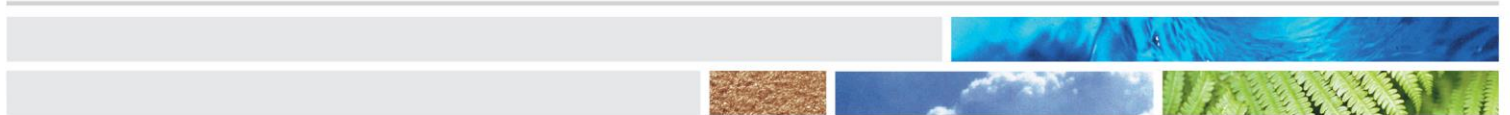




Environmental
Protection Authority
Te Mana Rauhi Taiao

Hazardous Substances (Enforcement Officer Qualifications) Notice 2015

OCTOBER 2015



EPA NOTICE

UNDER THE HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996



Hazardous Substances and New Organisms Act 1996

Hazardous Substances (Enforcement Officer Qualifications) Notice 2015

This notice is issued by the Environmental Protection Authority (the **Authority**) under section 76A(g) of the Hazardous Substances and New Organisms Act 1996 (the **Act**). It is issued in accordance with section 76C of the Act, having had regard to the matters specified in section 76C(2). The Authority now approves it for publication in the Gazette.

Signed at Wellington

This 15th day of October 2015

By Kerry Prendergast

A handwritten signature in black ink, appearing to read "Kerry Prendergast".

Chair
Environmental Protection Authority

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Administrative information: Date of notification in Gazette: 21 April 2016.

Objective of notice

This notice sets out the qualification requirements for hazardous substances enforcement officers under the Act. An enforcement officer must be competent to carry out the responsibilities, functions, and duties set out in his or her warrant. Competency under the notice is made up of both knowledge and experience requirements.

Extent of consultation

The Authority publically notified its intention to issue this notice on 2 December 2014 by publishing a proposal document on its website. It invited comments by 9 February 2015. The paper was also sent to relevant persons in accordance with section 76C(1)(c) of the Act, and other interested parties. Comments were received and considered by the Authority during the drafting of this notice.

The consultation process was carried out in reliance on Schedule 7 of the Act, which allows consultation to be carried out prior to the provisions in the Act relating to EPA notices coming into force.

The notice was subsequently published in the Gazette on *[insert date]*.

Further information about EPA notices

EPA notices are tertiary instruments administered by the Authority. They are subject to the Legislation Act 2012 (the **Legislation Act**). Under the Legislation Act the notice is required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow the notice. The Regulations Review Committee is the select committee responsible for considering instruments such as this notice under the Legislation Act.

Part A General

1 Title

This is the Hazardous Substances (Enforcement Officer Qualifications) Notice 2015.

2 Commencement

This notice comes into force 28 days after the date of its notification in the Gazette.

3 Definitions

(1) In this notice, unless the context otherwise requires —

Act means the Hazardous Substances and New Organisms Act 1996

enforcement officer has the same meaning as in section 2 of the Act

(2) Any term or expression that is defined in the Act and used, but not defined, in this notice has the same meaning as in the Act.

Part B Qualifications for hazardous substances enforcement officers

4 Qualifications for hazardous substances enforcement officers

(1) The person issuing a warrant and appointing an enforcement officer under section 100 of the Act must be satisfied that the prospective enforcement officer is competent to carry out the particular responsibilities, functions, and duties specified in the enforcement officer's warrant.

(2) To demonstrate competence for the purposes of subclause (1), the prospective enforcement officer must, at a minimum —

(a) have relevant and adequate experience; and

(b) know and be able to describe the provisions of the Act relevant to the enforcement officer's responsibilities, functions, and duties, including Parts 2, 6, 7, 8 and 9 of the Act; and

(c) know and be able to describe in relation to the enforcement functions specified in the warrant issued to that person —

(i) the hazard classification system; and

(ii) the adverse effects of the hazardous substances relevant to the warrant; and

(iii) the controls imposed on the substances relevant to the warrant; and

(iv) any transitional provisions that may apply; and

(v) the scope of any relevant codes of practice approved under the Act.



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