



# Health and Safety in Transit Depots

## Interface with other legislation



The Hazardous Substances and New Organisms (HSNO) legislation is designed to manage hazardous substances throughout their lifecycle i.e. from manufacture to disposal.

The legislation was designed to work alongside other statutes such as the Customs and Excise Act, Electricity Act, Health and Safety in Employment Act (HSE), Resource Management Act (RMA), transport legislation, etc.

HSNO provides the framework for the management of hazardous substances. The Department of Labour is responsible for enforcing the legislation at a transit depot.

### Customs and Excise

A hazardous substance that has not been approved cannot be imported and is a prohibited import under the Customs and Excise Act.

In addition to any powers under the Customs and Excise legislation, a Customs Officer may order an imported substance in breach of the HSNO Act to be re-exported at the importer's expense.

### Health and Safety in Employment

The Health and Safety in Employment (HSE) legislation manages hazards in the workplace. Hazardous substances will present hazards and are subject to the guiding principles of the HSE legislation, namely to:

- provide a safe and healthy workplace;
- identify hazards;
- eliminate significant hazards wherever practicable;
- isolate significant hazards when it is not practicable to eliminate the hazard;
- minimise significant hazards, and protect employees, where elimination and isolation are impracticable; and
- provide training and information on how to safely manage the hazards.

These principles need to be applied to each hazardous substance.

HSE may require additional steps to be taken to manage hazardous substances in the transit depot, in addition to controls or conditions imposed by HSNO.

### Resource Management

The Resource Management Act (RMA) takes into account local conditions and specific uses and may also impose additional requirements. A new transit depot may be classed as a hazardous facility. You should check for resource consent requirements with your local council.

## Transport legislation

Transport will be involved at different parts of the substance lifecycle. The transport of hazardous substances is regulated under various Acts and Rules. There are separate Acts and transport rules for land, sea and air transport.

Compliance with the:

- Land Transport Rule 45001/1 Dangerous Goods for land transport; or
- Civil Aviation Rule Part 92 Dangerous Goods for air transport; or
- Maritime Transport Rule Part 24a Dangerous Goods for sea transport;

generally provides compliance with the requirements of HSNO when the substances are being transported. The transport rules do not apply when a substance is in a transit depot, when the HSNO rules must be followed.

The transport rules may set additional controls. For example, class 4.1.2A and 5.2A substances are not permitted to be transported and consequently cannot be in a transit depot.

## Further information

All legislation is available at:  
<http://www.legislation.govt.nz>

Find the rules for:

- land transport at <http://www.ltsa.govt.nz/rules/index.html>
- civil aviation at <http://www.caa.govt.nz/rules/rules.htm>
- maritime transport at [http://www.msa.govt.nz/rules/rules\\_legislation.asp](http://www.msa.govt.nz/rules/rules_legislation.asp)

The Department of Labour website is at:  
<http://www.dol.govt.nz/> They can be contacted during business hours at 0800 20 90 20.

The Ministry for the Environment website is at:  
<http://www.mfe.govt.nz/>

Information is also available from the ERMA New Zealand Hazardous Substances Compliance Line, 0800 376 234, or by emailing [hsinfo@ermanz.govt.nz](mailto:hsinfo@ermanz.govt.nz)

