



ANALYSIS

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1969—No. 33

An Act to amend the Machinery Act 1950

[15 September 1969]

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—This Act may be cited as the Machinery Amendment Act 1969, and shall be read together with and deemed part of the Machinery Act 1950 (hereinafter referred to as the principal Act).

2. Interpretation—Section 2 of the principal Act is hereby amended by inserting in the definition of the term “machinery”, after the word “transmitted”, the words “and includes any machine (being a machine situated in any factory) driven wholly or partly by manual power”.

3. Appointment of inspectors—Section 5 of the principal Act is hereby amended by omitting from subsection (2) the words “every Inspector of Scaffolding under the Scaffolding and Excavation Act 1922”, and substituting the words “every inspector under the Construction Act 1959”.

4. Restriction on use of machinery if person exposed to risk of injury—Section 19 of the principal Act is hereby amended by omitting from subsection (2) the words “No female worker, unless her hair is cut short or securely fixed and confined close to her head”, and substituting the words “No worker, unless his hair is cut short or securely fixed and confined close to his head”.

5. Persons not to operate machinery unless trained—(1) The principal Act is hereby further amended by inserting, after section 19, the following section:

“19A. The owner of any machinery shall ensure that no person works at or with the machinery unless he has been fully instructed as to the dangers arising in connection with the machinery and the precautions to be observed, and unless—

“(a) He has received a sufficient training in work at or with the machinery; or

“(b) He is adequately supervised by a person who has a thorough knowledge and experience of the machinery.”

(2) Section 12 of the principal Act is hereby consequentially amended by repealing subsection (4).

6. Reporting of accidents—Section 22 of the principal Act is hereby amended by omitting from subsection (5) the words “section nine of the Scaffolding and Excavation Act 1922”, and substituting the words “section 19 of the Construction Act 1959”.

7. Fine where no specific penalty provided—(1) The principal Act is hereby amended by repealing section 29, and substituting the following section:

“29. Every person who commits an offence against this Act for which no specific penalty is elsewhere provided is liable on summary conviction—

“(a) To a fine not exceeding \$200 for each such offence; and

“(b) In the case of a continuing offence, to a further fine not exceeding \$20 for each day on which the offence continues.”

(2) Section 3 of the Machinery Amendment Act 1963 is hereby consequentially amended by repealing subsection (2).

8. Regulations—(1) The principal Act is hereby amended by repealing section 39, and substituting the following section:

“39. (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- “(a) Prescribing the requirements to be met by manufacturers of machinery in respect of the construction and design of machinery manufactured by them or on their behalf, and requiring manufacturers to ensure that such safety devices or guards as may be prescribed are fitted to the machinery:
- “(b) Requiring any person importing, selling, leasing, or letting on hire any machinery to ensure that such safety devices or guards as may be prescribed are fitted to the machinery at the time of importation, sale, lease, or hire, as the case may be:
- “(c) Requiring owners of machinery to ensure that such safety devices or guards as may be prescribed are fitted to prime movers, transmission machinery, and other machinery, and providing for the adjustment of any such devices or guards:
- “(d) Requiring owners of machinery to provide in respect of or to fit to the machinery such safety devices or guards as may be prescribed for the purpose of safeguarding persons in the vicinity of the machinery (whether engaged in operating the machinery or not) from being struck by material ejected from the machinery:
- “(e) Requiring the user of any machinery to ensure that such safety devices or guards are fitted to the machinery before he operates it:
- “(f) Prescribing the specifications for any such devices or guards:
- “(g) Prescribing the conditions subject to which any machinery may be operated:
- “(h) Providing for the maintenance and repair of machinery:
- “(i) Regulating the inspection, lubrication, and adjustment of machinery:
- “(j) Requiring safety switches to be fitted to machinery driven by electric current:

“(k) Prescribing offences for breaches of any such regulations, and prescribing—

“(i) A fine not exceeding \$200 in respect of any such offence; and

“(ii) In the case of a continuing offence, a further fine not exceeding \$20 for each day on which the offence continues:

“(1) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.

“(2) Any such regulations may apply in respect of machinery generally, or in respect of such types of machinery as may be specified in the regulations, or in respect of machinery used for such purposes as may be prescribed in the regulations.

“(3) Where any such regulations apply only in respect of specified types of machinery or in respect of machinery used or to be used for prescribed purposes, the regulations may exempt any machinery to which the regulations relate from the provisions of sections 15, 16, 17, and 17A of this Act, or any one or more of those sections:

“Provided that—

“(a) No such regulations shall exempt any machinery or any specified type of machinery from the provisions of section 15 of this Act, unless the regulations provide for all prime movers in the machinery to be adequately guarded to such standard as may be prescribed:

“(b) No such regulations shall exempt any machinery or any specified type of machinery from the provisions of section 16 of this Act, unless the regulations provide for those parts of the machinery providing transmission to be adequately guarded to such standard as may be prescribed:

“(c) No such regulations shall exempt any machinery or any specified type of machinery from the provisions of section 17 of this Act, unless the regulations provide for the machinery (being machinery other than prime movers or transmission machinery) to be adequately guarded to such standard as may be prescribed:

“(d) No such regulations shall exempt any machinery or any specified type of machinery from the provisions of section 17A of this Act, unless the regulations provide for every person who manufactures or sells or lets on hire any such machinery to ensure that the machinery, when sold by him or on his behalf by any agent, is adequately guarded to such standard as may be prescribed.”

(2) Section 17B of the principal Act and section 2 of the Machinery Amendment Act 1963 are hereby consequentially repealed.

This Act is administered in the Department of Labour.
