regulations) sets out the qualifications for a person to be authorised as a compliance certifier. These qualifications include a requirement for the person to demonstrate knowledge of:

- the functions and duties of a compliance certifier (regulation 6.6(1)(a)(iv)), and
- the purpose of the Health and Safety at Work Act 2015 (the Act) and relevant duties and liabilities under the Act including the primary duty of care and offences for the breach of duties (regulation 6.6(1)(v)).

This questionnaire is to assess your understanding of these requirements as part of processing your application for authorisation as a compliance certifier.

Important guidelines

- We expect you to provide full, comprehensive answers that summarises your interpretation of the regulations.
- Specify the regulations (regulatory clause(s)) relevant to the question.

These are important to obtain full marks.

The questionnaire comprises multiple choice and written answer questions. It is in two parts:

- Part 1: Functions and duties of a compliance certifier, accounting for a total of 20 marks
- Part 2: Purpose of the Act and relevant duties and liabilities, accounting for a total of 20 marks.

The overall pass mark for this questionnaire is 80%.

A completed questionnaire is needed to be submitted as part of your application.

Your application, including this questionnaire, should be emailed to hsapplications@worksafe.govt.nz

I confirm that all the work contained in the assessment is my own.

Applicant name:

Signature:

Date: DD / MM / YEAR

PART 1

Functions and duties of a compliance certifier (regulation 6.6(1)(a)(iv))

For this part, refer to Part 4 and Part 6 of the Regulations and information provided on the WorkSafe website worksafe.govt.nz

Write (type) your answer in the space provided or tick the answer as appropriate.

1. Describe the principal functions of a compliance certifier. Specify the regulation/s relevant to your answer. (2 marks)

2. After issuing a compliance certificate to a person conducting a business or undertaking (PCBU), what other duties does the compliance certifier have regarding the issued certificate? Specify the regulation/s relevant to your answer. (2 marks)

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3. Which of the following regulations provide either a duty or a power for a compliance certifier? Tick each answer. (6 marks)

Regulation 4.5 ☐ Duty ☐ Power

Regulation 6.2 ☐ Duty ☐ Power

Regulation 6.5 ☐ Duty ☐ Power

Regulation 6.11 ☐ Duty ☐ Power

Regulation 6.28 ☐ Duty ☐ Power

Regulation 6.41 ☐ Duty ☐ Power

4. Describe the duties of a compliance certifier if the relevant requirements for issuing a compliance certificate have not been met. What other options are available to the compliance certifier? Specify the regulation/s relevant to your answer. (2 marks)

5. Under what circumstances can a compliance certifier vary a compliance certificate? Illustrate your answer with an example and specify the regulation/s relevant to your answer. (1 mark)

6. Name the four actions that are specifically listed in the regulations that form the basis on which a compliance certifier may issue a compliance certificate. (2 marks)

7. Can a compliance certifier issue a compliance certificate for a plant, substance or article if they are involved in the conduct of any business related to the design or related matter of any plant substance or article? Explain your reasoning and specify the regulation/s relevant to your answer. (2 marks)

8. What is the role of performance standards?

Tick each answer. (1 mark)

A Provide general guidance and information for a PCBU ☐ True ☐ False

B Place mandatory requirements on the compliance certifier ☐ True ☐ False

C Have no relevance to the functions of a compliance certifier ☐ True ☐ False

9. WorkSafe has engaged a person to conduct audits, and a compliance certifier has been advised by this auditor that they are to be subject to an audit. What are the duties that apply to the certifier in respect of the audit? Specify the regulation/s relevant to your answer. (2 marks)

Total marks for Part 1 = 20

PART 2

Purpose of Health and Safety at Work Act 2015 and relevant duties and liabilities under the Act (regulation 6.6(1)(a)(v))

Multiple choice questions. (1 mark for each question)

1. When multiple businesses are working at the same location whose responsibility is it to keep their workers safe?

- A ☐ The workers
- B ☐ The business with the most workers
- C ☐ The officers and the company directors
- D ☐ Each business must do what they can within their influence and control

2. A company has duties only to those they directly employ or engage. ☐ True ☐ False

3. When two or more businesses have duties that overlap what must they do to meet their health and safety duties?

- A ☐ If the officers of all the companies agree they can pay one of the businesses and transfer all their duties to that business
- B ☐ They don't need to do anything as they all have separate duties
- C ☐ They must consult, communicate, cooperate and coordinate activities to meet their health and safety responsibilities towards their workers and others

4. Under the Act, which of these is not a PCBU?

- A ☐ A partner in a partnership
- B ☐ A volunteer association
- C ☐ A sole trader
- D ☐ A business in the form of an incorporated society

5. How many types of duty holder are there?

- A ☐ One
- B ☐ Two
- C ☐ Three
- D ☐ Four

6. A PCBU regularly receives deliveries of stock from a national courier company. When the courier driver is at the PCBU's workplace, they are a:

- A ☐ Worker
- B ☐ Other

7. In a workplace, who has the primary duty of care?

- A ☐ An officer of a PCBU
- B ☐ The PCBU
- C ☐ A volunteer association
- D ☐ A worker of the PCBU

8. Which of the following statements is correct:

- A ☐ Officers have a primary duty of care to all workers carrying out work for their business
- B ☐ Officers have the primary duty of care when the PCBU cannot meet its obligations
- C ☐ Officers have a primary duty of care to other people that are present at the workplace
- D ☐ Officers do not have a primary duty of care

9. Where PCBUs have overlapping duties, they may agree that one PCBU takes a lead role in managing the workplace (while not contracting out the responsibilities of the other PCBU). ☐ True ☐ False

10. Complete the following sentence.

If more than one PCBU has the same duty to workers under the Act, each PCBU with that duty must

- A ☐ consult with the regulator to determine who has the duty.
- B ☐ agree which PCBU should have the duty.
- C ☐ carry out their own measures to meet the duty.
- D ☐ consult, cooperate and coordinate activities with other PCBUs.

Written answer questions.

11. Match these particular duties to a section. (2 marks)

- A Duty of PCBU who manages or controls workplaces
- B Duty of PCBU who manages or controls fittings or plant at workplaces
- C Duty of PCBU who supplies plant, substances or structures
- D Primary duty of care
- E Duty of PCBU who manufacturers plant, substances or structures
- F Duty of PCBU who installs, constructs, or commissions plants or structures
- G Duty of PCBU who imports plant, substances or structures
- H Duty of PCBU who designs plant, substances or structures

Section 36		Section 40	
Section 37		Section 41	
Section 38		Section 42	
Section 39		Section 43	

12. Match these duty holder types. (2 marks)

- A PCBU
- B Worker
- C Officer
- D Other person in the workplace

Volunteer	
Retailer	
School	
Director on a company board	
Contractor	
Fuel company	
General partner in a limited partnership	
WorkSafe	

13. Can one person have more than one duty? Explain your answer with reference to the relevant section in the Act. (3 marks)

14. Which of the following are **not** included in the definition of workers – explain the reason for your answer. (3 marks)

- A ☐ Outworkers
- B ☐ Homeworkers
- C ☐ Partner in a partnership
- D ☐ Trainees
- E ☐ People gaining work experience
- F ☐ Employees
- G ☐ Casual volunteer

Explain reason for above answer:

Total marks for Part 2 = 20