

From: Bernard Sorenson <fyi-request-22272-b606e49c@requests.fyi.org.nz>
Sent: Friday, 28 April 2023 7:57 pm
To: *OIA
Subject: Re: DOIA - 2223-2190 Bernard Sorenson - requested information [UNCLASSIFIED]

Dear *OIA,

Thank you for the initial response, however this does not fully answer the first part of my request, that being, "All information that MBIE holds related to the following OIA request:

MBIE reference 2223-1711.

Request dated: 8 feb 2023.

Subject: the (former) Department of Labour's standard for clip-on adaptors based on LPGITA Code of Practice No 15 Part 1:1992"

This request would have included all, internal and external correspondence, including all emails, minutes of meetings and any ,notes taken, can you please provide the missing correspondence,.

Yours sincerely
Bernard Sorenson

-----Original Message-----

Good afternoon

Please find attached in response to your request

Thank you.

Raymond Chen (He/Him)

PA TO Hayden Fenwick | Manager, Health and Safety Policy

Workplace Relations and Safety Policy Branch

Labour, Science and Enterprise Group

Ministry of Business, Innovation & Employment (MBIE)

[1][email address] |

Level 6, 15 Stout Street, Wellington 6011 | PO Box 1473, Wellington 6140, New Zealand

References

Visible links

1. [mailto:\[email address\]](mailto:[email address])

Please use this email address for all replies to this request:
fyi-request-22272-b606e49c@requests.fyi.org.nz

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<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Fhelp%2Fofficers&data=05%7C01%7CMinisterialServices%40mbie.govt.nz%7C43b326620a214824c9ad08db47be29e1%7C78b2bd11e42b47eab0112e04c3af5ec1%7C0%7C0%7C638182654311132483%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sddata=11zs%2F0Zj22YBqvs4D6ECuaCXB4%2FUIEDK4myl0qiKEqQ%3D&reserved=0>

If you find this service useful as an Official Information officer, please ask your web manager to link to us from your organisation's OIA or LGOIMA page.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

From: Ministerial Services
Sent: Wednesday, 8 February 2023 12:20 pm
To: 'fyi-request-21760-33cf576f@requests.fyi.org.nz'
Subject: Acknowledgement of your Official Information Act Request 2223-1711 [UNCLASSIFIED]

Ref: 2223-1711

Kia ora B Smith,

On behalf of the Ministry of Business, Innovation and Employment I acknowledge your email of 8th February 2023 requesting under the Official Information Act 1982 (the Act), the following:

"In Schedule 2 of the Legislation Act 2019 there is a requirement for the administering agency of an act to ensure that material that is incorporated by reference is publicly available.

According to the Health and Safety at Work Act 2015 and the Health and Safety at Work (Hazardous Substances) Regulations 2017, the Ministry of Business, Innovation, and Employment are the administering agency.

Therefore, I request a digital copy of the (former) Department of Labour's standard for clip on adaptors based on LPGITA Code of Practice No 15 Part 1:1992. This document is cited in Regulation 15.35 of the Health and Safety at Work (Hazardous Substances) Regulations 2017. Alternatively, I will be happy if you provide an internet link to where the document is available for download.

This request should not be transferred to WorkSafe as they are not the administering agency for this legislation, nor hold this document."

Your request is being processed in accordance with the Act and a response will be sent to you in due course. If you have any enquiries regarding your request feel free to contact us via email oa@mbie.govt.nz or using the contact details below.

Nāku noa, nā

Ministerial Services

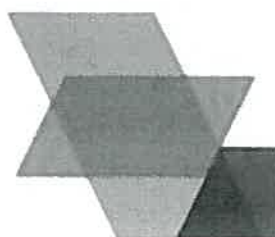
Ngā Pou o te Taumarau

Ministry of Business, Innovation & Employment

15 Stout Street, Wellington 6011 | PO Box 1473 Wellington 6140



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HIKINA WHAKATUTUKI



Out of Scope

From: Ministerial Services
Sent: Wednesday, 8 February 2023 12:21 pm
To: WHS-thehive
Subject: DOIA 2223-1711 - B Smith - Allocation email [UNCLASSIFIED]

Afternoon,

Please note, this request has been received via FYI.org.nz and any response to the email address will be automatically published on the FYI.org.nz website. Do not request or provide any personal information via this address.

MBIE has received the below Departmental OIA. Please confirm:

- Does this fall within your area of responsibility
- Sign out manager as well as the writer
- Whether the response will be suitable for publishing

Note: if the request has the potential for media interest or if the subject of the request might result in a Minister being questioned in the House, you need to consider notifying Communications and the Minister's Office about the request.

Please save all related correspondence into the below MAKO folder as well as ensure Ministerial Services is informed of any changes to dates and copy in Ministerial Services when sending the proposed response to the Ministers office as well as the requestor.

Mako folder:	<u>DOIA 2223-1711 B Smith</u>
Tracking number:	2223-1711
Portfolio:	Workplace Relations and Safety
DCE:	Labour, Science and Enterprise
GM:	(LSE) Workplace Relations and Safety Policy
Date received:	2023-02-08
Due to Minister:	?
Due to Requester:	2023-03-08
Requester:	B Smith
Full subject:	In Schedule 2 of the Legislation Act 2019 there is a requirement for the administering agency of an act to ensure that material that is incorporated by reference is publicly available. According to the Health and Safety a Work Act 2015 and the Health and Safety at Work (Hazardous Substances) Regulations 2017, the Ministry of Business, Innovation, and Employment are the administering agency. Therefore, I request a digital copy of the (former) Department of Labour's standard for clip-on adaptors based on LPGITA Code of Practice No 15 Part 1:1992. This document is cited in Regulation 15.35 of the Health and Safety at Work (Hazardous Substances) Regulations 2017. Alternatively, I will be happy if you provide an internet link to where the document is available for

download. This request should not be transferred to WorkSafe as they are not the administrating agency for this legislation, nor hold this document.

Ngā mihi,
Neesha Weiss (She/Her)
Workflow Advisor - Ministerial Services Business Advisory
Engagement, Communications and Ministerial Services
Ngā Pou o te Taumarū
Ministry of Business, Innovation & Employment
15 Stout Street, Wellington 6011 | P O Box 1473 Wellington 6140



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HIKINA WHAKATUTUKI



RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Out of Scope

From: Rebecca Livingston
Sent: Tuesday, 7 March 2023 4:25 pm
To: Bob White
Subject: RE: LPG adapters, reg 15.35 Hazardous Substances Regulations [IN-CONFIDENCE]

Hi Bob,

Thanks for sharing this with our for our information.

Ngā mihi
Rebecca.

Rebecca Livingston (she/her)
Senior Advisor, Regulatory Frameworks
Regulatory Effectiveness
Level 5, 86 Customhouse Quay, PO Box 165, Wellington 6140
P 1.91(2)(a), Privacy of natural persons
E Rebecca.Livingston@worksafe.govt.nz
W worksafe.govt.nz

Please note, I work from home on Thursdays and Fridays.



WORKSAFE
Mahi Haumarū Aotearoa



From: Bob White <Bob.White@mbie.govt.nz>
Sent: Tuesday, 7 March 2023 1:44 pm
To: Rebecca Livingston <Rebecca.Livingston@worksafe.govt.nz>
Subject: RE: LPG adapters, reg 15.35 Hazardous Substances Regulations [IN-CONFIDENCE]

Hi Rebecca,

Just FYI.

Regards

Bob

From: Rebecca Livingston <Rebecca.Livingston@worksafe.govt.nz>
Sent: Monday, 6 March 2023 3:19 PM
To: Bob White <Bob.White@mbie.govt.nz>
Cc: Hayden Fenwick <Hayden.Fenwick@mbie.govt.nz>
Subject: RE: LPG adapters, reg 15.35 Hazardous Substances Regulations [IN-CONFIDENCE]

Hi Bob,

I apologise that it's taken me until now to get back to you about how long an extension you would need for this OIA request.

Given the issues Kim is having in locating the document in any form, he would need another two weeks, to 21 March 2023.

Ngā mihi
Rebecca.

Rebecca Livingston (she/her)
Senior Advisor, Regulatory Frameworks
Regulatory Effectiveness
Level 5, 86 Customhouse Quay, PO Box 165, Wellington 6140
P (b)(2)(a). Privacy of natural persons
E Rebecca.Livingston@worksafe.govt.nz
W worksafe.govt.nz

Please note, I work from home on Thursdays and Fridays.



WORKSAFE
Mahi Haumarū Aotearoa



From: Bob White <Bob.White@mbie.govt.nz>
Sent: Wednesday, 1 March 2023 9:13 am
To: Rebecca Livingston <Rebecca.Livingston@worksafe.govt.nz>
Cc: Hayden Fenwick <Hayden.Fenwick@mbie.govt.nz>
Subject: RE: LPG adapters, reg 15.35 Hazardous Substances Regulations [IN-CONFIDENCE]

Thanks Rebecca,

When does he expect it will be able to be done?

We will need to notify the requestor that we need an extension.

Regards

Bob

From: Rebecca Livingston <Rebecca.Livingston@worksafe.govt.nz>
Sent: Wednesday, 1 March 2023 8:57 AM
To: Bob White <Bob.White@mbie.govt.nz>
Subject: RE: LPG adapters, reg 15.35 Hazardous Substances Regulations [IN-CONFIDENCE]

Hi Bob,

Kim has come back to us late yesterday afternoon letting us know he won't be able to meet your 7 March deadline.

He's indicated the logistics of getting hold of the physical archive boxes, as well as searching any electronic filing, will take longer than the remaining time available in this OIA request.

Ngā mihi
Rebecca.

Rebecca Livingston (she/her)
Senior Advisor, Regulatory Frameworks
Regulatory Effectiveness
Level 5, 86 Customhouse Quay, PO Box 165, Wellington 6140
P [REDACTED]
E Rebecca.Livingston@worksafe.govt.nz
W worksafe.govt.nz

Please note, I work from home on Thursdays and Fridays.



WORKSAFE
Mahi Haumarū Aotearoa



From: Bob White <Bob.White@mbie.govt.nz>
Sent: Tuesday, 28 February 2023 3:29 pm
To: Rebecca Livingston <Rebecca.Livingston@worksafe.govt.nz>
Subject: RE: LPG adapters, reg 15.35 Hazardous Substances Regulations [IN-CONFIDENCE]

Hi Rebecca,

It's due to the requestor on 8 March, so do our processing here, if we could have it the day before would be much appreciated.

Regards

Bob

From: Rebecca Livingston <Rebecca.Livingston@worksafe.govt.nz>
Sent: Tuesday, 28 February 2023 3:26 PM
To: Bob White <Bob.White@mbie.govt.nz>
Subject: RE: LPG adapters, reg 15.35 Hazardous Substances Regulations [IN-CONFIDENCE]

Hi Bob,

Our apologies for not checking this with you sooner, but when is this OIA due to the requester? I can then let Kim know your deadlines, and when you would need anything from us.

I recognise there'll be internal MBIE timeframes you'll need to meet as part of this OIA.

Ngā mihi
Rebecca.

Rebecca Livingston (she/her)
Senior Advisor, Regulatory Frameworks

Regulatory Effectiveness

Level 5, 86 Customhouse Quay, PO Box 165, Wellington 6140

P s 9(2)(a), Privacy of natural persons

E Rebecca.Livingston@worksafe.govt.nz

W worksafe.govt.nz

Please note, I work from home on Thursdays and Fridays.



WORKSAFE
Mahi Haumarū Aotearoa



From: Bob White <Bob.White@mbie.govt.nz>

Sent: Thursday, 23 February 2023 4:53 pm

To: Rebecca Livingston <Rebecca.Livingston@worksafe.govt.nz>

Subject: RE: LPG adapters, reg 15.35 Hazardous Substances Regulations [IN-CONFIDENCE]

Many thanks Rebecca, let me know if there is anything we can do from here.

Regards

Bob

From: Rebecca Livingston <Rebecca.Livingston@worksafe.govt.nz>

Sent: Thursday, 23 February 2023 4:26 PM

To: Bob White <Bob.White@mbie.govt.nz>

Cc: Hayden Fenwick <Hayden.Fenwick@mbie.govt.nz>

Subject: RE: LPG adapters, reg 15.35 Hazardous Substances Regulations [IN-CONFIDENCE]

Hi Bob,

Thanks for coming back to us on this OIA request.

We've shared your email with Kim and asked him to look through the archive and/or find a file reference.

Ngā mihi

Rebecca

Rebecca Livingston (she/her)

Senior Advisor, Regulatory Frameworks

Regulatory Effectiveness

Level 5, 86 Customhouse Quay, PO Box 165, Wellington 6140

P s 9(2)(a), Privacy of natural persons

E Rebecca.Livingston@worksafe.govt.nz

W worksafe.govt.nz

Please note, I work from home on Thursdays and Fridays.



From: Bob White <Bob.White@mbie.govt.nz>
Sent: Thursday, 23 February 2023 10:52 am
To: Rebecca Livingston <Rebecca.Livingston@worksafe.govt.nz>
Cc: Hayden Fenwick <Hayden.Fenwick@mbie.govt.nz>
Subject: RE: LPG adapters, reg 15.35 Hazardous Substances Regulations [IN-CONFIDENCE]

Hi Rebecca,

Thanks very much to you and Kim for the quick reply.

I've spoken with Hayden and we think that the requirements under the Legislation Act 2012, under which the regulations were drafted etc, mean we will need to retrieve the document from Archives if we can. This is one of those unfortunate situations that arises from the transfer of the Labour Dept files to WorkSafe, with it not necessarily being the best fit for the administration of the legislation. I wonder if it is best to start the process of retrieving the document from WorkSafe please? Or alternatively, if you can provide me with the appropriate file reference (s), I'll contact Archives from here.

I did look at earlier editions of the Guide to Gas Cylinders, but couldn't see it there, or any useful reference.

Many thanks

Bob

From: Rebecca Livingston <Rebecca.Livingston@worksafe.govt.nz>
Sent: Wednesday, 22 February 2023 3:29 PM
To: Bob White <Bob.White@mbie.govt.nz>
Cc: Charlotte Woolhouse <Charlotte.Woolhouse@mbie.govt.nz>; Emma Madison-Ross <Emma.Madison-Ross@worksafe.govt.nz>
Subject: RE: LPG adapters, reg 15.35 Hazardous Substances Regulations [IN-CONFIDENCE]

Hi Bob,

Kim has got in touch with us about the OIA request to MBIE for the LPG adapters standard, as referenced in the Hazardous Substances regulations.

Kim doubts there's a digital copy of the standard. He thinks that any hard copy of the standard is likely to be filed in the archives, assuming it hasn't been destroyed after 7 years.

Ngā mihi
Rebecca.

Rebecca Livingston (she/her)
Senior Advisor, Regulatory Frameworks
Regulatory Effectiveness
Level 5, 86 Customhouse Quay, PO Box 165, Wellington 6140
P [\[redacted\]](#) (WorkSafe, Privacy of natural persons)
E Rebecca.Livingston@worksafe.govt.nz
W worksafe.govt.nz

Please note, I work from home on Thursdays and Fridays.



WORKSAFE
Mahi Haumarū Aotearoa



From: Bob White <Bob.White@mbie.govt.nz>
Sent: Tuesday, 21 February 2023 10:08 am
To: Rebecca Livingston <Rebecca.Livingston@worksafe.govt.nz>
Cc: Charlotte Woolhouse <Charlotte.Woolhouse@mbie.govt.nz>
Subject: LPG adapters, reg 15.35 Hazardous Substances Regulations [IN-CONFIDENCE]

Hi Rebecca,

This is a change of topic I'm afraid, and I know you aren't the person to answer it, but I'm thinking that the question below is really best addressed to Kim Comben or someone else in the hazardous substances area at WorkSafe.

The requestor below suggests that it is MBIE's role to provide the document requested, and we will do that. However, I can't see any record of it here so far, so I thought it best if we could get a steer from Kim or another subject specialist and save a lot of messing about. There may be some context to the request which it would be useful to know of?

I'm happy to contact Kim directly (he worked here for quite a while as the regulations were being drafted), but thought I should just check with you first.

Out of Scope

Many thanks

Bob White

SENIOR POLICY ADVISOR
Health and Safety Policy
Labour & Immigration Policy Branch
Ministry of Business, Innovation & Employment (MBIE)
Bob.White@mbie.govt.nz | Telephone: [\[redacted\]](#)
15 Stout Street | PO Box 1473, Wellington 6140, New Zealand



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HIKINA WHAKATUTUKI



Afternoon,

Please note, this request has been received via FYI.org.nz and any response to the email address will be automatically published on the FYI.org.nz website. Do not request or provide any personal information via this address.

MBIE has received the below Departmental OIA. Please confirm:

- Does this fall within your area of responsibility
- Sign out manager as well as the writer
- Whether the response will be suitable for publishing

Note: if the request has the potential for media interest or if the subject of the request might result in a Minister being questioned in the House, you need to consider notifying Communications and the Minister's Office about the request.

Please save all related correspondence into the below MAKO folder as well as ensure Ministerial Services is informed of any changes to dates and copy in Ministerial Services when sending the proposed response to the Ministers office as well as the requestor.

Mako folder:

DOIA 2223-1711 B Smith https://mako.wd.govt.nz/otcs/cs.exe?func=search&where1=DOIA+2223-1711+B%20Smith&Location_ID1=255514&boolean2=and&where2=%22OTSubType%22:0

Tracking number:

2223-1711

Portfolio:

Workplace Relations and Safety

DCE:

Labour, Science and Enterprise

GM:

(LSE) Workplace Relations and Safety Policy

Date received:

2023-02-08

Due to Minister:

?

Due to Requester:

2023-03-08

Requester:

B Smith

Full subject:

In Schedule 2 of the Legislation Act 2019 there is a requirement for the administering agency of an act to ensure that material that is incorporated by reference is publicly available. According to the Health and Safety at Work Act 2015 and the Health and Safety at Work (Hazardous Substances) Regulations 2017, the Ministry of Business, Innovation, and Employment are the administering agency. Therefore, I request a digital copy of the (former) Department of Labour's standard for clip-on adaptors based on LPGITA Code of Practice No 15 Part 1: 1992. This document is cited in Regulation 15.35 of the Health and Safety at Work (Hazardous Substances) Regulations 2017. Alternatively, I will be happy if you provide an internet link to where the document is available for download. This request should not be transferred to WorkSafe as they are not the administering agency for this legislation, nor hold this document.

Ngā mihi,

www.govt.nz - your guide to finding and using New Zealand government services

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Out of Scope

From: Bob White
Sent: Tuesday, 7 March 2023 10:12 am
To: Hayden Fenwick
Subject: DOIA2223-1711 B Smith extension.docx [IN-CONFIDENCE]
Attachments: DOIA2223-1711 B Smith extension.docx

Hi Hayden,

Attached for your review is an extension letter to Mr Smith for the incorporation by reference DOIA. I'll now try and talk to Eric or someone else in the Hive team about how we go about sending the response to the FYI website.

Many thanks

Bob

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

7 March 2023

fyi-request-21760-33cf576f@requests.fyi.org.nz

Ref: OIA 2223-1711

Dear B Smith,

Thank you for your email of 8 February 2023 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (OIA), the following information:

"a digital copy of the (former) Department of Labour's standard for clip-on adaptors based on LPGITA Code of Practice No 15 Part 1:1992. This document is cited in Regulation 15.35 of the Health and Safety at Work (Hazardous Substances) Regulations 2017. Alternatively, an internet link to where the document is available for download"

I am writing to advise you that the Ministry will provide a response but needs to extend the time available to meet your request. The Ministry's response will be with you no later than 5 April 2023.

The reason for the extension is that the document is being retrieved from archived material by specialist staff at WorkSafe and these have not been able to be accessed within the usual timeframes.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

I will respond to you sooner if I am able to.

Yours sincerely,

Hayden Fenwick
Manager – Health and Safety Policy
Workplace Relations and Safety Policy Branch
Ministry of Business, Innovation and Employment

Out of Scope

From: Bob White
Sent: Friday, 10 March 2023 9:26 am
To: Hayden Fenwick
Subject: RE: OIA request 2223-1711 Extension [UNCLASSIFIED]

Yes, that's a good idea, thanks Hayden.

What I was going to discuss with you was that we talk with WorkSafe first to see if they are aware of any other such instances that have come up with the Hazardous Substances Regulations at least?

At the moment, they are still pursuing this with Archives. But I suggest that we contact them and rather than stopping that process, which will tell us if there is actually a reference, we ask them to provide it, and if not to let us know, and of any other such instances they are aware of where we may be in breach of the 2012 Legislation Act, if not the 2019 Act.

I could do that through Rebecca and send her an email suggesting we follow through on those lines. Just an informal request.

Mr Smith is curious. The request was in the name B Smith, through a sort of anonymous website, but then the reply is from Anthony Smith, and addressed to me as the postman, rather than you as the writer of the letter.

s 9(2)(g)(i), Free and frank opinions

Regards

Bob

From: Hayden Fenwick <Hayden.Fenwick@mbie.govt.nz>
Sent: Friday, 10 March 2023 7:58 AM
To: Bob White <Bob.White@mbie.govt.nz>
Subject: Re: OIA request 2223-1711 Extension [UNCLASSIFIED]

We probably need to escalate this through the regulatory systems people or PCO or someone, even though this predates the leg act requirement? s 9(2)(g)(i), Free and frank opinions

Hayden Fenwick
Manager, Health and Safety Policy

From: Bob White <Bob.White@mbie.govt.nz>
Sent: Friday, March 10, 2023 7:27:57 AM
To: Ministerial Services <MinisterialServices@mbie.govt.nz>
Cc: Hayden Fenwick <Hayden.Fenwick@mbie.govt.nz>
Subject: FW: OIA request 2223-1711 Extension [UNCLASSIFIED]

FYI

regards

Bob White
SENIOR POLICY ADVISOR
Health and Safety Policy
Labour, Science and Enterprise
Ministry of Business, Innovation & Employment (MBIE)
Bob.White@mbie.govt.nz | Telephone: [REDACTED]
15 Stout Street | PO Box 1473, Wellington 6140, New Zealand

-----Original Message-----

From: Anthony Smith <fyi-request-21760-33cf576f@requests.fyi.org.nz>
Sent: Wednesday, 8 March 2023 8:01 AM
To: Bob White <Bob.White@mbie.govt.nz>
Subject: Re: OIA request 2223-1711 Extension [UNCLASSIFIED]

Dear Bob White,

Thank you for advising that MBIE does not hold the document nor takes its responsibilities to ensure public access under the Legislation Act seriously. I hereby withdraw this request.

Yours sincerely,

Anthony Smith

-----Original Message-----

Letter attached.

Regards

Bob White

SENIOR POLICY ADVISOR

Health and Safety Policy

Labour, Science and Enterprise

Ministry of Business, Innovation & Employment (MBIE)

[1][email address] | Telephone: [REDACTED]

References

Visible links

1. [mailto:\[email address\]](mailto:[email address])

Please use this email address for all replies to this request:
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<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Fhelp%2Fofficers&data=05%7C01%7CHayden.Fenwick%40mbie.govt.nz%7Ccaea6222fffa4f71b29c08db20cc0173%7C78b2bd11e42b47eab0112e04c3af5ec1%7C0%7C0%7C638139832795681728%7CUnknown%7C%7C%7C&data=3TpM%2FALEzEEcpGq6tn3fLsHJAg436EiQb1ogGZD72I%3D&reserved=0>

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