



ANALYSIS

Title	1. Short Title and commencement 2. Protection from harmful noise
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1981, No. 8

An Act to amend the Agricultural Workers Act 1977

[17 July 1981]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Agricultural Workers Amendment Act 1981, and shall be read together with and deemed part of the Agricultural Workers Act 1977 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the commencement of the Factories and Commercial Premises Act 1981.

2. Protection from harmful noise—(1) The principal Act is hereby amended by inserting, after section 56, the following section:

“56A. (1) The employer of an agricultural worker shall take all practicable steps, by either—

“(a) Controlling at source the noise arising from—

“(i) The activities carried on by that worker;
and

“(ii) The activities carried on by that employer;
and

“(iii) The activities carried on by any person acting at the request or under the direction of that employer; or

“(b) Isolating or insulating those activities,—
to ensure that that worker is not exposed to any noise so arising that would be likely to impair his hearing if he were not using a hearing-protection device.

“(2) Where an agricultural worker is exposed to any noise arising from—

“(a) Any activity carried on by him; or

“(b) Any activity carried on by his employer; or

“(c) Any activity carried on by any person acting at the request or under the direction of his employer; or

“(d) Activities of 2 or more of those kinds—
that would be likely to impair his hearing if he were not using a hearing-protection device, his employer shall provide him with an individual hearing-protection device of a type approved by the Director-General of Health in respect of noise of that kind.

“(3) The employer of an agricultural worker who is provided with an individual hearing-protection device shall ensure that that worker is not exposed to any noise arising from—

“(a) Any activity carried on by him; or

“(b) Any activity carried on by his employer; or

“(c) Any activity carried on by any person acting at the request or under the direction of his employer; or

“(d) Activities of 2 or more of those kinds—
that is likely to impair that worker’s hearing notwithstanding that he may be using that device.

“(4) For the purposes of subsection (5) of this section,—

“‘Equivalent level’, in relation to any particular period or periods of exposure to noise of any particular level or levels, means the level (ascertained in a manner approved by regulations made under the Factories and Commercial Premises Act 1981) of the continuous noise, exposure to which for 40 hours is equivalent to that period or those periods of exposure to noise:

“‘Maximum continuous level’ means the level for the time being declared by regulations made under the Factories and Commercial Premises Act 1981 to be the maximum level of continuous noise to which any

person can be exposed for periods amounting in total to 40 hours during any continuous period of 7 days without risk to that person's hearing.

“(5) Without limiting the generality of subsection (1) or subsection (2) of this section, where, in any proceedings under this Act, it is proved that any person was, during any continuous period of 7 days, exposed to any period or periods of noise whose equivalent level exceeded the maximum continuous level, that person shall be deemed to have been exposed to noise that would be likely to impair his hearing if he were not using a hearing-protection device.”

(2) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “Minister”, the following definition:

“‘Noise’ includes sound energy of any frequency, whether or not capable of being perceived by the unaided human ear:”.

(3) Section 56 (3) of the principal Act is hereby consequentially repealed.

This Act is administered in the Department of Labour.
