APPENDIX 1: AGENCY JURISDICTIONS AND ROLES

**WorkSafe**

WorkSafe’s regulatory functions include regulating asbestos in the workplace. Specific functions are set out in the Health and Safety at Work Act 2015, the Health and Safety at Work (Asbestos) Regulations 2016, and the WorkSafe New Zealand Act 2013. (Note: new legislation and regulations came into effect 4 April 2016.)

Responsible staff: primarily Regional Assessment Managers

WorkSafe’s specific roles in relation to asbestos include:
- Receiving notifications of licenced asbestos removal work as defined in the Health & Safety at Work (Asbestos) Regulations 2016
- Receiving complaints about asbestos, and following-up on selected cases
- Undertaking proactive workplace assessments
- Setting workplace exposure standards and providing written guidance material
- Investigating selected incidents, and prosecuting where appropriate
- Running two voluntary registers involving asbestos
- Delivering intelligence and research on asbestos
- Administering Competency applications (Class A and Class B)
- Raising awareness of asbestos risks and how to manage them.

**Public Health Unit (PHU)**

PHUs are part of District Health Boards (DHBs). PHUs carry out statutory public health responsibilities of DHBs set out in the Public Health and Disability Act 2000. Some PHUs act on behalf of more than one DHB.

Responsible staff: usually Health Protection Officers (appointed under Health Act 1956)

PHUs’ specific roles in relation to asbestos include:
- Providing specialist advice on asbestos where risk assessment is complex
- Preparing statements or advice about the risks of asbestos exposure to individuals or groups
- Providing scientific advice on whether sampling is likely to be useful
- Undertaking measurement and identification of asbestos
- Communicating the risk of asbestos exposure to the public and the media
- Providing advice to other agencies on effective communications with the public and with media about asbestos risk and incidents
- Providing advice to other agencies with statutory authority to effect remedies in relation to asbestos.

**Regional Council (RC)**

RC is responsible for regulating discharges of contaminants into the environment under the Resource Management Act 1991 (RMA). RCs can regulate any place other than a residential dwelling (including the land around a house).

Responsible staff: primarily Pollution Prevention Officer

RC regulatory jurisdictions in relation to asbestos are:
- Discharge of asbestos to land or water where it may cause contamination [including discharge consents to landfills and regulation of proper landfill practice]
- Discharge of asbestos to air that occurs as a result of burning asbestos outdoors.

**Territorial Authorities (TAs)**

TAs (city or district councils) have regulatory roles and responsibilities in relation to asbestos under the Health Act 1956, the Building Act 2004, the Resource Management Act 1991, and the Waste Minimisation Act 2008.

Responsible staff: Environmental Health Officers and Enforcement Officers carry out most regulatory functions, imposed through a range of notices, permits, orders and consents in relation to asbestos. Some specific roles include:

| Health Act | • protecting public health by responding to nuisances (complaints) (includes derelict or abandoned buildings which may contain asbestos)  
|            | • public health inspections |
| Building Act | • ensuring the listing of asbestos on Land Information Memoranda and Project Information Memoranda  
|             | • including asbestos warnings on Building Consents for demolition and structural alteration  
|             | • dangerous and unsanitary buildings (can issue notice requiring remedy)  
|             | • issuing Enforcement and Closing Orders requiring specific action (or prohibiting action) related to asbestos  
|             | • issuing Cleansing and Abatement Notices related to asbestos |
| Waste Min Act | • having a Waste Management and Minimisation Plan to promote effective and efficient waste management and minimisation within its district. |
| Resource Mgmt Act | • issuing land use consents to landfills to receive asbestos waste  
|                  | [note most landfills are owned by TAs with contracted management services, so they will also handle any landfill management issues]. |

**New Zealand Fire Service**

The statutory role of the First Service is fire safety, fire prevention, and fire extinction.

The Fire Service falls under the control of the New Zealand Fire Service Commission, a Crown Entity that reports to the Minister of Internal Affairs.

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Status of Asbestos Containing Materials (ACMs)
Hazardous Substance and New Organisms Act covers raw asbestos but not ACMs.
NZTA Transport Rules for Dangerous Goods cover raw asbestos but not ACMs.