

Hon. Mr. O'Brien

## BUSH WORKERS

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### A BILL INTITULED

AN ACT to make Provision for the Safety and Protection of Bush Workers. Title.

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

1. This Act may be cited as the Bush Workers Act, 1945, and shall come into force on the *first* day of *January*, nineteen hundred and forty-six. Short Title and commencement.

Interpretation.

2. In this Act, unless the context otherwise requires,—
- “ Bush undertaking ” means any undertaking in which one or more bush workers are employed:
- “ Bush worker ” means any person engaged in felling and logging operations, or in any operations incidental thereto, including the construction or maintenance of private roads, tramways, or bridges, the shifting of any plant, and the transportation of logs otherwise than on a public road or street: 5
- “ Employer ” means any person, or any body of persons, whether incorporated or not, employing one or more bush workers:
- “ Inspector ” means an Inspector appointed under this Act: 10
- “ Minister ” means the Minister of Labour:
- “ Plant ” means any machinery or any hauling, lifting, or carrying apparatus that may be used by bush workers; and includes any bridge, tramway, rolling-stock, or chute, or any appliance used in or in connection with a bush undertaking; but does not include any boiler or machinery subject to the provisions of the Inspection of Machinery Act, 1928. 15 25

See Reprint  
of Statutes,  
Vol. V, p. 527

Act to be  
administered by  
Labour  
Department.  
Ibid.,  
Vol. VIII,  
p. 1175  
1936, No. 4

## ADMINISTRATION

3. (1) This Act shall be administered by the Department of Labour established under the Labour Department Act, 1908.
- (2) Section two of the Labour Department Amendment Act, 1936, shall apply in all respects as if this Act were one of the Acts specified in the First Schedule to that Act. 30

*Inspectors*Appointment  
of Inspectors.

4. There may from time to time be appointed as officers of the Public Service such qualified Inspectors as may be required for the purposes of this Act. 35

Powers of  
Inspectors.

5. (1) Every Inspector may—
- (a) Enter, at all reasonable times, upon any land or premises on or in which any bush worker may be employed, for the purpose of 40

ensuring the effective carrying-out of the provisions of this Act:

- 5 (b) Require the production by any employer of any book, record, list, or other document which the employer is by this Act required to keep, and inspect, examine, and copy the same:
- 10 (c) Make such examination and inquiry as he deems necessary in order to ascertain whether the provisions of this Act have been or are being complied with as regards any bush undertaking or the persons employed therein:
- 15 (d) Examine with respect to matters under this Act, either alone or in the presence of any other person, as he thinks fit, every person whom he finds employed in a bush undertaking, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a bush undertaking:
- 20 (e) Exercise such other powers and authorities as may be necessary for carrying this Act into effect.

25 (2) No person shall, on an examination or inquiry by an Inspector under this section, be required to answer any question tending to incriminate himself.

30 (3) Every Inspector exercising the powers conferred on him by this section shall on demand by the owner or occupier of any land or premises upon which he enters, or by the employer in relation to whose undertaking he is exercising the powers, or by the person in charge of the undertaking produce to that owner or occupier, or, as the case may require, to that employer or person in charge, a certificate or other evidence of his appointment as an Inspector.

35 **6.** Every person commits an offence against this Act who wilfully obstructs or interferes with any Inspector in the exercise of any of his powers or duties under this Act.

Obstruction of  
Inspector.

*Records in Bush Undertakings*

Wages and  
time book.

7. (1) Every employer shall at all times keep, in such form as may be approved by an Inspector, a record in English (called the wages and time book) showing, in the case of each bush worker employed by him,— 5

- (a) The name of the worker;
- (b) His age, if he is under twenty-one years of age;
- (c) The kind of work on which he is usually employed;
- (d) The hours of his employment during each week; 10
- (e) The wages paid on each pay-day, and the date of payment; and
- (f) Such other particulars as are prescribed.

(2) The wages and time book in use for the time being, and every such book used at any time within 15 the two preceding years, shall at all times be open to inspection by any Inspector.

(3) Every employer who fails to comply with any of the provisions of this section commits an offence against this Act. 20

Record of  
accidents.

8. (1) Every employer shall keep a register, in the prescribed form, and shall cause to be entered in or attached to the register the prescribed particulars relating to every accident of which notice is required by this Act to be sent to an Inspector. 25

(2) Every employer who fails to comply in any respect with the provisions of this section commits an offence against this Act.

## SAFETY OF BUSH WORKERS

Duties of  
employer in  
relation to  
plant.

9. (1) No employer in any bush undertaking shall 30 cause or permit any plant, whether fixed or movable, to be used in or in connection with the undertaking unless—

- (a) It is soundly constructed of good material, and is free from any patent defect: 35

(b) It is under the general supervision of the employer or of a manager, foreman, or other responsible person appointed in that behalf by the employer.

5 (2) Every employer who acts in contravention of or fails to comply in any respect with the provisions of this section commits an offence against this Act.

10 10. (1) Every employer, or, as the case may require, every manager, foreman, or other person appointed pursuant to section *nine* of this Act to have general supervision over any plant, shall make such periodical inspections of the plant under his supervision as may be reasonably necessary to ensure that the provisions of this Act are complied with in respect thereof.

Plant to be inspected by person in charge.

15 (2) Every employer, or, as the case may be, every manager, foreman, or other person as aforesaid, who acts in contravention of or fails to comply with the provisions of this section commits an offence against this Act.

20 11. (1) No person shall cause or permit any plant to be used in or in connection with any bush undertaking in a manner likely to cause danger to life, or remove or damage any safeguard with which the plant is equipped.

Plant to be used in safe manner.

25 (2) Every person who acts in contravention of the provisions of this section commits an offence against this Act.

12. (1) Where it appears to an Inspector—

30 (a) That with regard to any bush undertaking, or with regard to any plant used in or in connection therewith, whether that plant is erected or in course of being erected, the requirements of this Act are not being complied with; or

Inspector may give directions to ensure safety in certain cases.

35 (b) That any bush undertaking is being carried on in such a manner as to be dangerous to the workers employed therein or any other persons,—

40 he may, in writing, give to the employer or to any person for the time being in charge of the undertaking or plant such directions as he deems necessary to

prevent accidents or to ensure compliance with this Act, and every person to whom the directions are so given shall forthwith carry out the directions.

(2) If in the case of any bush undertaking the Inspector considers that the use of any plant might endanger the life of any person, or that any plant is unsuitable for use, he may, after making or causing to be made such tests as he thinks fit,—

(a) Condemn that plant and direct that it cease to be used, either for all purposes in connection with the undertaking or for such particular purpose or purposes as he may specify:

(b) Brand that plant and, in such manner as he thinks fit, cause it to be rendered incapable of being used either for all purposes as aforesaid or, as the case may require, for any purpose so specified:

Provided that no plant shall be so rendered incapable of being used until, in the case of an application to a Magistrate as hereinafter provided, the Magistrate has made an order condemning the plant, or until the time for making application as aforesaid has expired without an application being made.

(3) Every Inspector who gives any direction under subsection *two* of this section shall give notice in writing of the condemnation of the plant, and of the direction, to the employer or to the person for the time being in charge of the plant, and may also give such notice as aforesaid to such other persons as he thinks fit.

(4) Every person who defaces or destroys any mark branded upon any plant by an Inspector pursuant to this section commits an offence against this Act.

(5) If the employer or person in charge of any bush undertaking or plant objects to the condemnation of any plant or to any direction given by an Inspector under this section he may, within *seven* days after receiving notice of the condemnation or direction, apply to a Magistrate to have his objection heard and determined.

(6) On the hearing of any such application as aforesaid the Magistrate may make such order as he thinks fit, and every such order shall be final and binding on all parties.

5 (7) The operation of any direction given by an Inspector under this section shall not be deemed to be suspended pending the hearing of any such application as aforesaid.

10 (8) Every person commits an offence against this Act who acts in contravention of or fails to comply with any direction given to him by an Inspector, or any order made by a Magistrate, under this section.

15 (9) Every bush worker commits an offence against this Act who, having knowledge in any manner of any direction given by an Inspector or any order made by a Magistrate under this section, does any act or thing which if done by the person to whom the direction or order was given would constitute an offence against this Act.

20 **13.** (1) Every bush worker who discovers any defect in any plant used in or in connection with the bush undertaking in which he is employed shall forthwith report the defect to his employer or to the person for the time being in charge of the undertaking, or to  
25 the person who has the plant under his general supervision.

Bush workers to report defects discovered in plant.

(2) Every bush worker who fails to comply with the provisions of this section commits an offence against this Act.

30 **14.** (1) In every case where there occurs in a bush undertaking an accident which causes death or serious bodily injury to any bush worker the employer or person for the time being in charge of the undertaking shall forthwith, and not in any event later than *forty-eight*  
35 hours after the occurrence of the accident, serve written notice thereof on the Inspector, specifying the nature of the accident, the name and residence of the person killed or injured, his age, and the place (if any) to which he has been removed.

Procedure in case of accident.

(2) For the purposes of this section the expression "serious bodily injury" means an injury which is likely to incapacitate the sufferer from work for at least forty-eight hours.

(3) As soon as practicable after receiving notice of an accident to which this section applies the Inspector shall make full inquiry into the nature and cause of the accident, and the nature and extent of the injuries. 5

(4) Every employer or person in charge of any bush undertaking who fails to comply in any respect with the provisions of this section commits an offence against this Act. 10

First-aid  
equipment.

**15.** (1) Every employer shall provide and maintain first-aid appliances and requisites to the satisfaction of the Inspector, or, when a standard is prescribed, shall provide and maintain first-aid appliances and requisites of the prescribed standard. 15

(2) Every employer who fails to comply with the provisions of this section commits an offence against this Act. 20

#### MISCELLANEOUS

General penalty  
for offences.

**16.** Every person who commits an offence against this Act for which no specific penalty is provided elsewhere than in this section shall be liable to a fine not exceeding *fifty* pounds and (if the offence is a continuing one) to a further fine not exceeding *five* pounds for every day during which the offence continues. 25

Proceedings to  
be taken in  
a summary way.  
See Reprint  
of Statutes,  
Vol. II, p. 351

**17.** All proceedings in respect of offences against this Act or any regulations under this Act shall be taken in a summary way under the Justices of the Peace Act, 1927, and shall be instituted at the suit of an Inspector, who shall not be called upon to prove that he is an Inspector. All such proceedings as aforesaid shall be heard before a Magistrate alone, and may be continued and conducted by the same or any other Inspector or any person permitted by the Magistrate to conduct them. 30 35



18. (1) The Governor-General may from time to time, by Order in Council, make regulations for any purpose for which regulations are contemplated or required by this Act, and may make all such other  
5 regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof. Regulations.

(2) All regulations made under the authority of this section shall be laid before Parliament within  
10 fourteen days after the date of the making thereof if Parliament is then sitting, or, if not, then within fourteen days after the commencement of the next ensuing session.

19. The provisions of this Act are in addition to  
15 and not in derogation of the provisions of Part VIII of the Public Works Act, 1928, relating to the regulation and inspection of railways and tramways. Part VIII of  
Public Works  
Act, 1928, not  
affected.  
See Reprint  
of Statutes,  
Vol. VII, p. 739