

New Zealand

3-5 minute presentation on implementation of
Article 14, (1) and (2)

NZ MHF Regs are based on Seveso

Who implements Article 14(1) and (2)*

According to the national or local law, who is responsible for implementing the obligations under Article 14 (1) and (2) as indicated in the table below, and follow-up questions (a), (b), (c), and (d) as appropriate.

Please select the appropriate box. If further clarification is necessary, please feel free to explain your selection in words .

	Competent authority (Please indicate which authority or authorities)	Operator	Both competent authority and operator	Other
Article 14, (1) (Annex V, Part 1)	WorkSafe NZ			Regulation 68
Article 14 (1) (Annex V, Part 2)		Take reasonable steps		Regulation 66
Article 14 (2) Determining “persons likely to be affected”			Mix of legal definition and safety assessment	Regulation 4 interpretation
Article 14 (2) (Information for Upper tier sites)		Take reasonable steps		Regulation 66

How are Article 14(1) and (2) implemented?

According to the national or local law, who is responsible for implementing the obligations under Article 14 (1) and (2) as indicated in the table below, and follow-up questions (a), (b), (c), and (d) as appropriate.

Please select the appropriate box. If further clarification is necessary, please feel free to explain your selection in words .

	Competent authority	Operator	Both competent authority and operator	Other
Article 14, (1) (Annex V, Part 1)	WorkSafe NZ website lists sites	Operator completes public information form on designation as MHF		No information on last site visits
Article 14 (1) (Annex V, Part 2)		Operator provides information to local community via website/brochure/mail drop etc.		
Article 14 (2) Determining “persons likely to be affected”			Local community defined in Regulations as minimum 1km from perimeter. Operator to use safety assessment to determine	
Article 14 (2) (Information for Upper tier sites)		Operator provides information to local community via website/brochure/mail drop etc.		

Evaluating implementation –

Authority – checks that public information form is received from operator following a facility designation as MHF. Note that security sensitive sites are excluded. Keep website up to date. Check compliance at regular inspections.

Operator - How does the authority evaluate that the implementation **by the operator** is effective? Compliance checked at regular inspections. Up to individual inspectors to decide what is acceptable, good practice is shared.

Confidentiality - All information held by WorkSafe is subject to Official Information Act and can be released following formal request. Operators are asked to mark any information as confidential if they believe it is. Before WorkSafe releases information to the public the operator is asked for comment and if they believe it is confidential to explain this. If it meets a reason to be withheld, it can be, but the principle is that information is made available unless there is good reason for withholding it. Decided on a case by case basis. Not required to disclose information that may lead to threat to security of the MHF.

Guidance and tools

Links to relevant NZ MHF Regulations:

Regulation 66 [Health and Safety at Work \(Major Hazard Facilities\) Regulations 2016 \(LI 2016/14\) \(as at 01 December 2017\) 66 Duty to provide general information for local community – New Zealand Legislation](#)

Regulation 68 [Health and Safety at Work \(Major Hazard Facilities\) Regulations 2016 \(LI 2016/14\) \(as at 01 December 2017\) 68 Duty of WorkSafe to provide information to public – New Zealand Legislation](#)

(Regulation 67 reactive) [Health and Safety at Work \(Major Hazard Facilities\) Regulations 2016 \(LI 2016/14\) \(as at 01 December 2017\) 67 Duty to notify local community and local authority in event of major incident – New Zealand Legislation](#)

OIA Confidentiality [Official Information Act 1982 No 156 \(as at 12 April 2022\), Public Act 9 Other reasons for withholding official information – New Zealand Legislation](#)

WorkSafe public information website: www.worksafe.govt.nz/topic-and-industry/major-hazard-facilities/mhf-public-information/

Good Practice Guide on emergency planning part 2.3 www.worksafe.govt.nz/topic-and-industry/major-hazard-facilities/mhf-guidance/emergency-planning/