

Note: Draft SWI for consultation – valid until 27 October 2017



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## **Health and Safety at Work (Hazardous Substances— Requirements for Charging LPG Cylinders Other than by Approved Fillers) 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, after 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—Requirements for Charging LPG Cylinders Other than by Approved Fillers) Safe Work Instrument 2017.

## 2 Commencement

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

## 3 Overview

This safe work instrument sets requirements that must be met by a person who charges LPG cylinders of less than 110 kg water capacity, if—

- (a) the person is not an approved filler; and
- (b) the person—
  - (i) is not undertaking a course of instruction or other training to become an approved filler; and
  - (ii) is not 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 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 person who is appointed in accordance with an LPGA training and competence scheme by the LPGA to train a site trainer

**LPGA filler** means a person who—

- (a) has completed LPG cylinder filling training carried out in accordance with an LPGA training and competence scheme; and
- (b) has been assessed by a site 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

**LPGA training and competence scheme** means an LPG cylinder filling 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 filling 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
  - (iv) the correct procedure for safely charging an LPG cylinder

**site trainer** means—

- (a) a person who —
  - (i) has been trained by an LPGA appointed trainer; and
  - (ii) is authorised by the LPGA in accordance with an LPGA training and competence scheme to carry out LPG cylinder filling training; and
  - (iii) is engaged or employed by a PCBU who is a member of the LPGA; and
  - (iv) only carries out LPG cylinder filling training at a workplace over which the PCBU who employs or engages the person has management or control; or
- (b) until 30 June 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) is engaged or employed by a PCBU who is a member of the LPGA; and
  - (iii) only carries out LPG cylinder filling 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.

*Requirements for charging LPG cylinders*

**5 Requirements for charging LPG cylinders by person other than approved filler**

- (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 in accordance with an LPGA training and competence scheme; and
    - (ii) holds a current certificate of training issued by the site trainer; and
    - (iii) is engaged or employed by a PCBU who—
      - (A) is specified in the certificate of training; and
      - (B) is a member of the LPGA; 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 holds a current certificate of training issued by the LPGA; and
    - (iii) is engaged or employed by a PCBU who—
      - (A) is specified in the certificate of training held by the LPGA filler; and
      - (B) is a member of the LPGA; 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—
      - (A) is specified in the approved filler certificate; and
      - (B) is a member of the LPGA.
- (2) A person may charge an LPG cylinder of less than 110 kg water capacity in reliance on subclause (1)(c) until 30 June 2018.

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Cylinders Other than by Approved Fillers) Safe Work Instrument 2017

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Name  
Minister for Workplace Relations and Safety,

Date of notification in *Gazette*:

This legislation is administered by WorkSafe New Zealand.