

**Reprint
as at 4 April 2016**



Health and Safety in Employment Amendment Act 2010

Public Act 2010 No 135
Date of assent 20 December 2010
Commencement see section 2

Health and Safety in Employment Amendment Act 2010: repealed, on 4 April 2016, pursuant to section 231(1) of the Health and Safety at Work Act 2015 (2015 No 70).

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint. Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Business, Innovation, and Employment.

The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Health and Safety in Employment Amendment Act 2010.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act amended

This Act amends the Health and Safety in Employment Act 1992.

4 Interpretation

Section 2(1) is amended by inserting the following definitions in their appropriate alphabetical order:

limited child care centre means any premises used regularly for the care of 3 or more children (not being children of the persons providing the care, or children enrolled at a school being provided with care before or after school) under the age of 6, none of whom attends for any period exceeding 2 hours per day, in circumstances where the children's parents or caregivers are—

- (a) in close proximity to the children and are able to be contacted; and
- (b) able to resume responsibility for children at short notice

limited child care service provider means the body, agency, or person who or that operates a limited child care centre

5 Purpose

The purpose of this Act is to ensure that only suitable people are employed to supervise children in limited child care centres.

6 New heading and sections 13A to 13E inserted

The following new heading and sections are inserted after section 13:

Duties of employers in relation to Police vetting of employees at limited child care centres

13A Limited child care centre employees must be suitable

A limited child care service provider must take all practicable steps to ensure every employee employed to care for children in a limited child care centre is suitable for that role.

13B Police vetting of employees at limited child care centres

The service provider of a limited child care centre must obtain a Police vet of every person—

- (a) whom the service provider employs, or intends to employ, in a position at the limited child care centre; and
- (b) who is to work at the service during normal opening hours; and
- (c) who is not a registered teacher or holder of a limited authority to teach.

13C Police vetting of contractors and their employees who work at limited child care centres

- (1) The service provider of a limited child care centre must obtain a Police vet of every contractor, or the employee of a contractor, who has, or is likely to have, unsupervised access to children at the centre during normal opening hours.
- (2) In this section, contractor means a person who, under contract (other than an employment contract), works at a limited child care centre.

13D Police vet must be obtained before person has unsupervised access to children

- (1) A Police vet required under section 13B or 13C must be obtained before the person has, or is likely to have, unsupervised access to children at the centre during normal opening hours.
- (2) The service provider of a limited child care centre that is required under section 13B or 13C to obtain a Police vet of a person must apply for the vet no later than 2 weeks after the person begins work at the centre.

13E Procedures relating to Police vets under section 13B or 13C

The service provider of a limited child care centre that applies for a Police vet of a person under section 13B or 13C—

- (a) must ensure that strict confidentiality is observed for Police vets; and
- (b) must not take adverse action in relation to a person who is the subject of a Police vet until—
 - (i) the person has validated the information contained in the vet; or
 - (ii) the person has been given a reasonable opportunity to validate the information, but has failed to do so within a reasonable period.

Reprints notes

1 *General*

This is a reprint of the Health and Safety in Employment Amendment Act 2010 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Health and Safety at Work Act 2015 (2015 No 70): section 231(1)