

Version  
as at 1 August 2023



## Health and Safety at Work (Class Exemption— Fumigation at Marsden Point) Notice 2020 (LI 2020/293)

Health and Safety at Work (Class Exemption—Fumigation at Marsden Point) Notice 2020: revoked, on 1 August 2023, by clause 3 of the Health and Safety at Work (Class Exemption—Fumigation at Marsden Point) Revocation Notice 2023 (SL 2023/173).

WorkSafe New Zealand gives the following notice under section 220 of the Health and Safety at Work Act 2015.

### Contents

		Page
1	Title	1
2	Commencement	1
3	Interpretation	2
4	Exemption: fumigation buffer zones inside Marsden Point Security Area	2
5	Conditions of exemption	2
6	Expiry of exemption	2
7	Revocation	2

### Notice

#### 1 Title

This notice is the Health and Safety at Work (Class Exemption—Fumigation at Marsden Point) Notice 2020.

#### 2 Commencement

This notice comes into force on 1 December 2020.

---

#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This notice is administered by WorkSafe New Zealand.**

### 3 Interpretation

In this notice, unless the context otherwise requires, **Marsden Point Security Area** means the port security area that is operated by Northport Limited at Marsden Point, as designated under section 45 of the Maritime Security Act 2004.

### 4 Exemption: fumigation buffer zones inside Marsden Point Security Area

- (1) The class of persons described in subclause (2) is exempt from compliance with regulation 14.38(1) of the Health and Safety at Work (Hazardous Substances) Regulations 2017.
- (2) The class of persons is every PCBU with management or control of quarantine or pre-shipment fumigation using methyl bromide on a ship that is berthed—
  - (a) at Berth MP1 inside the Marsden Point Security Area; and
  - (b) within 100 metres of a landside public access area adjacent to Berth MP1.

### 5 Conditions of exemption

- (1) The exemption in clause 4 is granted on the conditions set out in this clause.
- (2) Each hold on a ship to which this exemption applies must be located at least 50 metres from any landside public access area.
- (3) The quantity of methyl bromide applied to a hold that complies with subclause (2) and is located less than 100 metres from any landside public access area must be less than 1,000 kilograms.
- (4) If a hold referred to in subclause (3) is being vented, no other hold on the ship may be vented at the same time.

### 6 Expiry of exemption

The exemption in clause 4 expires on 1 December 2025, unless it is sooner replaced or revoked.

### 7 Revocation

The Class Exemption for Methyl Bromide Fumigation at Northport published in the *Gazette* on 24 November 2017, 2017-au6151, is revoked.

Dated at Wellington this 20th day of November 2020.

For and on behalf of the board of WorkSafe New Zealand,  
Ross Wilson,  
Chairperson.

## Explanatory note

*This note is not part of the notice, but is intended to indicate its general effect.*

This notice exempts a class of persons from compliance with a specified provision of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the **Hazardous Substances Regulations**) made under the Health and Safety at Work Act 2015 (the **HSW Act**) (*see* section 220 of the HSW Act).

The exemption in *clause 4* of this notice relates to regulation 14.38(1) of the Hazardous Substances Regulations. That regulation requires a minimum buffer zone to be set for any fumigation using methyl bromide. The class of persons exempted is every PCBU with management or control of quarantine or pre-shipment fumigation using methyl bromide on a ship that is berthed in a specified area of Berth MP1 inside the Marsden Point Security Area. The exemption is subject to conditions that are set out in *clause 5*.

This exemption comes into force on 1 December 2020 and it expires 5 years later unless it is sooner replaced or revoked (*see* section 220(4)(b) of the HSW Act).

This notice revokes an earlier class exemption notice dated 24 November 2017.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 30 November 2020.

## Notes

### **1**    *General*

This is a consolidation of the Health and Safety at Work (Class Exemption—Fumigation at Marsden Point) Notice 2020 that incorporates the amendments made to the notice so that it shows the law as at its stated date.

### **2**    *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3**    *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4**    *Amendments incorporated in this consolidation*

Health and Safety at Work (Class Exemption—Fumigation at Marsden Point) Revocation Notice 2023 (SL 2023/173)