

MACHINERY AMENDMENT BILL

EXPLANATORY NOTE

Clause 2 replaces a provision in the principal Act requiring manufacturers of machinery to encase dangerous parts. The principal Act, in sections 15, 16, and 17, imposes a duty on users to fence certain specified parts. This clause imposes the same obligation on manufacturers so as to ensure, as far as possible, that the machinery is made safe during the process of manufacture.

Clause 3 replaces a provision of the principal Act prohibiting the removal of any safeguard from machinery except for making repairs. The clause, in addition to repeating the existing provision with modifications, prohibits the interference with any safeguarding appliance and makes it an offence to fail to use any safety appliance which is provided for use pursuant to the Act. A similar section is contained in the Factories Act 1946.

Hon. Mr Shand

MACHINERY AMENDMENT

ANALYSIS

Title	2. Dangerous parts of machinery to be fenced when sold
1. Short Title	

A BILL INTITULED

An Act to amend the Machinery Act 1950

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 1961 and shall be read together with and deemed part of the Machinery Act 1950 (hereinafter referred to as the principal Act).

10 **2. Dangerous parts of machinery to be fenced when sold**—
(1) The principal Act is hereby amended by repealing section 17A (as inserted by section 4 of the Machinery Amendment Act 1956) and substituting the following section:

15 “17A. (1) Where any machinery is manufactured or assembled for the purposes of sale—

“(a) In cases where a prime mover is a composite part of the manufactured machinery, every flywheel directly connected to the prime mover and every moving part of the prime mover;

20 “(b) Every part of any transmission machinery; and

“(c) Every part of the machinery, other than a part of any prime mover or transmission machinery, which is dangerous when the machinery is in use— shall be securely fenced unless any such flywheel or part is in such a position or of such construction as to be as safe to every person working with or in the vicinity of the machinery as it would be if securely fenced: 5

“Provided that where an Inspector is satisfied that, in respect of any machinery, it is not reasonably practicable for a manufacturer to comply with the provisions of this section, and that adequate safeguards can be provided when the machinery is in use, he may exempt the machinery from the provisions of this section. 10

“(2) Every person who manufactures or sells or lets on hire or, as agent of the seller or hirer, causes or procures to be sold or let on hire, for use in any premises any machinery which does not comply with the provisions of this section, commits an offence against this Act.” 15

(2) Section four of the Machinery Amendment Act 1956 is hereby repealed. 20

3. Duties of users of machinery—The principal Act is hereby amended by repealing section 18, and substituting the following section:

“18. Every person commits an offence against this Act who— 25

“(a) Interferes with or misuses any means, appliance, or other thing which is provided in pursuance of this Act for securing safety:

“(b) Fails to use any means or appliance for securing safety which is provided in pursuance of this Act: 30

“(c) Except for the purpose of cleaning, examining, adjusting, repairing, lubricating, or replacing any machinery or its fencing, removes any safeguard from the machinery:

“(d) Fails to replace any safeguard removed from any machinery for any purpose as soon as the purpose has been effected: 35

“(e) Uses any machinery from which any safeguard has been removed before the safeguard is replaced:

“(f) Without reasonable cause uses or operates any machinery in a manner likely to endanger himself or others.” 40