



**DEFENCE FORCE
ORDER 41
Safe Management of
Hazardous Substances**
Logistics Series

Releasable to the public.

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Authority Order

DFO 41 Defence Force Orders for Safe Management of Hazardous Substances

Issued by Chief of Defence Force

Authority

1. DFO 41 *Safe Management of Hazardous Substances* is issued and promulgated by the Chief of Defence Force pursuant to s 27 of the [Defence Act 1990](#).

Conflict

2. Nothing in these orders is to be construed as prevailing over any relevant Act of Parliament or Regulations made under it.
3. Any conflict between the mandatory requirements stated in this publication and any other policy, order, rule or procedure issued within the New Zealand Defence Force is to be reported to the Custodian without delay.

Signed on original

KR SHORT

Air Marshal
Chief of Defence Force

21 March 2021

Foreword

1. The Defence Force is the only agency of state that maintains disciplined forces available at short notice and that operates large-scale and integrated fleets of ships, vehicles and aircraft. As such, the Defence Force is ready to conduct military operations as directed by Government, and is able to quickly respond to crises as they unfold.
2. In undertaking its role, the Defence Force stores, uses and transports a significant range of hazardous substances. The Defence Force's use of hazardous substances in support of military operations will go beyond the normally accepted use of hazardous substances by industry. While industry is required to comply with legislative controls on hazardous substances to ensure the safety of people and the environment from the harm that can be inflicted by hazardous substances, the [Health and Safety at Work Act 2015](#) does not apply to—
 - a. members of the Armed Forces carrying out any operational activity;
 - b. workers carrying out work for the Armed Forces outside of New Zealand where the armed forces are carrying out any operational activity; or
 - c. any military aircraft or naval ship operating in an area where the deployment of the aircraft or ship is an operational deployment.
3. Further, the [Hazardous Substances and New Organisms Act 1996](#) generally, and the [Health and Safety at Work \(Hazardous Substances\) Regulations 2017](#), do not apply when the Chief of Defence Force has issued a Hazardous Substances Order or Code of Practice under s 27 of the [Defence Act 1990](#) that deals with hazardous substances under the control of the Defence Force. However, except when engaged on operational activity, the Defence Force still has obligations under the [Health and Safety at Work Act 2015](#) to ensure the safety of members of the Defence Force, workers generally in the place of work and other persons, from work carried out as part of Defence activities.
4. To meet the above requirements, DFO 41 complies with regulation 1.2 of the [Health and Safety \(Hazardous Substances\) Regulations 2017](#). It sets out the codes of practice for the safe management of hazardous substances required by ss 3(3) and (4) of the [Hazardous Substances and New Organisms Act 1996](#). It specifies the management practices required of the Defence Force to ensure the safety of people and the environment while also establishing controls that work effectively—
 - a. within New Zealand and overseas;
 - b. during peace time and in conflict;
 - c. in areas with limited access to infrastructure, resources or information systems; and
 - d. independent of, or combined with, other Government departments and agencies, foreign forces, host nations and industry..

5. All members of the Defence Force have a general duty to ensure that hazardous substances and associated hazard facilities under Defence Force control are—
 - a. managed safely;
 - b. used only for the purpose for which they were procured or constructed;
 - c. securely protected;
 - d. correctly accounted for;
 - e. stored, handled, moved, disposed of or destroyed by methods that comply with Defence Force policy and procedures; and
 - f. managed in accordance with this order.
6. All Defence Force commanders and senior executives, have a general duty to ensure that members of the Defence Force, for whom they are responsible, and who are undertaking hazardous substances functions or activities, are—
 - a. appropriately skilled and trained to undertake those duties; and
 - b. do so in accordance with the requirements of these orders and any related publications.

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Preliminary Provisions

Purpose

1. DFO 41 *Safe Management of Hazardous Substances* sets out the Defence Force's requirements—
 - a. for the safe management of hazard facilities;
 - b. for the use, operation, transport, storage and disposal of hazardous substances; and
 - c. to satisfy legislative requirements specified by the [Hazardous Substances and New Organisms Act 1996](#), the [Health and Safety at Work Act 2015](#), the [Health and Safety at Work \(Hazardous Substances\) Regulations 2017](#), [DFO 071 Defence Force Safety](#) and any other hazardous substances secondary legislation that may apply to the Defence Force.

Application

2. This is a written order to all members of the Armed Forces pursuant to s 27 of the [Defence Act 1990](#) and instructions to members of the Civil Staff.
3. All members of the Defence Force must comply with the orders stipulated in this publication.
4. The instructions in DFO 41 apply equally to persons seconded to the NZDF from external employers, contractors, sub-contractors and their respective employees working in Defence areas. It is the responsibility of the member of the Defence Force engaging any contractor, consultant or other person working in a Defence area to make them aware of this requirement and include such requirements in their contracts.
5. Non-compliance with these instructions may result in disciplinary action being taken in accordance with the [Armed Forces Discipline Act 1971](#) or in relation to members of the Civil Staff and other persons who are not members of the Armed Forces, a prosecution by WorkSafe for breach of r 1.2(4)(b) of the [Health and Safety at Work \(Hazardous Substances\) Regulations 2017](#) and may result in possible sanctions in accordance with the NZDF [Civil Staff Code of Conduct](#).
6. Non-compliance by a contractor, consultant or other person or organisation engaged by the Defence Force could lead to a contract being terminated.
7. This order requires all members of the Defence Force to ensure, so far as is reasonably practicable, that health and safety of other persons (including New Zealand Cadet Forces, other workers, members of visiting forces) or any other person is not put at risk from the hazardous substances stored, processed, used and transported by the Defence Force within a defence area or elsewhere.
8. This order does not apply to defence areas under the control of the Government Communications Security Bureau.

Commencement date

9. The commencement date of DFO 41 is 21 March 2021.
10. Amendments to this publication are documented in the Record of Change in the end matter.

Custodian

11. The Custodian for DFO 41 is the Commander Logistics (COMLOG).

Repeals

12. DFO 41 Version 1.02 is repealed from the date this order takes effect.

Meanings of terms

13. Terms used in DFO 41 and not explained or stated in the authorised references are defined in [Annex A](#) to these preliminary provisions.

Authoritative version of DFO 41

14. The online copy of DFO 41 is the authoritative version. Any printed copy or CD-ROM copy is deemed uncontrolled and is to be used for guidance only.

Related publications

[DFI 41.1](#) *Safe Management of Hazardous Substances: Class 1 Ammunition and Explosives*

[DFI 41.2](#) *Safe Management of Hazardous Substances: Class 2–9*

[DFI 40.1](#) *Materiel and Equipment Management*

DFO 43 *Management of the Defence Estate* (to be issued)

[DFO 071](#) *Defence Force Safety*

[DFO 081](#) *Risk Management*

[Defence Force and WorkSafe Memorandum of Understanding](#)

Relevant legislation, regulation and standards

[Health and Safety at Work Act 2015](#)

[Health and Safety at Work \(Asbestos\) Regulations 2016](#)

[Health and Safety at Work \(General Risk and Workplace Management\) Regulations 2016](#)

[Health and Safety at Work \(Hazardous Substances\) Regulations 2017](#)

[Health and Safety at Work \(Major Hazard Facilities\) Regulations 2016](#)

[Hazardous Substances and New Organisms Act 1996](#)

[Building Act 2004](#)

[Electricity Act 1992](#)

[Electricity \(Safety\) Regulations 2010](#)

[Gas Act 1992](#)

[Radiation Safety Act 2016](#)

[Radiation Safety Regulations 2016](#)

[Resource Management Act 1991](#)

[Imports and Exports \(Asbestos-containing Products\) Prohibition Order 2016](#)

[Land Transport Rule, Dangerous Goods 2005](#)

[Civil Aviation Rule, Part 92](#)

Annex A

Meanings of Terms

1. Words and phrases are to be given their ordinary grammatical or military meaning promulgated in relevant legislation, military glossaries and authorised dictionaries.
2. Meanings of terms used in this publication are—

Term	Meaning
acutely toxic	Adverse effects occurring following oral or dermal administration of a single dose of a substance, or multiple doses given within 24 hours, or an inhalation exposure of four hours.
commander	A commander is a member of the Armed Forces who holds non-commissioned officer or officer rank and who is in charge of, or responsible for, a military activity or any other part of the Armed Forces.
competency	A combination of training, qualifications, and experience required to perform a task to a particular standard.
competent person	A person who, through a combination of training, qualifications and experience, has acquired appropriate and adequate knowledge and skills enabling that person to correctly perform a specified task to a particular standard.
compliance certificate	A compliance certificate is a formal record issued by a Defence Force compliance officer that verifies that the location or system meets the standards specified in this order. A compliance certificate is known as a compliance certificate in the Health and Safety at Work Act 2015 and its supporting regulations.
compliance officer	A Defence Force compliance officer verifies whether a location or system meets the standards specified in this order.
conditional location compliance certificate	A compliance certificate which may be issued for a location with identified deficiencies which are minor, not safety critical and can be mitigated in such a way to prevent or limit the occurrence of a notifiable incident or event and otherwise complies with this order. A conditional location compliance certificate is to be time bound and issued on the condition that the full requirements for compliance are achieved within the time frame specified on the certificate.
contractor	Any company, firm, organisation or person, other than a member of the Defence Force, that carries out work for, or provides goods and services to the Defence Force, under a contractual agreement between the Defence Force and the company, firm, organisation or person, or the person's employer.
control	A measure (including, but not limited to, any process, policy, device, practice or other action) that is put in place to eliminate or minimise risk.
defence area	Has the meaning as defined in the Defence Act 1990 .
duty	For the purpose of this order, duty is what an individual is required to do under the Health and Safety at Work Act 2015 and its supporting regulations, and other legislation. It is different to 'duty' when defined as a task or activity.
duty holder	A person upon whom a duty is imposed by the Health and Safety at Work Act 2015 and <i>DFO 41 Safe Management of Hazardous Substances</i> .
emergency response plan	A document that outlines the response to an emergency event at a specific location.

Term	Meaning
emergency situation	Refer to DFO 071 .
environment (work)	Refer to DFO 071 .
facility operator	The facility operator is the senior person in charge of a hazardous substances facility and which routinely employs personnel to operate the facility, or where the facility is unmanned, is the senior person responsible for ensuring that the facility is certified, safe and under control.
hazard	Refer to DFO 071 .
hazard facility	A purpose built facility where hazardous substances are stored regardless of quantity.
incident	Refer to DFO 071 .
location compliance certificate	A compliance certificate is a formal record issued by a Defence Force compliance officer that verifies that the location meets or systems within a location meet the compliance standards specified in this order and its associated hazardous substances publications
major hazard facility	A facility or proposed facility where specified hazardous substances are present or likely to be present in a quantity that equals or exceeds the thresholds specified in the Health and Safety at Work (Major Hazard Facilities) Regulations 2016 .
manager	A member of the Civil Staff as defined in the Defence Act 1990 and with the equivalent responsibilities of a commander.
near miss	Refer to DFO 071 .
notifiable event	Has the meaning as defined in the Health and Safety at Work Act 2015 , and includes any event that arises from work including the death of a person, a notifiable injury or illness or a notifiable incident.
notifiable incident	Has the meaning as defined in the Health and Safety at Work Act 2015 , and includes any event or chain of events that has or could have caused injury or illness and/or damage (loss) to people, assets, the environment or reputation.
notifiable injury or illness	Has the meaning as defined in the Health and Safety at Work Act 2015 , and includes an injury or illness that requires the person to be admitted to hospital for immediate treatment.
officer in charge of a defence area	The officer responsible for maintaining the security of an area. This can be the officer commanding the area or— <ul style="list-style-type: none"> • if there is no officer commanding the area, the officer commanding the major unit occupying the area; or • any other person declared by the Chief of Defence Force to be the officer in charge.¹
officer in charge of an activity	The senior person responsible for a Defence Force activity.
operational activity	As defined in s 7 of the Health and Safety at Work Act 2015 .
other persons at the workplace	Refer to DFO 071
permit to work	A permit to work is a document which specifies the work to be done and the precautions to be taken and forms an essential part of a safe system of work.
person conducting a business or undertaking (PCBU)	Whether alone or with others, for profit or not, the PCBU is the main duty holder under the Health and Safety at Work Act 2015 .

1 As directed in [DFO 04/2016](#) *Officers in Charge of New Zealand Defence Areas*

Term	Meaning
plant	Under the Health and Safety at Work Act 2015 , includes— any machinery, vehicle, vessel, aircraft, equipment (including personal protective equipment), appliance, container, implement or tool; and any component of any of those things; anything fitted or connected to any of those things.
reasonably practicable	Refer to DFO 071 .
risk	Refer to DFO 071 .
risk assessment	Refer to DFO 071 .
safe	Refer to DFO 071 .
safety critical element	Any part of a hazard facility or its plant, including computer systems, that has the purpose of preventing or limiting the effect of a notifiable incident or event from arising.
safety data sheet	Designed to protect the health and safety of persons in the workplace by providing information on the hazards of substances and how they are to be used, stored, transported and disposed.
safety event	Refer to DFO 071 .
safety investigation	Refer to DFO 071 .
significant hazard facility	A facility that does not meet the thresholds stipulated for a major hazard facility but is classified by the Defence Force to be highly hazardous where, in the event of a safety critical element of the facility or plant failing, the consequences are likely to result in a notifiable incident or event or would significantly impact on Defence Force’s ability to conduct operations.
site manager	Has control of the day to day activities within a hazardous substances facility and is responsible to the facility operator.
subcontractor	Refer to DFO 071 .
temporary hazard facility	A facility or plant that is temporarily established or that is mobile in nature used to store, process or transport hazardous substances. While the quantities of hazardous substances contained within the plant may not, under the regulations, trigger requirements for compliance certification, the Hazardous Substance Assurance Officer may direct that a certificate is issued given that any failing is likely to result in a notifiable incident or event or would negatively impact on Defence Force’s ability to conduct operations.
visitor	Refer to DFO 071 .
worker	Refer to DFO 071 .
workplace	Refer to DFO 071 .

Chapter 1 - Defence Force Hazardous Substances

Section 1 - Introduction

1.1 Introductory provisions

- a. The [Health and Safety at Work \(Hazardous Substances\) Regulations 2017](#) sets out the requirements of a person conducting a business or undertaking to protect the health and safety of people and the environment from the adverse effects of hazardous substances.
- b. Commander Logistics is to give effect to these regulations by issuing hazardous substances publications detailing further controls and guidance for the safe management of hazardous substances. All hazardous substances publications issued by the Commander Logistics for the safe management of hazardous substances are to reflect good practice. All members of the Defence Force are to comply with hazardous substances publications issued by the Commander Logistics.
- c. Chiefs of Service are to issue orders for hazardous substances not inconsistent with this order and the hazardous substances publications issued by the Commander Logistics, to ensure the accountabilities, responsibilities and mechanisms for compliance imposed by this order are implemented within their Service.

1.2 Key principles

Members of the Defence Force are to comply with the following key principles for the safe management of hazardous substances and hazard facilities—

- (1) Use non-hazardous or less hazardous substances where it is possible and it is practical to do so instead of a more hazardous substance.
- (2) Where hazardous substances are required, only the minimum quantities of hazardous substances required to meet Defence Force outputs are to be held.
- (3) All hazardous substances held are to be codified, labelled, tracked and managed as a Defence Force inventory item where it is reasonably practicable to do so.
- (4) All the necessary information, including safety data sheets and controls, relating to the hazardous substances located in a workplace are to be available to all personnel in that workplace.
- (5) All hazardous substances are to be stored in facilities that are appropriately certified and being safely operated.
- (6) Personnel required to manage, store, handle or use hazardous substances are to be trained and equipped to do so.
- (7) Emergency management plans are to be put in place and personnel responsible for implementing such plans must have an emergency practice exercise when hazardous substances stored exceed minimum quantity thresholds.

Section 2 - Definition and classification

1.3 Hazardous substances

- a. The Defence Force adopts standard conventions for the definition and classification of hazardous substances. Hazardous substance means, unless expressly provided otherwise by the [Health and Safety at Work \(Hazardous Substances\) Regulations 2017](#), any substance with one or more of the following intrinsic properties—
- (1) explosiveness;
 - (2) flammability;
 - (3) a capacity to oxidise;
 - (4) toxicity (including chronic toxicity);
 - (5) corrosiveness; or
 - (6) eco toxicity, with or without bioaccumulation.
- b. **Classes:** Hazardous Substances are divided into class 1–9 as follows—
- (1) **Class 1.** Ammunition and explosives;
 - (2) **Class 2.** Flammable gases: (sub classes: 2.1.1: gases, 2.1.2: aerosols);
 - (3) **Class 3.** Flammable liquids: (sub classes 3.1: liquids, 3.2: liquid desensitised explosives);
 - (4) **Class 4.** Flammable solids: (sub classes: 4.1.1: readily combustible, 4.1.2: self-reactive, 4.1.3: solid desensitised explosives, 4.2: spontaneously combustible, 4.3: dangerous when wet);
 - (5) **Class 5.** Oxidisers: (sub classes: 5.1.1: liquids/solids, 5.1.2: gases, 5.2: organic peroxides);
 - (6) **Class 6.** Toxics: (sub classes 6.1: acute toxic, 6.3: skin irritant, 6.4: eye irritant, 6.5: sensitisation, 6.6: mutagen, 6.7: carcinogen, 6.8: reproductive/developmental, 6.9: organ affecting);
 - (7) **Class 7.** Radiation;
 - (8) **Class 8.** Corrosives: (sub classes: 8.1: metal, 8.2: skin, 8.3: eye); and
 - (9) **Class 9.** Eco-toxics: (sub classes 9.1: aquatic, 9.2: soil, 9.3: vertebrate, 9.4: invertebrate).
- c. There are 112 different hazard classification codes, each indicating the type and degree of hazardous property. A substance can have one or more classification codes, depending on its hazardous properties, for example methylated spirits is classified as 3.1B, 6.1D, 6.3B, 6.4A, 6.8A and 6.9A. Physical hazard classification property tables are detailed in [Annex 1A](#).

1.4 Hazard substance classification

- a. The Defence Force adopts the standard legislative and international scheme for the classification of hazardous substances.
- b. The operating processes and procedures for the management of each class of hazardous substances are specified in [DFI 41.1 Safe Management of Hazardous Substances: Class 1 Ammunition and Explosives](#), and [DFI 41.2 Safe Management of Hazardous Substances: Class 2–9](#).

1.5 Defence Force hazard facilities

- a. A Defence Force hazard facility is one where hazardous substances are present or likely to be present, and that trigger the requirement to issue a location compliance certificate ensuring the hazard facility complies with this order.
- b. Defence Force hazard facilities are categorised as follows—
 - (1) **Major hazard facility.** A facility or proposed facility where specified hazardous substances are present or likely to be present in a quantity that equals or exceeds the thresholds specified in the [Health and Safety at Work \(Major Hazard Facilities\) Regulations 2016](#).
 - (2) **Significant hazard facility.** A facility that does not meet the quantity thresholds specified for a major hazard facility but is classified by the Defence Force Hazardous Substance Regulatory Authority to be hazardous where, in the event of a safety critical element of the facility or plant failing, the consequences are likely to result in a notifiable incident or event or would significantly impact on Defence Force's ability to conduct operations.
 - (3) **Minor hazard facility.** A fixed facility which does not meet the quantity thresholds for a major or significant Hazard Facilities but still triggers Defence Force requirements for the issuance of a location compliance certificate.
 - (4) **Temporary hazard facility.** A facility, or plant that is temporarily established or is mobile in nature that is used to store, process or transport hazardous substances. While the quantities of hazardous substances contained within the facility or plant may not trigger quantity requirements for a compliance certificate, the Defence Force Hazardous Substance Assurance Officer may direct that a certificate is required given that any failing in the safety system could result in a notifiable incident or event or would negatively impact on the Defence Force's ability to conduct operations.
- c. Commander Logistics is to maintain a compliance register of Defence Force hazard facilities.

Section 3 - Hazardous substance safety management system

1.6 Safety management system

Commander Logistics is to maintain a hazardous substances safety management system which specifies or provides for the following—

- (1) **Regulatory responsibilities.** The roles and responsibilities required to independently maintain the Defence Force hazardous substances regulatory system, the instruments to be used to record licensing and personnel competency, and the regulatory interventions to be applied to enforce compliance where necessary.
- (2) **Duty holders.** The duty holders who are required to actively apply the necessary controls to manage safety in workplaces where hazardous substances are stored or where hazard facilities are operating. This includes specific responsibilities relating to commanders and managers, operators of hazard facilities, approved handlers and workers.
- (3) **Trained and competent personnel.** A sufficient pool of trained and competent personnel in the workplace to provide active oversight where hazardous substances are stored, processed, used or transported.
- (4) **Controls.** Controls for hazardous substances based on the risks they pose and the preventative controls to be adopted to minimise the risk so far as is reasonably practicable.
- (5) **Emergency planning, workplace interventions and reporting.** Enabling duty holders and any other persons to initiate safety interventions where required and training for personnel to be able to manage incidents by planning for emergencies.
- (6) **Review and audit.** Audits are to be undertaken to ensure compliance and reviews to be undertaken to ensure policies, processes and procedures specified in this order and its subordinate publications remain current.

Annexes to Chapter 1

- [1A](#) Hazard Classifications: Sub classes 1.1 – 5.2
- [1B](#) Hazard Classifications: Sub classes 6.1 – 9.4

Annex 1A

HAZARD CLASSIFICATIONS: SUB CLASSES 1.1 – 5.2

Property	Explosiveness						Flammability									Oxidisers			
Class	Class 1						Class 2 Gases		Class 3 Liquids		Class 4 Solids					Class 5			
Sub class	1.1	1.2	1.3	1.4	1.5	1.6	2.1.1	2.1.2	3.1	3.2	4.1.1	4.1.2	4.1.3	4.2	4.3	5.1.1	5.1.2	5.2	
	Mass explosion	Projection	Fire and minor blast	No significant hazard	Very insensitive	Extremely insensitive	Gases	Aerosols	Liquids	Desensitised explosives	Readily combustible	Self reactive	Desensitised explosives	Spontaneously combustible	Dangerous when wet	Liquids and solids	Gases	Organic peroxides	
Hazard Classification	1.1A						2.1.1A	2.1.2A	3.1A	3.2A	4.1.1A	4.1.2A	4.1.3A	4.2A	4.3A	5.1.1A	5.1.2A	5.2A	
	1.1B	1.2B		1.4B			2.1.1B		3.1B	3.2B	4.1.1B	4.1.2B	4.1.3B	4.2B	4.3B	5.1.1B		5.2B	
	1.1C	1.2C	1.3C	1.4C					3.1C	3.2C		4.1.2C	4.1.3C	4.2C	4.3C	5.1.1C		5.2C	
	1.1D	1.2D		1.4D	1.5D				3.1D			4.1.2D						5.2D	
	1.1E	1.2E		1.4E								4.1.2E						5.2E	
	1.1F	1.2F	1.3F	1.4F								4.1.2F						5.2F	
	1.1G	1.2G	1.3G	1.4G								4.1.2G						5.2G	
		1.2H	1.3H																
	1.1J	1.2J	1.3J																
		1.2K	1.3K																
	1.1L	1.2L	1.3L																
							1.6N												
				1.4S															

Annex 1B

HAZARD CLASSIFICATIONS: SUB CLASSES 6.1 – 9.4

Property	Toxicity								Corrosiveness			Ecotoxicity			
Class	Class 6								Class 8			Class 9			
Sub class	6.1	6.3	6.4	6.5	6.6	6.7	6.8	6.9	8.1	8.2	8.3	9.1	9.2	9.3	9.4
	Acutely toxic	Skin irritant	Eye irritant	Sensitisation	Mutagen	Carcinogen	Reproductive development	Target organ	Metallic corrosive	Skin corrosive	Eye corrosive	Aquatic	Soil	Terrestrial vertebrates	Terrestrial invertebrates
Hazard Classification	6.1A	6.3A	6.4A	6.5A	6.6A	6.7A	6.8A	6.9A	8.1A	8.2A	8.3A	9.1A	9.2A	9.3A	9.4A
	6.1B	6.3B		6.5B	6.6B	6.7B	6.8B	6.9B		8.2B		9.1B	9.2B	9.3B	9.4B
	6.1C						6.8C			8.2C		9.1C	9.2C	9.3C	9.4C
	6.1D											9.1D	9.2D		
	6.1E														

Chapter 2 - Regulatory Responsibilities and Instruments

Section 1 - Regulatory responsibilities

2.1 Defence Force Hazardous Substance Regulatory Authority

Commander Logistics is appointed the Defence Force Hazardous Substance Regulatory Authority and is accountable to the Chief of Defence Force through the Chief Joint Defence Services for—

- (1) setting and approving the Defence Force standards and controls for the safe management of hazardous substances and hazard facilities;
- (2) establishing a certification system for hazardous substances compliance;
- (3) sponsoring and delivering Defence Force hazardous substances training requirements;
- (4) enforcing compliance;
- (5) co-chairing with officers in charge of defence areas, Hazardous Substances Facility Review Boards;
- (6) appointing qualified members of the Defence Force to be Hazardous Substance Assurance officers; and
- (7) monitoring and reviewing Defence Force compliance with this order.

2.2 Hazardous Substance Assurance Officer

The Hazardous Substance Assurance Officer is accountable to the Hazardous Substance Regulatory Authority, and is responsible for—

- (1) defining, developing and maintaining Defence Force's hazardous substances and hazardous substances facilities controls;
- (2) oversight of the implementation of Defence Force's compliance certification system;
- (3) appointing and ensuring that an adequate pool of Defence Force compliance officers and approved handlers is maintained;
- (4) ensuring that Defence Force compliance officer and approved handler training is delivered to an appropriate standard;
- (5) maintaining a register of Defence Force compliance officers and approved handlers;
- (6) providing technical oversight and support to Defence Force compliance officers and hazard facilities operators and site managers;
- (7) preparing the annual Defence Force Internal Assessment Report;

- (8) arranging, in consultation with Internal Audit, independent reviews of Defence Force's hazardous substances standards, controls and compliance;
- (9) appointing appropriately qualified members of the Defence Force to Defence Force Explosives (Class 1) Safety and the Hazardous Substances (Class 2–9) Safety Committees;
- (10) the operation of the Defence Force Hazardous Substances Safety Committee, Explosives Safety Committee and Hazard Facility Review Boards;
- (11) the preparation and issuance of Hazardous Substances Provisional Improvement and Prohibition Notices;
- (12) the investigation and oversight, when required, of hazardous substance incidents;
- (13) revision of this order and its subordinate publications; and
- (14) managing the Defence Force's engagement with other New Zealand Government agencies that have responsibility for work place and environmental safety.

2.3 Qualification approval authorities

- a. The Hazardous Substance Assurance Officer and designated deputies are responsible for certifying members of the Defence Force who have undertaken the required training and demonstrated the necessary competency to be Defence Force compliance officers and approved handlers.
- b. The Hazardous Substance Assurance Officer must maintain a register of all personnel who are qualified as Defence Force compliance officers and approved handlers.

2.4 Compliance officers

Defence Force compliance officers are responsible to the Hazardous Substance Regulatory Authority for—

- (1) fulfilling the duties specified in [Annex 2A](#);
- (2) granting compliance certificates for facilities that comply with [DFI 41.1 Safe Management of Hazardous Substances: Class 1 Ammunition and Explosives](#), and [DFI 41.2 Safe Management of Hazardous Substances: Class 2–9](#);
- (3) providing advice to duty holders, workers and other persons in the workplace on the safe storage, processing, use and transport of hazardous substances;
- (4) issuing Provisional Improvement Notices where there are matters of non-compliance and/or safety arise; and
- (5) reporting to the Hazardous Substance Assurance Officer any significant matters of non-compliance and/or safety.

2.5 Prime delegates

Prime delegates are the technical experts for the health and safety aspects of hazardous substance management. Prime delegates are appointed by Chiefs of Service, Commander Joint Forces and Chief Joint Defence Services and are responsible to the Hazardous Substance Regulatory Authority for—

- (1) reviewing and updating the register of compliance certificates that have been issued for facilities and other sites in the defence area for which they are responsible;
- (2) working with duty holders to ensure compliance certificate requirements are being managed;
- (3) ensuring that duty holders maintain an adequate number of Defence Force approved handlers for each workplace where hazardous substances are present;
- (4) reporting to the Hazardous Substance Assurance Officer any incidents involving hazardous substances or hazardous substances facilities;
- (5) ensuring that annual internal assessments are completed and provided in accordance with the requirements of this order;
- (6) issuing Provisional Improvement Notices and assisting duty holders with achieving compliance requirements specified in the notice; and
- (7) making submissions to the Hazardous Substance Regulatory Authority for the issuance of Prohibition Notices where—
 - (a) there are matters of continuing non-compliance that are not able to be resolved; or
 - (b) where the storage, handling or use of hazardous substances or the continued operation of a hazard facility is degraded or hazardous to such a degree that is likely to cause death, serious injury, illness or result in a notifiable incident.

2.6 Hazardous substances safety committees

- a. The Defence Force Explosives (Class 1) Safety and the Hazardous Substances (Class 2–9) Safety Committees are to review and provide advice on the effectiveness of the Defence Force Hazardous Substances Safety Management System. The committees are to meet at least six-monthly.
- b. The terms of reference for each committee are specified in [DFI 41.1](#), and [DFI 41.2](#).

2.7 Defence Force compliance officer certificate of competency

- a. A Defence Force compliance officer certificate of competency formally records that a member of the Defence Force is authorised under this order to issue a compliance certificate for specific classes of hazardous substances and locations. A Defence Force compliance officer certificate of competency is valid for 5 years and maybe revalidated by the Hazardous Substance Assurance Officer subject to the compliance officer maintaining the required levels of competence.
- b. **Revocation or suspension of certificates.** A Defence Force compliance officer may have their certificate of competency revoked or suspended by the Hazardous Substance Assurance Officer if the compliance officer is no longer fulfilling the role or for any reason that they are no longer considered competent to undertake the duties required.

2.8 Approved handler certificate of competency

- a. An approved handler certificate of competency formally records that a member of the Defence Force is authorised under this order to handle the class of hazardous substances specified on the certificate within a workplace. An approved handler certificate of competency is valid for 5 years and maybe recertified if required in accordance with procedures specified by the Hazardous Substance Assurance Officer.
- b. The Hazardous Substance Assurance Officer is to maintain a register of all Defence Force approved handlers.
- c. **Competency requirements.** Qualification as a Defence Force approved handler requires successful completion of the required training (refer to paragraph [4.3](#)). This includes, but is not limited to, being able to—
 - (1) demonstrate the application of the Hazardous substances classification system;
 - (2) interpret safety data sheets;
 - (3) interpret Defence Force Hazardous Substances Management Cards;
 - (4) apply and manage safety controls;
 - (5) undertake an assessment of collections for hazardous substances;
 - (6) identify and apply rules for compatibility and non compatibility of hazardous substances;
 - (7) interpret and advise on compliance certification requirements;
 - (8) identify and design system requirements for facilities for the safe storage and handling of hazardous substances;
 - (9) identify the correct requirements for the marking and labelling of hazardous substances;
 - (10) identify the correct application of hazardous substance signage; and
 - (11) demonstrate competency to research and attain additional information required for the completion of their duties.

- d. **Revocation or suspension.** A Defence Force approved handler may have their certificate of competency revoked or suspended by the Hazardous Substance Assurance Officer if the approved handler is no longer fulfilling the role or for any reason they are no longer considered competent to undertake the duties required.

2.9 Compliance certificates

- a. **Types.** A compliance certificate is a formal record issued by a Defence Force compliance officer that verifies that the facility, plant, location or systems within a location meet the compliance standards specified in this order and [DFI 41.1](#), and [DFI 41.2](#).
- b. Defence Force compliance certificates are categorised as follows—
- (1) **Location compliance certificate.** These certify that upon the date the certificate was issued, the hazard facility, its subsystems and the personnel who operate it, were compliant with the requirements of this order.
 - (2) **Stationary container system compliance certificate.** These certify that as at the date the certificate was issued, the fixed tanks and/or process tanks (including pipework and associated fittings) were compliant with the requirements of this order.
- c. **Compliance certificate issuing authorities.** The following are the issuing authorities for compliance certificates—
- (1) **Location compliance certificates.** Defence Force compliance officers are authorised to issue location compliance certificates (subject to them having the requisite qualification, knowledge, skills and experience to do so) if they meet the requirements for independence as specified by [DFI 41.2](#). Defence Force compliance officers, other than for class 3.1D hazardous substances, are not authorised to issue stationary container system certificates.
 - (2) **Stationary container system compliance certificates.** Stationary container certificates, and any other compliance certification required by the Defence Force, may only be issued by a WorkSafe approved industry compliance certifier who is a subject matter expert in the hazards to be inspected and certified.

Note: When an industry compliance certifier is required, the inspection and certification process is to be supervised by a Defence Force compliance officer to ensure the inspection and certification process covers all matters within scope. The Defence Force compliance officer is to ensure that any remediation matters are recorded for action, that the documentation is recorded on the Defence Force register of compliance certificates and that the stationary container system is safe.

- d. **Duration.** Compliance certificates may be issued for the following durations—
- (1) Location compliance certificates may be issued for a maximum period of 3 years.
 - (2) Stationary container system compliance certificates are issued for a period deemed appropriate by the industry compliance certifier after giving consideration to aspects such as the age and structural integrity of the system being certified.

- (3) Temporary hazardous substances facilities (such as deployable bulk fuel installations) that are issued with a location compliance certificate are only to be issued a certificate for the duration of the deployment. This is to be annotated on the compliance certificate.
- e. **Display.** The site manager for the hazard facility, including its plant and equipment that has been certified, is to ensure that a copy of the compliance certificate is reasonably protected (eg laminated) and displayed in a conspicuous place. This is normally to be at the main entrance to the facility, plant or equipment.
- f. Location compliance certificates for open areas are to be displayed on nearby walls where practical, or if impractical, are to be placed in the unit health and safety register and brought to peoples' attention.
- g. **Revocation or suspension.** Revocation or suspension of a compliance certificate may be undertaken on the authority of the Hazardous Substance Regulatory Authority where—
 - (1) the levels of non-compliance are safety critical and give rise to the increased probability of a notifiable event arising;
 - (2) there has been a significant change to plant or buildings or where the hazardous substances being held breach the limits specified on the compliance certificate;
or
 - (3) the facility or plant is no longer required and contains no hazardous substances.

Note: Any facility, plant or equipment no longer required to store, process or use hazardous substances must have any residual hazardous substances removed and transferred to another authorised storage location, or correctly and safely disposed of, and have hazardous substances hazard signage removed.

2.10 Conditional location compliance certificate

- a. A conditional location compliance certificate may be issued to a hazardous substances facility if the Defence Force compliance officer considers that there is a failure to meet any relevant requirements of this order subject to the non-compliance being minor, not safety critical and able to be mitigated in such a way that will prevent or limit the occurrence of a notifiable incident or event arising.
- b. A conditional location compliance certificate, when issued, is to be time bound and of a period that is reasonably practicable to allow any non-compliant matters to be rectified.

Section 2 - Safety interventions

2.11 Intervention notices

- a. Safety interventions must be initiated where a facility fails to comply with the requirements of this order. The intervention requirements are to be formally recorded in either a Defence Force Hazardous Substances Provisional Improvement Notice or a Prohibition Notice.
- b. Determining which notice is to be issued is based on the risk assessment process detailed in [DFO 081 Risk Management](#). Assessing the risk is to be undertaken against defined (objective) and interpretative (subjective) standards.
- c. **Defence Force Hazardous Substances Provisional Improvement Notice.** A Hazardous Substances Provisional Improvement Notice is issued by the Hazardous Substance Assurance Officer, or by a prime delegate, or by a trained health and safety representative in consultation with the prime delegate, to formally notify affected duty holders of a medium to high level risk that exists and the actions to be undertaken to address the safety and compliance requirements. Refer also to paragraph [6.5b](#) of this order.
- d. Hazardous Substances Provisional Improvement Notices are to be time bound and the period specified to achieve compliance is to be reasonably practicable to allow any deficiencies to be rectified. The Hazardous Substances Provisional Improvement Notice should normally provide no more than 21 days notice to complete the improvements. The timeline is to be determined in consultation with the affected duty holders. Where maintenance action is required, the Maintenance Authority is to be consulted to establish the scope of work to be undertaken and when it can be undertaken.
- e. **Hazardous Substances Prohibition Notice.** Hazardous Substances Prohibition Notices may only be issued by the Chief Joint Defence Services. A Hazardous Substances Prohibition Notice is issued for risks that are classified as critical. Hazardous Substances Prohibition Notices require immediate, partial or total cessation of an activity until such time as the risks have been addressed 'so far as reasonably practicable'.¹
- f. Hazardous Substances Prohibition Notices are to be—
 - (1) displayed by the duty holder at the specified location so that workers and visitors are aware of the hazards and risks; and
 - (2) acted upon by the positions specified in the notice.
- g. Application to issue a Hazardous Substances Prohibition Notice is to be made by the Hazardous Substance Regulatory Authority in consultation with affected duty holders and maintenance authority where applicable.

¹ The term 'reasonably practicable' has the same meaning as that specified in s 22 of the [Health and Safety at Work Act 2015](#).

2.12 External agencies enforcement notifications

- a. WorkSafe may exercise enforcement powers against the Defence Force as a person conducting a business or undertaking, and against members of the Civil Staff and contractors engaged by the Defence Force for failure to comply with this order. This includes the authority to issue improvement and prohibition notices under the [Health and Safety at Work Act 2015](#). Separately, territorial authorities under the [Resource Management Act 1991](#) may exercise enforcement powers for breaches of the Act or relevant rules in a regional plan, for example, discharge of contaminants to the environment.
- b. In both situations the Defence Force may be prosecuted under the [Crown Organisations \(Criminal Liability\) Act 2002](#) for breaches of the [Health and Safety at Work Act 2015](#) or the [Resource Management Act 1991](#).

Annex to Chapter 2

[2A](#) Defence Force Compliance Officer duties.

Annex 2A

DEFENCE FORCE COMPLIANCE OFFICER DUTIES

Location compliance certificates

1. Defence Force compliance officers are only authorised to issue location compliance certificates and hazard atmosphere zone certificates to a site that requires it if—
 - a. the inspection and certification process is undertaken jointly by two Defence Force compliance officers (primary and secondary);

Note: The joint certification requirement exists to ensure peer review, cross checking and to ensure independence can be maintained.
 - b. the Defence Force compliance officers are qualified and authorised to issue a compliance certificate for the requirement;
 - c. the Defence Force compliance officers are satisfied that the certification requirements have been met; and
 - d. any examination required before the issue of the location compliance certificate is carried out jointly by the primary and secondary compliance officers.
2. Defence Force compliance officers must not issue a location compliance certificate for which the certifier is also an officer in charge, commander, manager or worker in the site or for any matter—
 - a. that the certifier is or has been responsible for; or
 - b. in relation to which the certifier has provided advice or any other assistance; and
 - c. in connection with the design, planning, or construction of anything relating to the matter.
3. If a Defence Force compliance officer considers that any certification matter does not comply with relevant requirements in this order, the certifier must—
 - a. not issue a compliance certificate and must notify the relevant commander or manager of the site in writing of the reasons for the refusal; and
 - b. notify the Hazardous Substance Assurance Officer.
4. The Defence Force compliance officer must, within 15 working days after the issuing of a compliance certificate, enter the details in the Defence Force register of compliance certificates.

Conditional location compliance certificate

5. A Defence Force compliance officer may issue a conditional compliance certificate for a hazardous substance location if the compliance officer considers that the failure to meet any relevant requirements of this order or any other instrument referred to in this order is minor.

6. A conditional location compliance certificate must—
 - a. specify the relevant requirements that have not been met; and
 - b. state the date by which the requirements must be met.
7. The Primary Defence Force Compliance Officer must, within 15 working days after issuing a conditional location compliance certificate, enter the details in the register of compliance certificates.

Stationary container and other compliance certificates

8. Defence Force compliance officers are not authorised, other than for class 3.1D, to issue compliance certificates for stationary container systems.
9. Stationary container, and any other compliance certificate required by the Defence Force, may only be issued by a WorkSafe approved industry compliance certifier who has relevant expertise in the hazards and stationary containers to be inspected and certified.
10. When an industry compliance certifier is required, the inspection and certification process is to be supervised by a Defence Force compliance officer to ensure that—
 - a. the inspection and certification process covers all matters within scope, and
 - b. any remediation matters are recorded for action.
11. The Defence Force compliance officer who supervised the industry compliance certifier is to enter the details of the certificate in the Defence Force register of compliance certificates.

Register of compliance certificates

12. A Defence Force compliance officer who issues a compliance certificate or supervises an industry compliance officer must enter the following information in the register for each compliance certificate—
 - a. the date on which the certificate was issued and the date on which it expires;
 - b. the certificate serial number;
 - c. the date of suspension or cancellation of the certificate and the name of the individual or organisation who imposed the suspension or cancellation (if applicable); and
 - d. the name of the compliance officer who issued the certificate;
 - e. details of the prescribed requirements for which the certificate was issued;
 - f. if the compliance certificate relates to plant, equipment, site or a location workplace, the physical location of the the workplace; and

- g. for a conditional compliance certificate issued for a hazardous substance location—
- (1) details of the hazardous substance location;
 - (2) the relevant requirements of these regulations or a safe work instrument for the hazardous substance location that have not been met; and
 - (3) the date by which the relevant requirements must be met.

Note: The Hazardous Substance Assurance Officer is the Defence Force authority for maintaining and monitoring the completeness of the register of compliance certificates.

Chapter 3 - Duty Holders

3.1 Introduction

[DFO 071](#) *Defence Force Safety*, specifies the roles and responsibilities for maintaining a safe work place within the Defence Force. This chapter expands upon those requirements by detailing the responsibilities that must be fulfilled by duty holders to ensure that the management of hazardous substances and the facilities in which they are held remain safe and in control.

3.2 Commanders and managers

Where hazardous substances are present in the workplace, commanders and managers are to ensure that—

- (1) the quantities of hazardous substances held are kept to a minimum and in accordance with the principles detailed at [Chapter 1](#), Section 1 of this order;
- (2) workers and other persons at the workplace are made aware of the nature and risks of any hazardous substances that are present including separation distances and incompatibility requirements for each class of hazardous substance;
- (3) where there is a hazardous substances facility under their control, those personnel working in the facility are trained, competent, supervised and kept informed of all matters with respect to their role;
- (4) there is a Defence Force approved handler at the workplace or readily available to assist and guide commanders, managers, workers and other persons at the workplace, in the safe use and handling of the hazardous substances that are present;
- (5) an inventory of hazardous substances is maintained, recorded and is to be readily available in the workplace;
- (6) safety data sheets for those hazardous substances being used in the workplace are accurate and available for immediate reference, and are less than 5 years old;
- (7) personal protective equipment, first aid, and emergency response equipment is available and in sufficient quantity in the workplace, and appropriate to address the hazardous substances present;
- (8) any compliance certificate and safety publications relevant to the workplace are current and compliance requirements are being met and maintained;
- (9) immediate interventions are undertaken where unsafe practices, facilities or equipment involving hazardous substances are identified; and
- (10) notification of incidents and near misses involving hazardous substances are reported on the Defence Force safety event management system and where required, notified to civilian authorities as specified by s 23–s 25 of the [Health and Safety at Work Act 2015](#).

3.3 Approved handlers

- a. Commanders and managers whose workplaces store or use hazardous substances in quantities that equal or exceed the trigger requirements as determined by the calculations specified in the Defence Force Assessment of Collection forms [HSNO_01 NZDF Hazardous Substances Class 2 -9 Annual Self Assessment](#) and [HSNO_02 Location Compliance Certificate](#), are to have sufficient Defence Force approved handlers available to cover all work requirements such as shift work, deployments and leave.
- b. **Duties.** Defence Force approved handlers are to—
- (1) ensure that hazardous substances that are present in the workplace are correctly classified and have safety data sheets readily available, that the correct controls are in place and that persons handling the substances are following the controls;
 - (2) ensure that the Defence Force Assessment of Collections forms [HSNO_01](#) and [HSNO_02](#) for the workplace is accurate and up-to-date;
 - (3) be available at all times to provide guidance and to supervise persons handling any hazardous substance in excess of handler trigger quantities as determined by the calculations specified in the Defence Force Assessment of Collections for Hazardous Substances form;
- Note:** 1. Being 'available' in some instances means being present at the location, while on other occasions, being contactable by telephone or other means will suffice. Defence Force approved handlers must be physically present in the workplace when acutely toxic substances (ie classes 6.1 A, B and C) are being handled.
2. Hazardous substances that equal or exceed trigger quantities may be handled by a non-Defence Force approved handler providing a Defence Force approved handler—
- a. has briefed the person(s) on handling the substance safely; and
 - b. is directly available at the site to provide assistance if necessary.
- (4) conduct an annual internal assessment on hazardous substances present in the workplace and provide a report to the unit commander or manager for processing by the respective prime delegate; and
 - (5) intervene on matters of non-compliance and make recommendations to unit commanders and managers to address shortfalls that may have led to the non-compliance.

3.4 Workers and other persons in the workplace

Workers and other persons in the workplace who store, process, use or transport hazardous substances and or undertake maintenance of or any other duty associated with hazardous substances in the workplace, are to comply with the responsibilities specified in [DFO 9](#) and the additional controls specified in this order.

3.5 Hazard facility operator

- a. Each hazard facility must have a person designated by Commander Logistics as the facility operator.

- b. The facility operator is the principal person in charge of a hazard facility that routinely employs personnel to operate the facility, or where the facility is unmanned, is the person responsible for ensuring that the facility is certified, safe and under control.
- Note:** Should the operation of any Defence Force hazard facilities be operated by a third party contractor, the same principles apply. The Defence Force sponsor of the contract and the contractor operating the facility jointly share the responsibility.
- c. The facility operator is responsible for ensuring that—
- (1) a site manager is appointed and is to ensure that the manager is trained, supervised and kept informed of all matters with respect to their role;
 - (2) all activities undertaken within the facility comply with this order, and workers are—
 - (a) appropriately trained and competent to operate and control the facility; and
 - (b) provided with regular opportunities to participate in the management of safety matters relevant to the facility.
 - (3) a formal risk assessment is prepared in consultation with workers and is routinely updated;
 - (4) where a safety case and/or compliance certificates are required, these are to be maintained and kept current;
 - (5) emergency plans are developed, practiced and maintained in accordance with requirements specified in this order, [DFI 41.1 Safe Management of Hazardous Substances: Class 1 Ammunition and Explosives](#), and [DFI 41.2 Safe Management of Hazardous Substances: Class 2–9](#);
 - (6) immediate actions are taken to reduce risk or stop work where there are failures in safety critical elements of the facility; and
 - (7) appropriate reporting action is taken in accordance with [DFO 9](#).
- d. The Hazardous Substance Assurance Officer is to maintain a register of all Defence Force hazard facility operators.

3.6 Hazard facility site managers

- a. Each hazard facility must have a person designated by the facility operator as the site manager.
- b. The site manager is the person who controls the day-to-day activities that occur within the hazard facility.
- c. The site manager is responsible for ensuring that—
- (1) standard operating procedures for activities being undertaken within the facility, location or with the equipment are issued and maintained;

- (2) a register of hazardous substances stored, processed, used or transported at the facility is prepared and maintained on the Defence Force Assessment of Collections for Hazardous Substances self assessment forms [HSNO_01](#) and [HSNO_02](#) as applicable;
 - (3) only workers with appropriate training and competence are permitted to undertake work within the facility;
 - (4) any other person who is not a worker and who is granted entry to the facility is supervised at all times;
 - (5) any person working in the facility or location is informed about the hazardous substances stored, processed, used, transported, handled or generated at the facility and the emergency response actions to be taken in the event of an incident;
 - (6) emergency response plans are kept current and tested annually, and that any corrective actions are recorded and implemented;
 - (7) facility maintenance requirements are undertaken to the quality standards and frequency required to maintain the safety and certification status of the facility;
 - (8) facility maintenance activities are supervised and undertaken in accordance with a permit to work where this is required;
 - (9) immediate actions are taken to mitigate risk or stop work where there is failure in/of a safety critical element within the facility;
 - (10) the facility operator is advised of any notifiable incidents or events, including near misses that, in different circumstances, could have led to a notifiable incident; and
 - (11) any matters making the facility non-compliant or unsafe, or where personnel are exposed to hazardous substances, are reported to the facility operator at the earliest opportunity.
- d. The Hazardous Substance Assurance Officer is to maintain a register of all Defence Force hazard facility site managers.

3.7 Hazard facility maintenance authority

- a. The Head of Estate and Infrastructure is to ensure that hazardous substance facilities are maintained in accordance with this order and for this purpose is to appoint persons to be hazard facility maintenance authorities to arrange, monitor and undertake maintenance of each hazard facility.
- b. The hazard facility maintenance authority for each hazard facility must ensure that—
 - (1) design baselines (including systems software and firmware), change approvals and configuration control of each hazard facility are maintained;
 - (2) preventative maintenance plans for each hazard facility are established, implemented and reviewed;

- (3) maintenance and repair of hazard facilities and any new works complies with relevant legislation, codes of practices and standards including but not limited to the following—
- (i) [Health and Safety at Work Act 2015](#);
 - (ii) [Hazardous Substances and New Organisms Act 1996](#);
 - (iii) [Building Act 2004](#) and its regulations;
 - (iv) [Electricity Act 1992](#);
 - (v) [Electricity \(Safety\) Regulations 2010](#);
 - (vi) [Gas Act 1992](#);
 - (vii) [Resource Management Act 1991](#);
 - (viii) [DFI 41.1](#); and
 - (ix) [DFI 41.2](#).
- (4) where maintenance work is contracted out, the contractor's staff must be qualified to undertake the work and be experienced in working in hazardous substances environments or hazardous atmosphere zones, or be supervised by a Defence Force approved handler;
- (5) all work undertaken by contractors that requires a permit to work (eg hot work, working at heights), the permit must be issued by a qualified member of the Defence Force. The member of the Defence Force who issues the permit must ensure that—
- (a) all risk management requirements are addressed and authorised, prior to the work commencing;
 - (b) the work is being supervised while it is being undertaken; and
 - (c) the work and the site is deemed safe upon completion of the work.
- Note:** A permit to work on a Defence Force hazard facility is only to be issued by competent members of the Defence Force and is not to be contracted out to third parties. A member of the Defence Force is qualified to issue a permit to work if they have successfully completed the requirements of the [New Zealand Qualification Authority Unit Standard 17590 Issue worksite specific permits](#).
- (6) life cycle management of each hazard facility is undertaken and that funding provisions are made for ongoing maintenance, repair and end of life replacement.

Chapter 4 - Training

4.1 Introduction

- a. [DFO 9](#) *Defence Force Orders for Safety* requires commanders, managers, officers in charge of defence areas and officers in charge of activities to ensure that every person for whom they are responsible is provided with safety training appropriate to their role and responsibilities.
- b. This chapter specifies the requirements for safety training for the safe management of hazardous substances.

4.2 Awareness training for all members of the Defence Force

All members of the Defence Force who are to be, or are attached to units, or inducted into a workplace where storage, handling or management of hazardous substances is undertaken, must undertake the Defence Force Hazardous Substances Awareness course. The course may be delivered and undertaken online using the [Defence Force learning portal](#).

4.3 Training for Defence Force approved handlers and compliance officers

- a. **Defence Force approved handler courses.** All workplaces that have either class 1 (explosives) or class 2–9 hazardous substances in quantities exceeding the levels set out in [DFI 41.1](#) *Safe Management of Hazardous Substances: Class 1 Ammunition and Explosives*; and [DFI 41.2](#) *Safe Management of Hazardous Substances: Class 2–9*, are to have qualified Defence Force approved handlers assigned to that workplace.
- b. Training for Defence Force approved handlers must be instructor led. The Commander Logistics is to provide approved handler training for members of the Defence Force. The courses to be provided include but are not limited to—
 - (1) Defence Force Class 2-9 Hazardous Substances Approved Handler course;
 - (2) Defence Force Class 1 Explosives Approved Handler course; and
 - (3) Defence Force Class 1 Explosive Approved Handler (Road Transport) course.

Note: Completion of Defence Force Class 1 Explosives Approved Handler (Road Transport) course is not a prerequisite for attendance on an Approved Handler training course.

- c. Nominations for approved handler courses are to be submitted by commanders and managers to the New Zealand Defence College.

- d. **Defence Force compliance officer courses.** Commander Logistics is to maintain a sufficient pool of qualified and experienced compliance officers to meet Defence Force certification requirements. A compliance officer qualification is valid for a period of 5 years unless revalidated by the Hazardous Substance Assurance Officer. The courses to be provided include but are not limited to—
- (1) Defence Force Class 1 Explosives Compliance Officer course.
 - (2) Defence Force Class 2-9 Hazardous Substances Compliance Officer course.
- e. Nominations for compliance officer courses are to be made to and approved by the Staff Officer 1 Ammunition or Hazardous Substance Assurance Officer as appropriate.

4.4 Revalidation of qualifications

- a. Revalidation of qualifications is required to ensure that trained personnel remain current in their knowledge and that there remains a pool of personnel available in workplaces competent in the management of hazardous substances. The requirements for revalidation of qualifications by further training are as follows—
- (1) **General workplace requirement.** The Defence Force Hazardous Substances Awareness course is normally only to be undertaken once. However, a commander or manager may direct that revalidation training is required due to reasons of increased risk or where there has been a change in a workplace where hazardous substances are present. If revalidation training is required, this is to be undertaken by repeating the Defence Force Hazardous Substances Awareness course.
 - (2) **Class 1 Defence Force approved handlers.** Revalidation is required for Defence Force explosives approved handlers who have not been actively employed in class 1 hazardous substances related duties continuously for 2 years. Revalidation is achieved by a Defence Force Class 1 compliance officer assessing the trained state of the affected person and, if required, directing that further training be undertaken to address any shortfalls in competency or knowledge.
 - (3) **Class 2–9 Defence Force approved handlers.** Revalidation is required and must be undertaken at intervals of not more than 5 years. This is to be achieved by undertaking the Defence Force Hazardous Substances Approved Handler, Class 2–9 (relicencing) course.
 - (4) **Defence Force compliance officers.** Revalidation training is only required for compliance officers who have not been actively employed in issuing compliance certificates for a period of 2 years. Should revalidation training be required, the candidate is to complete the appropriate Defence Force compliance officer course.
 - (5) If the Defence Force compliance officer has remained continually active in certification duties for a period of 5 years and is deemed competent, revalidation training is not required and the Hazardous Substance Assurance Officer may approve a further five year period of certification duties.

4.5 Training sponsorship and providers

- a. The sponsor for Defence Force hazardous substances training is the—
 - (1) Commander New Zealand Defence College for hazardous substances class 1; and
 - (2) Commander Logistics for hazardous substances class 2–9.
- b. The authorised training providers are the—
 - (1) Defence Explosives Ordnance School for hazardous substances class 1; and
 - (2) Defence Logistics Command for hazardous substances class 2–9.
- c. Both training providers are responsible for the development and maintenance of their hazardous substances training management plans. A copy of the hazardous substances training management plan is to be electronically lodged with the New Zealand Defence College. The Commander New Zealand Defence College is to securely store the hazardous substances training management plans, and make available electronic copies of the training management plan on request.
- d. The Commander New Zealand Defence College is responsible for moderating hazardous substances training to provide and ensure quality control of all courses delivered.

Chapter 5 - Controls

Section 1 - General

5.1 Introduction

Hazardous substances are regulated based on the risks they pose to people and the environment. Each new hazardous substance is classified in accordance with its composition, the hazard it presents, the quantities held and how best the risks can be managed. The rules for their safe management are referred to as controls. Controls are the measures to be taken to eliminate, or where elimination of risk is not reasonably practicable, to minimise the risk of hazardous substances causing adverse effects to the health and safety of people and the environment.

5.2 Principles of risk control

- a. Commanders and managers are to—
- (1) apply as controls the principles specified in paragraph [1.2](#) of this order; and
 - (2) where hazardous substances are held in quantities that equal or exceed the threshold levels detailed in [DFI 41.1 Safe Management of Hazardous Substances: Class 1 Ammunition and Explosives](#); and [DFI 41.2 Safe Management of Hazardous Substances: Class 2–9](#)—
 - (a) ensure an inventory of hazardous substances is detailed on an [HSNO_01 NZDF Hazardous Substances Class 2 -9 Annual Self-Assessment](#) or [HSNO_2 Location Compliance Certificate](#) Assessment of Collections form as applicable; and
 - (b) ensure safety data sheets and hazardous substance management cards are available and retained in the workplace.

5.3 Applying the controls

Where hazardous substances are used, the controls must be applied in accordance with this order. Where this order does not provide controls, an application to determine the required controls to be applied must be made to the Hazardous Substance Assurance Officer.

Section 2 - Controls for labelling, signage, safety data sheets and packaging

5.4 Controls for labelling, safety data sheets and packaging

Members of the Defence Force are to apply the same standards required for labelling, safety data sheets and packaging as specified in Part 2 of the [Health and Safety at Work \(Hazardous Substances\) Regulations 2017](#).

5.5 Controls for signage

Signage is to be placed in accordance with the requirements of r. 2.5 of the [Health and Safety at Work \(Hazardous Substances\) Regulations 2017](#). Additionally, given the spread of defence areas, signage is to be located site-by-site at the points of pedestrian and vehicular access, as is appropriate to the hazardous substances present. All other standards for signage as specified by the regulations are to apply.

Note: The general intent of r 2.5 is that signage should be placed at points of vehicular and pedestrian access/entry to the land where hazardous substances are located. For defence areas, placing signage on the perimeter fences is of little benefit to workers, visitors or emergency responders as the information provided would be non-specific to location or, if details to location were provided, it could create a security risk.

Section 3 - Controls for class 1–9 hazardous substances

5.6 Controls for class 1 (explosives) hazardous substances

The Defence Force controls for managing class 1 hazardous substances are detailed in [DFI 41.1](#). Members of the Defence Force are to comply with these controls when managing class 1 hazardous substances.

5.7 Controls for class 2–6, 8 and 9 hazardous substances

Defence Force controls for managing class 2–6, 8 and 9 hazardous substances are detailed in [DFI 41.2](#). Members of the Defence Force are to comply with these controls when managing class 2–9 hazardous substances.

5.8 Controls for class 7 hazardous substances

The controls for managing class 7 radioactive substances are specified in of the [Radiation Safety Act 2016](#) and the [Radiation Safety Regulations 2016](#). The Defence Force is not exempt from this Act and is to comply with the controls specified. The Defence Force procedure for applying the required controls is specified in [DFI 41.2](#), Chapter 19.

5.9 Controls for asbestos

The [Health and Safety at Work \(Asbestos\) Regulations 2016](#) sets out the requirements for management of asbestos and are binding on the Defence Force. Both the risks associated with asbestos exposure as well as prescribed minimum controls for the safe management of asbestos are detailed in [DFI 41.2](#), Chapter 20. Asbestos management controls for estate and infrastructure are detailed separately in Defence Force policies for the management of its estate and infrastructure.

5.10 Controls for asbestos-containing products

The controls for managing the import and export of asbestos-containing products are specified in the [Imports and Exports \(Asbestos-containing Products\) Prohibition Order 2016](#). Members of the Defence Force are to comply with these regulations. The Defence Force procedures for the management of these substances are specified in [DFI 41.2](#), Chapter 20.

Section 4 - Controls for Defence Force hazard facilities

5.11 Major and significant hazard facilities

Officers and managers in charge of Defence Force major and significant hazard facilities must ensure the following actions are undertaken—

- (1) A safety case for each facility is to be prepared and documented. The safety case is to meet the requirements specified in [DFI 41.1](#) and [DFI 41.2](#).

Note: 1. The hazard facility operator and site manager are to involve facility workers in the preparation and review of the facility's safety management system.
2. The approval and review authority for a safety case of a Defence Force ammunition and explosives major hazard facility is the Hazardous Substance Regulatory Authority.

- (2) A full physical test of the facility emergency response plan is conducted to ensure that it remains appropriate and fit for purpose, prior to and part of, the certification requirement of the facility. Testing is to be conducted in consultation and participation with civilian emergency services and relevant local/regional authorities.
- (3) The safety management system for each facility is to be reviewed by the Defence Force Hazard Facility Review Board at least once every 3 years and in accordance with the requirements specified in paragraph [8.4](#) of this order.
- (4) Investigations are to be initiated by the facility operator of any unsafe incident or non-compliance and the outcomes reported as required, to the Hazardous Substance Regulatory Authority.

5.12 Minor hazard facilities

Minor hazard facilities are to apply the controls required to meet the certification requirements specified in [DFI 41.1](#) and [DFI 41.2](#).

5.13 Temporary hazard facilities

- a. While the quantities of hazardous substances contained within a temporary hazard facility may not trigger requirements for controls and compliance certificates, the Hazardous Substance Regulatory Authority may direct that a compliance certificate is required where any failing in the safety management system of the facility is likely to result in the occurrence of a notifiable incident or that the incident would significantly impact on the Defence Force's ability to conduct operations.

- b. If there is any doubt as to the certification requirements, advice is to be sought from the Hazardous Substance Assurance Officer.

5.14 Defence Force hazard facilities operated by a third party

- a. Where a Defence Force hazard facility is operated by a third party (eg a contractor) in a Defence Area, or is being operated by a third party on behalf of the Defence Force on deployed operations, the standards and controls specified in this order are to apply.
- b. Where there is non-compliance by a third party in the operation of a Defence Force hazard facility, the Defence Force sponsor of the contract must take steps to ensure that the facility and its operations are safe and operated in compliance with this order.

Section 5 - Controls for hazardous atmosphere zones

5.15 Hazardous atmosphere zones

- a. **General.** Hazardous atmosphere zones identify specific areas where flammable vapours may be present and therefore require specific controls to be established while work is undertaken to prevent ignition.
- b. **Approving authority.** The approval authority for hazardous atmosphere zones is the Hazardous Substance Assurance Officer.
- c. **Controls.** Hazardous atmosphere zone controls are to be determined in accordance with the requirements of [DFI 41.2](#).
- d. **Duration.** Hazardous atmosphere zone certificates may be issued for a maximum of 3 years.
- e. **Revocation or suspension.** A Hazardous Substance Assurance Officer may revoke or suspend a hazardous atmosphere zone certificate if—
 - (1) a safety critical issue occurs that gives rise to the increased probability of a notifiable event arising or where the vapours present breach the limits specified for the hazardous atmosphere zone; or
 - (2) a significant change to plant, buildings or use of the building occurs; or
 - (3) the zone is no longer required and there are no flammable vapours present.

Section 6 - Controls for new and tracked hazardous substances

5.16 Controls for new hazardous substances

- a. Commanders and managers of a workplace must ensure that the inventory of hazardous substances at that workplace is accurate and up-to-date. Where a new hazardous substance is introduced into the workplace, commanders and managers are to ensure that the manufacturers or suppliers safety data sheet is available, the required controls are instituted and the register is updated prior to the new hazardous substance being used.

- b. When a new hazardous substance is introduced and it does not have a safety data sheet, the hazardous substance must be segregated and not used until such time as it has been classified, controls established and a safety data sheet has been approved. Notification of a new hazardous substance requiring classification is to be made to the Hazardous Substance Assurance Officer at the earliest opportunity.
- c. Inventory management requirements for the introduction of new hazardous substances are specified in [DFI 40.1](#) *Matériel and Equipment Management*.

5.17 Controls for tracked hazardous substances

- a. Tracked hazardous substances are those specified by schedule 26 of the [Health and Safety at Work \(Hazardous Substances\) Regulations 2017](#).
- b. Commanders and managers are to ensure that the location and movement of tracked hazardous substances are recorded in the Defence Force Logistics Management Information System up until the point of handover to any third party.
- c. Inventory management requirements for tracked hazardous substances are specified in [DFI 40.1](#).

Chapter 6 - Emergency Planning, Safety Interventions and Incidents

Section 1 - Emergency planning

6.1 Emergency preparedness

- a. Regardless of the controls put in place to prevent incidents occurring, they can still occur. Given this, the Defence Force is obligated to plan for such incidents and take all measures possible to minimise the effects of any incident or near miss involving hazardous substances.
- b. The requirements for Defence Force emergency plans for hazardous substances and hazardous substance facilities are based on requirements set out in the [Health and Safety at Work \(Major Hazard Facilities\) Regulations 2016](#) and the [Health and Safety at Work \(Hazardous Substances\) Regulations 2017](#).

6.2 Responsibilities

- a. [DFO 071](#) *Defence Force Safety* specifies that officers in charge of a defence area and officers in command of an activity have primary responsibility for emergency planning. For the purposes of this order these responsibilities are further expanded as follows—
 - (1) **Officer in charge of a defence area.** Officers in charge of defence areas, in addition to the duties specified in [DFO 071](#), are to ensure that Defence Area Incident Management Response Plans are fully integrated with any emergency plans where either a major or significant hazard facility is present, and that plans are tested and will work as intended.
 - (2) **Commanders and managers.** Commanders and managers in charge of an activity where hazardous substances are being stored or used, and which meet the compliance certificate thresholds specified in [DFI 41.1](#) *Safe Management of Hazardous Substances: Class 1 Ammunition and Explosives*; and [DFI 41.2](#) *Safe Management of Hazardous Substances: Class 2–9* are to have in place the emergency planning requirements specified in [Annex 6A](#). The emergency plans are to be provided to the officer in charge of the defence area.
 - (3) **Operators and site managers of major and significant hazard facilities.** In addition to the requirements specified in paragraph 6.2.a.(2), operators and site managers of major and significant hazard facilities are to have in place the additional safety and emergency planning requirements specified in [Annex 6B](#). The additional safety and emergency plans are to be provided to the officer in charge of the defence area.

Section 2 - Workplace-initiated Interventions

6.3 General

- a. A safety intervention is an action taken to eliminate or reduce a hazard, the absence of which would expose workers or any other person to a health and safety risk.
- b. A safety intervention may be initiated by a number of parties such as duty holders, Defence Force Regulatory Authorities etc.
- c. The purpose of this section is to specify the safety interventions to be taken by members of the Defence Force to eliminate or minimise a hazard.

6.4 Duty holder and worker-initiated interventions

- a. A duty holder-initiated safety intervention is the most powerful as it generally can be rapidly implemented. The type of safety intervention that should be taken is dependent on the level of risk present.
- b. **Low to medium risks.** A low to medium risk is one where if the risk was realised, the consequences of the potential hazardous substance incident would not result in a notifiable event. Refer to the [Health and Safety at Work Act 2015](#), s 23 (injury) or s 25 (definition).
- c. In the event of a low to medium risk being identified, workers and any other person identifying the risk are to report the issue to the commander or manager in control of the workplace. The commander or manager is then to assess the risks to confirm the risk status and then eliminate the risk where possible, or minimise the risk so far as is reasonably practicable.
- d. **High to critical risks.** High to critical risks are those where—
 - (1) a failure of a safety critical element at a hazardous substances facility (including software and firmware) that prevents or limits a major accident, or which could cause or contribute substantially to a major accident; or
 - (2) any incident or near miss involving hazardous substances that, if it occurred, would likely result in a notifiable event.¹
- e. In the event of a high to critical risk being identified, workers and any other person identifying the risk are, where practical, to make the facility or workplace safe, cease any work with the hazard giving rise to the risk and immediately report the issue to the commander or manager in control of the workplace.
- f. The commander or manager is to then notify the officer in charge of the defence area and the prime delegate, and then conduct an assessment to confirm the nature of the risk. Where the risk is confirmed, actions are to be undertaken to eliminate or minimise the hazard so far as is reasonably practicable.

¹ As defined in the "[Preliminary Provisions](#)".

- g. The prime delegate is to—
- (1) verify that the proposed controls to be put in place by the facility operator are adequate;
 - (2) establish what, if any, impact there has been on the compliance certificate or safety case standards; and
 - (3) notify the Hazardous Substance Assurance Officer and the Directorate of Safety and establish what other intervention and notification actions may be appropriate.
- h. Recommencement of work may only be undertaken subject to confirmation by a prime delegate that all safety critical element(s) of the facility are operating effectively and that any other risks have been eliminated or minimised so far as is reasonably practicable.

6.5 Provisional improvement notices

- a. Where a facility or workplace fails to comply with the requirements of this order, the prime delegate should review the non-compliance and determine if a Hazardous Substance Provisional Improvement Notice should be issued.
- b. Where a Hazardous Substance Provisional Improvement Notice is to be issued, the—
- (1) prime delegate is to provide the necessary support to the health and safety representative and relevant commander or manager in charge of the facility or workplace to resolve the issue;
 - (2) prime delegate is to notify the Hazardous Substance Assurance Officer; and
 - (3) relevant commander or manager is to ensure that the notice is displayed at the affected facility or workplace (refer also paragraph [2.11](#) c.–d. of this order).

Section 3 - Notifiable events reporting

6.6 Incident recording and notification

- a. Events involving hazardous substances that have, or could have, resulted in illness, injury or death, damage to property or the environment are to be recorded using the Defence Force Safety Event Management Tool.
- b. The requirement to notify events beyond immediate command and management levels is determined by ss 25 and 56 of the [Health and Safety at Work Act 2015](#) and the requirements specified in [Chapter 2](#) and [Chapter 3](#) of this order.
- c. Any notifiable event occurring in a Defence Force major or significant hazard facility is also to be notified by the facility operator to the Hazardous Substance Regulatory Authority and the Director of Safety.

6.7 Investigation of hazardous substances events and incidents

- a. All hazardous substance events and incidents (including near misses), are to be investigated. The type and extent of the investigation will depend on the severity, or potential severity of the event or incident (ie Court of Inquiry must be held where a member of the Armed Forces is injured or killed other than in combat, disciplinary action is contemplated, whether the character or reputation of any person may be affected by the Inquiry, or it is likely to involve serious issues of fact or law, or both).²
- b. An investigation of an event or incident that is not a notifiable and/or that does not involve a safety critical element of a hazard facility is to be initiated by a commander or manager in consultation with a prime delegate.
- c. In all situations, the investigation is to ascertain—
 - (1) the hazard or risk involved;
 - (2) if existing standards and practices were followed and were adequate; and
 - (3) what further action is required.
- d. Where an event or incident involving hazardous substances is notifiable or involves a safety critical element of a hazard facility, a command investigation or a court of inquiry should be conducted. A preliminary assessment of the circumstances and severity of the event or incident is to be undertaken by the officer in charge of the defence area or the officer in charge of the activity to establish the means of investigation or inquiry to be undertaken. In all cases, Defence Legal Services advice is to be sought.

6.8 External investigation of incidents

Notwithstanding any Defence Force investigations into incidents involving hazardous substances, WorkSafe may also elect to undertake an investigation. This process is addressed as part of the Defence Force and WorkSafe memorandum of understanding.

Annexes to Chapter 6

[6A](#) Emergency Response Plans.

[6B](#) Major and Significant Hazard Facility Emergency Plans.

² Refer to [DM 69\(1\)](#) *Manual of Armed Forces Law: Commander's Handbook on Military Law* paragraphs 11.2.14, 11.2.20 and 11.3.9 of Vol 1.

Annex 6A

EMERGENCY RESPONSE PLANS

1. For workplaces that store, process, use and transport hazardous substances in quantities that equal or exceed the thresholds specified in [DFI 41.1 Safe Management of Hazardous Substances: Class 1 Ammunition and Explosives](#), and [DFI 41.2 Safe Management of Hazardous Substances: Class 2–9](#), an emergency response plan must be prepared. For each emergency that may arise, the emergency response plan must ensure that it—
 - a. Describes the actions to be taken to—
 - (1) warn people at the workplace, and in surrounding areas that may be adversely affected by the emergency, that an emergency has occurred;
 - (2) advise those people about the actions they should take to protect themselves;
 - (3) help or treat any person injured in the emergency;
 - (4) manage the emergency so that its adverse effects are—
 - (a) first restricted to the area initially affected; then
 - (b) as soon as practicable reduced in severity; then
 - (c) if reasonably possible eliminated; and
 - (5) re-establish the controls imposed in respect of the hazardous substances used at the workplace when those substances were approved for use, including the use of protective equipment or agents (for example, neutralisers or absorbents).
 - b. Identifies every person with responsibility for undertaking any of the actions described in paragraph 1.a. of this annex and gives information on—
 - (1) how to contact the person;
 - (2) any skills the person is required to have;
 - (3) any special training needed to deal with an emergency involving the substance; and
 - (4) any actions the person is expected to take.
 - c. Specifies—
 - (1) how to obtain information about the hazardous properties of the substance or substances;
 - (2) means of controlling, the substance or substances that may be involved;
 - (3) actions to be taken to contact any emergency service provider;

- (4) the purpose and location of each item of equipment or material to be used to manage the emergency;
 - (5) how to decide which actions to take; and
 - (6) the sequence in which actions should be taken.
- d. Provides—
- (1) an inventory of hazardous substances present at the workplace; and
 - (2) a site plan that shows the physical position of all hazardous substance locations within the boundary of the workplace (if applicable).

Extra information for emergencies involving flammable or oxidising substances

2. An emergency response plan must—
- a. specify the type and location of the fire extinguishers provided, and any extra firefighting equipment, materials, and systems provided, if any of the reasonably likely emergencies identified in the plan is a fire; and
 - b. provide for the containment of any liquid or liquefied oxidising substance or organic peroxide, to prevent it contacting any incompatible substance.

Availability of equipment, materials and people

3. Commanders and managers who are required to have an emergency response plan must ensure that all equipment and materials described in the emergency response plan, and all responsible people described in the emergency response plan who are on duty are—
- a. present at the location concerned;
 - b. available to reach the location of the substance within the times specified in the plan; or
 - c. in the case of a trained person, available to provide the advice or information specified in the plan within a time specified in the plan.

Availability of emergency response plans

4. Commanders and managers who are required to have an emergency response plan for a workplace must ensure that the plan is available to—
- a. every person identified as being responsible for executing the plan or a specific part of it; and
 - b. every emergency service provider identified in the plan.

Fire and Emergency New Zealand may review emergency response plans

5. A commander or manager may request Fire and Emergency New Zealand to review an emergency response plan to—
 - a. assess whether the role proposed for the service—
 - (1) is achievable; and
 - (2) is consistent with the operational policies of the service;
 - b. identify anything that may adversely affect service operations during an emergency.
6. While undertaking a review, Fire and Emergency New Zealand may request the workplace to provide further information in writing, if it considers that the emergency response plan provides insufficient information to enable the service to determine—
 - a. its role in the plan; or
 - b. the level or type of resources it may need to deploy to give effect to the plan.
7. Commanders and managers must have regard to any of the recommendations Fire and Emergency New Zealand make in relation to an emergency response plan.

Emergency response plans must be tested

8. Commanders and managers must ensure that emergency response plans are tested at least every 12 months to demonstrate whether every procedure or action in the plans are workable and effective.
9. If there is a change to the persons, procedures, or actions specified in an emergency response plan, the plan must be tested within 3 months of the change to demonstrate whether—
 - a. the changed persons can perform their functions under the plan; and
 - b. each changed procedure or action is workable and effective.
10. Commanders and managers must keep a record of carrying out each test and the results of every test completed. The record must be retained record for at least 2 years after the date on which the record was made.

Plan may be part of other management documentation

11. An emergency response plan may be part of any other management documentation for an emergency such as a base incident management plan, whether—
 - a. required by the [Health and Safety at Work \(General Risk and Workplace Management\) Regulations 2016](#) or another enactment; or
 - b. undertaken by the Defence Force for some other reason.

Annex 6B

MAJOR AND SIGNIFICANT HAZARD FACILITIES EMERGENCY PLANS

Duty to prepare emergency plan

1. In addition to the requirements of [Annex 6A](#) of this order the operator of a major hazard facility or significant hazard facility must prepare an emergency plan that—
 - a. effectively addresses all potential health and safety consequences of a major incident;
 - b. is specific to the facility and the major incident hazards identified in the safety assessment;
 - c. is integrated into the facility’s safety management system;
 - d. is understandable by workers, visitors, and other people who are likely to be affected (to the extent necessary for them to fulfil their roles);
 - e. provides for the testing, review, and updating of emergency procedures, including the frequency of any testing, review, and updating; and
 - f. includes all matters specified in—
 - (1) Schedule 3 of the [Health and Safety at Work \(Major Hazard Facility\) Regulations 2016](#);
 - (2) the [Health and Safety at Work \(General Risk and Workplace Management\) Regulations 2016](#); and
 - (3) Part 5 of the [Health and Safety at Work \(Hazardous Substances\) Regulations 2017](#).
2. The facility operator must, when developing and revising the emergency plan—
 - a. engage with workers at the facility; and
 - b. consult with the—
 - (1) civilian emergency services organisations that have responsibility for the area in which the facility is located;
 - (2) local authority within whose district the facility is located, in relation to the potential off-site health and safety consequences of a major incident; and
 - (3) operators of any other nearby major hazard facilities.
3. The facility operator must ensure that the emergency plan addresses, to the extent that is reasonably practicable, the recommendations of the emergency services organisations consulted, if the recommendations relate to—
 - a. the content and effectiveness of the emergency plan; or
 - b. the testing proposed in the emergency plan.

4. The facility operator must have regard to any recommendations made by the local authority and any other person engaged with, or consulted in developing and revising the emergency plan.
5. The facility operator must—
 - a. keep a copy of the emergency plan at the facility and ensure that the plan is readily accessible to persons who are required to use it; and
 - b. ensure that Fire and Emergency New Zealand has access to the emergency plan.
6. The facility operator must immediately implement the emergency plan if—
 - a. a major incident occurs; or
 - b. there is an event at the facility that could reasonably be expected to lead to a major incident.

Duty to test emergency plan

7. A facility operator of a major hazard facility must test an emergency plan in accordance with the testing and review provisions of the emergency plan.
8. The facility operator must—
 - a. document the carrying out and the results of every test; and
 - b. retain the documentation for at least 2 years.

Chapter 7 - Dangerous Goods for Transport

7.1 General

- a. The transportation of hazardous substances in New Zealand and internationally is not regulated by the [Health and Safety at Work Act 2015](#) and regulations or the [Hazardous Substances and New Organisms Act 1996](#). Generally, in relation to the transport of hazardous substances, the term 'dangerous goods' is used.
- b. This chapter specifies how the regulations and codes of practice for the safe transport of hazardous substances by sea, land and air operate in conjunction with Defence Force requirements to transport dangerous goods.

7.2 Maritime transport

- a. The [Maritime Transport Rule 24a](#) regulates the transport of dangerous goods by sea and incorporates by reference the [International Maritime Dangerous Goods Code](#). While the [Maritime Transport Act 1994](#) and its regulations generally do not apply to warships or aircraft of the Defence Force, the Defence Force adopts the [International Maritime Dangerous Goods Code](#) as its standard for transporting dangerous goods by sea.
- b. **Transportation of dangerous goods on Defence Force ships.** Dangerous goods that are to be transported on Defence Force ships must be prepared and correctly declared by the consignor in accordance with—
 - (1) any maritime worthiness rules and instructions issued by the Chief of Navy;
 - (2) [DFI 41.1 Safe Management of Hazardous Substances: Class 1 Ammunition and Explosives](#); and
 - (3) [DFI 41.2 Safe Management of Hazardous Substances: Class 2–9](#).
- c. The ship's captain must ensure that any cargo presented for transportation complies the requirements of paragraph 7.2b. so far as is reasonably practical.
- d. **Transportation of Defence Force dangerous goods on commercial vessels.** Defence Force cargo that is to be transported on ordinary commercial vessels, or under charter on behalf of the Defence Force are to be prepared and declared in accordance with the standards of the [Maritime Transport Rule 24A](#) and any additional requirements specified by the freight forwarder and operator of the vessel.

7.3 Land transport

- a. The [Land Transport Act 1998](#) and [Land Transport Rule, Dangerous Goods 2005](#) regulates the transport of dangerous goods by land and incorporates, by reference, parts of the—
 - (1) [International Maritime Dangerous Goods Code](#);
 - (2) International Civil Aviation Organisation standards;

- (3) International Air Transport Association standards; and
 - (4) NZS 5433:2020 *Transport of Dangerous Goods on Land*, Part 1 Technical information.
- b. **Transportation of dangerous goods on Defence Force vehicles.** Dangerous goods being transported on Defence Force vehicles, including those that are leased or hired by the Defence Force, must be prepared and correctly declared by the consignor in accordance with the [Land Transport Rule, Dangerous Goods 2005](#).
- c. Where exemptions under the [Land Transport Rule, Dangerous Goods 2005](#) 1.2(2)(f) applies, drivers of Defence Force vehicles must then comply with any—
- (1) land worthiness rules and instructions issued by the Chief of Army;
 - (2) [DFI 41.1](#); and
 - (3) [DFI 41.2](#).
- d. Additionally drivers of Defence Force vehicles transporting—
- (1) fuel in road tankers or class 1 explosives must—
 - (a) be, or be supervised by, a Defence Force approved handler qualified for the substance being transported; and
 - (b) hold a current dangerous goods endorsement to their drivers license.
 - (2) any other hazardous substance must meet the following requirements—
 - (a) **Quantities greater or equal to Defence Force approved handler levels.** Defence Force drivers do not need Defence Force approved handler qualifications, but must have a dangerous goods endorsement to their driver license, or be accompanied by a passenger who has the endorsement and is in charge of the vehicle.
 - (b) **Quantities below Defence Force approved handler levels.** Defence force drivers need only the necessary driver license for the vehicle being used.
- e. **Transportation of Defence Force dangerous goods on commercial vessels.** Defence Force freight that is to be transported on ordinary commercial vehicles is to be prepared and declared by the Defence Force consignor in accordance with the [Land Transport Act 1998](#) and [Land Transport Rule, Dangerous Goods 2005](#) and any additional requirements specified by the freight forwarder and operator of the vehicle.

7.4 Air transport

- a. The [Civil Aviation Act 1990](#) does not apply to Defence Force aircraft, unless a provision in the Act or its associated regulations or rules expressly states it applies¹. Instead, the Chief of Air Force has issued Defence Aviation Rules (DARs) to meet equivalent levels of safety. This includes the transportation of dangerous goods on Defence Force aircraft and adopts the standards specified by the International Air Transport Association.
- b. Dangerous goods that are to be transported on Defence Force aircraft must be prepared and correctly declared by the consignor in accordance with—
 - (1) any aviation worthiness rules and instructions issued by the Chief of Air Force;
 - (2) [DFI 41.1](#); and
 - (3) [DFI 41.2](#).
- c. The aircraft captain must ensure that any freight presented for transportation complies the requirements of paragraph 7.4b. so far as is reasonably practical.
- d. **Transportation of Defence Force freight on commercial aircraft.** Defence Force freight that is to be transported on ordinary commercial aircraft, or under charter on behalf of the Defence Force, is to be prepared and declared by the Defence Force consignor in accordance with the standards specified by the International Air Transport Association any additional requirements specified by the freight forwarder and operator of the aircraft.

¹ Civil Aviation Authority Rules [Part 77](#) *Objects and Activities Affecting Navigable Airspace*, [Part 91](#) *General Operating and Flight Rules* and [Part 93](#) *Special Aerodrome Traffic Rules and Noise Abatement Procedures*

Chapter 8 - Review and Audit

8.1 Internal assessment programme

- a. Commanders and managers whose unit's store, use, handle or transport hazardous substances are to ensure that an internal assessment of compliance is conducted annually. The internal assessment is to be undertaken using the Defence Force self assessment forms [HSNO_01](#) and [HSNO_02](#) as applicable.
- b. Where any contract is entered into with a contractor who will have possession of hazardous substances under the control of the Defence Force, in a Defence Area, the sponsor of the contract must ensure that the contractor complies with this order.
- c. The self assessment is to be completed by 1 April each year and forwarded to a prime delegate. Prime delegates are to review the assessments for completeness and accuracy, including the safety report requirements as referenced at paragraph 8.2 of this order, and are to release the report through the Service or portfolio headquarters to the Hazardous Substance Assurance Officer by 1 May each year.
- d. The Hazardous Substance Assurance Officer is to raise a consolidated Defence Force Hazardous Substances Report for review by the Hazardous Substance Regulatory Authority and Chief of Defence Force by 11 June each year.

8.2 Hazardous substances safety reports

- a. Chiefs of Service, Commander Joint Forces New Zealand and Chief Joint Defence Services, as part of the annual internal assessment report above, are to provide a hazardous substances class 1-9 safety report to the Hazardous Substance Assurance Officer by 1 May annually advising—
 - (1) outstanding issues affecting the training of members of the Defence Force on hazardous substances;
 - (2) outstanding issues affecting safe storage, transport or use of hazardous substances, and milestones set to address these issues; and
 - (3) a notifiable events report involving hazardous substances that have, or could have caused, injury to people, or damage to property or the environment.
- b. The Hazardous Substance Assurance Officer is to incorporate any issues raised in to the Defence Force Hazardous Substances Report.

8.3 External assessment programme

- a. The Defence Force is also to have its compliance against this order validated externally by independent auditors no less than biennially. To address this requirement the Hazardous Substance Assurance Officer is to coordinate with the Directorate of Safety and Internal Audit to ensure the audit programme is coordinated with any wider Defence Force audit programmes. Locations or systems to be audited are to be determined based on risk and are to incorporate, where practical, both hazardous substances and health and safety related matters.

8.4 Hazard Facility Review Board

- a. **Purpose.** A Hazard Facility Review Board (the Board) is to be convened for major and significant hazard facilities. The purpose of each Board is to ascertain if the facility is compliant and being operated safely. The Board is to give consideration to—
- (1) the current and future risk profile for each facility;
 - (2) the controls in place;
 - (3) any corrective actions that are necessary to address existing or emerging shortfalls in controls;
 - (4) any corrective actions to be implemented resulting from recommendations of audits and investigations; and
 - (5) making decisions regarding the continuing operation of the facility.
- b. **Board membership.** The following are members of the Board—
- (1) Hazardous Substance Regulatory Authority (co-chair);
 - (2) officer in charge of the defence area (co-chair);
 - (3) facility operator;
 - (4) site manager;
 - (5) worker representative;
 - (6) maintenance authority delegate;
 - (7) any other subject matter expert approved by the co-chairs; and
 - (8) Hazardous Substance Assurance Officer (secretary).
- c. **Assembly.** Boards are to be assembled—
- (1) to coincide with re-certification of the facility;
 - (2) when substantial changes to or the redevelopment of an existing facility is planned;
 - (3) upon the completion of the concept design for a new facility; or
 - (4) any other occasion as directed by the co-chairs or the Hazardous Substance Regulatory Authority.
- d. **Organisation and management.** The organisation and management task associated with the convening of the Board is to be undertaken by the Hazardous Substance Assurance Officer.

- e. The Hazardous Substance Assurance Officer is to ensure that each Board is preceded by a—
 - (1) formal risk assessment of the facility being undertaken no more than 3 months prior to the Board being conducted;
 - (2) promulgation of a question set to relevant board members or their delegates that addresses broader matters of interest beyond the scope of the risk assessment that includes, but is not limited to, the configuration and life cycle status of the facility, identification and status of any new hazards that have arisen since the last review period and any incidents that have arisen since the last review period; and
 - (3) a site visit by the Board members.
- f. Board members are to present to the board their component of the risk assessment and provide evidence to support their assessment where required, notify the Board of any important changes, non-compliances, emerging concerns and any recommendations.
- g. A comprehensive record of the discussions, actions required and outcomes of the meeting is to be produced by the Hazardous Substance Assurance Officer and provided to the co-chairs within 3 weeks of the Board convening.

End Matter

Record of Change

Amendment Number	Commencement Date	Reference	Details of Change	Approving Authority
Version 1.00	5 July 2018	COMLOG Min 2900/ DLC/3 dated 30 June 18	On issue	Chief Joint Defence Services
Version 2.00	21 March 2022	CMMS WO 702127971	On issue	KR Short Air Marshal CDF