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**MANATŪ KAUPAPA
WAONGA**
NEW ZEALAND
MINISTRY OF DEFENCE

11 March 2026

RESPONSE TO YOUR OFFICIAL INFORMATION REQUEST

Thank you for your email of 16 February 2026, in which you requested, pursuant to the Official Information Act 1982 (the Act), further information related to hazardous substances and the Ministry of Defence's audit function. Responses to your questions are below.

1. Definition of "hazardous substances" within MoD audit scope

1.1 The definition, framework, or interpretive guidance used by the Ministry of Defence when auditing NZDF under the Hazardous Substances and New Organisms Act 1996 (HSNO).

When the Ministry undertakes assurance activities relating to hazardous substances, we apply the definition of *hazardous substance* as set out in section 2 of the *Hazardous Substances and New Organisms Act 1996* (HSNO).

This statutory definition is used as the baseline for determining whether a substance falls within the Ministry's audit scope.

For recent audits, the practical scoping of hazardous substances has been aligned with the definitions contained in *New Zealand Defence Force Defence Force Order (DFO) 41 – Safe Management of Hazardous Substances*. DFO 41 defines:

- Class 1 substances: ammunition and explosives.
- Classes 2–9 substances: flammable, oxidising, toxic, corrosive, and environmentally hazardous substances.

Audit scope is set for each audit through a Terms of Reference (ToR) informed by a risk assessment conducted before audit planning.

1.2 Any document (policy, audit framework, audit terms of reference, checklist, or internal guidance) that defines the scope of substances, exposures, or risks included in those audits.

If this definition is contained within a specific statutory interpretation or audit manual, please provide the relevant extract only.

Each audit has its own ToR, which define:

- the hazardous substance classifications to be examined;
- the sites, records, and processes in scope; and
- any specific exclusions.

The ToR are the Ministry's guiding document for determining what aspects of hazardous substances are included in an audit. Enclosed in Annex A are the ToR scoping sections of the *Defence Audit and Assessment: Audit of the NZDF's Hazardous Substance Controls and Compliance – Phase 1 (2024) and Phase 2 (2025)*. Some portions of the ToR are withheld in accordance with section 6(a) of the Act, in order to protect information that may prejudice the security or defence of New Zealand.

With regard to the historic audits mentioned in the Ministry's previous response, each report includes framing of the scope of the audit. I encourage you to review those reports for that detail. Please contact the Ministry if you require further information about scope definition specific to one of those previous audits.

2. Airborne particulate hazards

2.1 Whether airborne particulate hazards (including but not limited to dust, fibres, combustion by-products, mould spores, or environmental particulates) fall within the scope of MoD hazardous substances audits.

Under HSNO, a *hazardous substance* must have one or more defined hazardous properties (e.g. explosive, flammable, toxic, corrosive or ecotoxic). General airborne particulate hazards, such as dust, fibres, smoke particulates, mould spore, or biological contaminants, are not classified as hazardous substances under HSNO, as they do not meet HSNO's chemical-hazard classification framework. As such, airborne particulate hazards do not fall within the Ministry's HSNO audit scope.

2.2 If airborne particulate hazards are excluded from audit scope, please confirm which authority (if any) is responsible for assurance oversight of those risks within the Defence estate.

The New Zealand Defence Force (NZDF) is responsible for the operation and management of Defence estate. The Ministry has no audit responsibilities for the operation and management of Defence estate.

3. Asbestos exposure records

3.1 Whether MoD hazardous substances audits include review of NZDF asbestos registers, exposure records, or management plans.

The Ministry's HSNO audits do not include asbestos registers, exposure records, or management plans. However, in the past the Ministry has chosen to carry out a review of the NZDF's asbestos management, in *Management of asbestos in the NZDF*, 8 June 2011. This review is available online through the National Library:

https://ndhadeliver.natlib.govt.nz/delivery/DeliveryManagerServlet?dps_pid=IE10966778.

3.2 If asbestos management falls outside the HSNO audit framework, please identify the oversight mechanism under which it is reviewed.

The Ministry does not have an oversight function which reviews asbestos management for the NZDF.

4. 2019 Hazardous Substances Audit

4.1 Whether working papers, draft findings, field notes, or preliminary reports from the 2019 audit still exist.

4.2 If such material exists, whether it is held by MoD or NZDF.

4.3 If the material no longer exists, please confirm the applicable disposal authority under the Public Records Act 2005.

The Ministry holds a draft report, working papers and field notes relating to the incomplete 2019 HSNO Audit.

The 2019 audit was to be carried out in two phases. The first stage was to examine whether NZDF's codes of practice for hazardous substances are consistent with the Environmental Protection Authority (EPA) controls, and the second stage was to consider technical compliance with the codes of practice 'on the ground'.

As stated in our response to your earlier OIA request, the 2019 audit was not completed due to questions relating to the applicability of the Hazardous Substances and New Organisms Amendment Act 2015 against the NZDF codes of practice. The confusion arose because the rewording required the Secretary of Defence to audit against the EPA controls. However, the controls of NZDF hazardous substances are imposed by the Chief of Defence Force, meaning controls imposed by the EPA do not apply. This confusion has not yet been resolved, so the first stage of the 2019 audit cannot be completed.

The Ministry has agreed with the NZDF, the Ministry for the Environment, WorkSafe and the EPA that the pragmatic approach is for the Ministry to progress with auditing the NZDF's controls in a way that meets the spirit of the HSNO Act and Regulations. This approach has been utilised to conduct audits from 2024 onwards.

The 2024 and 2025 audits provide a comprehensive assessment and have superceded stage two of the 2019 audit. Ministerial reports on the 2024 and 2025 audits will be published on the Ministry's website shortly, at <https://defence.govt.nz/publications/>.

As indicated in my previous response, the Ministry considers information relating to the incomplete 2019 audit must be withheld in full under sections 9(2)(g)(i) and 9(2)(f)(iv) of the Act, as the information was not finalised, has not been considered by the Minister of Defence and it would damage the integrity of the audit and assessment work to release draft information. As mentioned above, this draft review does not relate to asbestos management.

Under section 28(3) of the Act you have the right to request the Ombudsman to investigate and review this response.

Yours sincerely

Anton Youngman
Deputy Secretary Strategy Management and Assessment

Enclosure: Annex A: sections for the *Defence Audit and Assessment: Audit of the NZDF's Hazardous Substance Controls and Compliance – Phase 1 (2024) and Phase 2 (2025)*.

Annex A: Terms of Reference for 2024 and 2025 hazardous substances audits

This annex contains the *Scope and Objectives of Audit*, and *Out of Scope* sections of the *Defence Audit and Assessment: Audit of the NZDF's Hazardous Substance Controls and Compliance – Phase 1 (2024) and Phase 2 (2025) audits*. These audits cover class 2 – 9 hazardous substances (*Phase 1 and Phase 2*).

Class 2 – 9 Audit (Phase 1 and Phase 2):

Scope and Objectives of Audit

The hazardous substances audit will look to provide assurance that:

- a) The controls imposed in NZDF codes of practice are:
 - 1.a.1. Based on the controls imposed by the EPA under the HSNO Act; or
 - 1.a.2. Meet the relevant requirements prescribed in notices issued by the EPA under the HSNO Act; and
 - 1.a.3. Are consistent, as far as practicable, with the controls imposed under the HSAW HS Regulations for the purposes of the HSAW HS Regulations and WorkSafe practices ;
- b) The identification and classification of hazardous substances align to HSNO Act and HSAW HS Regulations;
- c) Storage, handling, disposal, and transportation practices are best practice;
- d) Training and safety protocols for personnel working with hazardous substances are of sufficient standards;
- e) Emergency response and spill management procedures are best practice; and
- f) The NZDF is complying with the controls imposed by the CDF.

The above serves two objectives:

- a) Provide assurance the NZDF codes of practice on hazardous substances are consistent with the EPA and WorkSafe controls, and
- b) The NZDF codes of practice are being complied with.

The hazardous substances assessment will cover Class 2 to Class 9 hazardous substances.

Out of Scope

- a) The audit of Class 1: Explosives hazardous substances will be deferred for the 2023/24 audit, as this was recently conducted by the Canadian Department of National Defence in March 2023.
- b) Naval vessels, aircraft and aerospace facilities are excluded from this review, and may be addressed in future audits.
- c) An environmental impact assessment as a result of the storage, usage, handling, and disposal of hazardous substances.

