



Health and Safety in Employment Act 1992

An Act to reform the law relating to the health and safety of employees,
and other people at work or affected by the work of other people

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement---(1) This Act may be cited as the Health and Safety in Employment Act 1992.

(2) This Act shall come into force on the 1st day of April 1993.

PART I
PRELIMINARY

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Accident” means an event that—

- (a) Causes any person to be harmed; or
- (b) In different circumstances, might have caused any person to be harmed:

“All practicable steps”, in relation to achieving any result in any circumstances, means all steps to achieve the result that it is reasonably practicable to take in the circumstances, having regard to—

- (a) The nature and severity of the harm that may be suffered if the result is not achieved; and
- (b) The current state of knowledge about the likelihood that harm of that nature and severity will be suffered if the result is not achieved; and
- (c) The current state of knowledge about harm of that nature; and
- (d) The current state of knowledge about the means available to achieve the result, and about the likely efficacy of each; and
- (e) The availability and cost of each of those means:

“Approved code of practice” means a statement of preferred work practices or arrangements, for the time being approved under section 20 of this Act; but where any amendment of the statement has been approved under that section, means the statement as amended:

“At work”, in relation to any person, means present, for gain or reward, in the person's place of work:

“Contractor” means a person engaged by any person (otherwise than as an employee) to do any work for gain or reward:

“Crew”, in relation to an aircraft or ship, includes its pilot in command, captain, or master, but does not include any person employed or engaged solely—

(a) To maintain it while it is not in flight or at sea; or

(b) To load it, unload it, or both:

“Department” means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act:

“Departmental medical practitioner” means a person for the time being appointed under section 34 (1) of this Act:

“Employee”, subject to subsection (3) of this section, means a person employed by any other person to do any work (other than residential work) for hire or reward; and, in relation to any employer, means an employee of the employer:

“Employer” means a person who or that employs any other person to do any work for hire or reward; and, in relation to any employee, means an employer of the employee:

“Facility” includes amenity and equipment:

“Fail” includes refuse; and “failure” includes refusal:

“Harm” means illness, injury, or both; and “to harm”, “harmed”, and “unharm” have corresponding meanings:

“Hazard” means an activity, arrangement, circumstance, event, occurrence, phenomenon, process, situation, or substance (whether arising or caused within or outside a place of work) that is an actual or potential cause or source of harm; and “hazardous” has a corresponding meaning:

“Healthy” means unharmed; and “health” has a corresponding meaning:

“Home” means a place occupied as a dwellinghouse; and includes any garden, yard, garage, outhouse, or other appurtenance, of a home:

“Improvement notice” means a notice under subsection (1) or subsection (2) of section 39 of this Act:

“Inspector” means a health and safety inspector for the time being appointed under section 29 (1) of this Act:

“Inspector’s notice” means an improvement notice or a prohibition notice:

“Machinery” means an engine, motor, or other appliance that provides mechanical energy derived from compressed air, the combustion of fuel, electricity, gas, gaseous products, steam, water, wind, or any other source; and includes—

(a) Any plant by or to which the motion of any machinery is transmitted; and

(b) A lifting machine, a lifting vehicle, a machine whose motive power is wholly or partly generated by the human body, and a tractor:

-
- “Minister” means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act:
- “Person” includes the Crown:
- “Person who controls a place of work” in relation to a place of work, means a person who is—
- (a) The owner, lessee, sublessee, occupier, or person in possession, of the place or any part of it; or
 - (b) The owner, lessee, sublessee, or bailee, of any plant in the place:
- “Phenomenon” includes radiation:
- “Place of work” means a place (whether or not within or forming part of a building or structure) where any person is to work, is working, for the time being works, or customarily works, for gain or reward; and, in relation to an employee, includes a place, or part of a place, under the control of the employer (not being domestic accommodation provided for the employee),—
- (a) Where the employee comes or may come to eat, rest, or get first-aid or pay; or
 - (b) Where the employee comes or may come as part of the employee's duties to report in or out, get instructions, or deliver goods or vehicles; or
 - (c) Through which the employee may or must pass to reach a place of work:
- “Plant” includes—
- (a) Appliance, equipment, fitting, furniture, implement, machine, machinery, tool, and vehicle; and
 - (b) Part of any plant, the controls of any plant, and any thing connected to any plant:
- “Principal” means a person who or that engages any person (otherwise than as an employee) to do any work for gain or reward:
- “Prohibition notice” means a notice under section 41 (1) of this Act:
- “Registered medical practitioner” means a person registered as a medical practitioner under the Medical Practitioners Act 1968:
- “Residential work”, in relation to the occupier of a home, means—
- (a) Domestic work done or to be done in the home; or
 - (b) Work done or to be done in respect of the home,—
- by a person employed or engaged by the occupier solely to do work of one or both of those kinds in relation to the home:

“Safe”,—

(a) In relation to a person, means not exposed to any hazards;
and

(b) In every other case, means free from hazards;—
and “unsafe” and “safety” have corresponding meanings:

“Secretary” means the chief executive of the Department:

“Serious harm”, subject to subsection (4) of this section, means death, or harm of a kind or description declared by the Governor-General by Order in Council to be serious for the purposes of this Act; and “seriously harmed” has a corresponding meaning:

“Significant hazard” means a hazard that is an actual or potential cause or source of—

(a) Serious harm; or

(b) Harm (being harm that is more than trivial) the severity of whose effects on any person depend (entirely or among other things) on the extent or frequency of the person's exposure to the hazard; or

(c) Harm that does not usually occur, or usually is not easily detectable, until a significant time after exposure to the hazard:

“Subcontractor” means a person engaged (otherwise than as an employee) by any contractor or subcontractor to do for gain or reward any work the contractor or subcontractor has been engaged (as contractor or subcontractor) to do:

“Substance” includes a thing that is an organic material, whether living or not:

“Suspension notice” means a notice under section 37 (1) of this Act.

(2) For the avoidance of doubt, it is hereby declared that—

(a) A person may at the one time be 2 or more of any of the following: a contractor, an employer, a person who controls a place of work, a principal, a self-employed person, and a subcontractor; and this Act may impose duties on or in respect of the person accordingly; and

(b) This Act may at the one time impose the same duty on 2 or more persons, whether in the same capacity or different capacities; and

(c) A duty imposed by this Act on any person is not diminished or affected by the fact that it is also imposed on 1 or more other persons, whether in the same capacity or in different

capacities.

(3) While any member of the crew of an aircraft or ship is on board the aircraft or ship, this Act shall have effect as if—

(a) The person—

(i) Is not an employee of the person's employer; and

(ii) Is not a contractor in relation to the person's employer;

and

(iii) Is not a self-employed person; and

(b) The person is not in a place of work.

(4) Until the commencement of the first Order in Council made under this Act declaring harm of any kind or description to be serious for the purposes of this Act, harm of any of the kinds and descriptions specified in the First Schedule to this Act shall be deemed to be serious harm.

3. Application of Act to the Crown—(1) Except as expressly provided in subsection (2) of this section, this Act binds the Crown.

(2) Where it is alleged that the Crown has contravened a provision of this Act whose contravention constitutes an offence,—

(a) The Secretary, or any person directly affected by the action or failure or refusal to act alleged to constitute the contravention, may apply to the High Court for a declaration that the Crown has contravened that provision; and

(b) If satisfied beyond reasonable doubt that the Crown has contravened that provision, the Court may make a declaration to that effect.

4. Act not to affect other legislation—Nothing in this Act, or in any code of practice under this Act, derogates from the effect of any other enactment for the time being in force.

5. Objects—(1) This Act's principal object is to provide for the prevention of harm to employees at work. (2) For the purpose of attaining its principal object, this Act— (a) Promotes excellence in health and safety management by employers: (b) Prescribes, and imposes on employers and others, duties in relation to the prevention of harm to employees: (c) Provides for the making of regulations, and the development and approval of codes of practice, relating to hazards to employees, and in particular (but without limiting the generality of the foregoing) to significant hazards.

—

PART II
DUTIES RELATING TO HEALTH AND SAFETY IN EMPLOYMENT
General Duties of Employers

6. Employers to ensure safety of employees—Every employer shall take all practicable steps to ensure the safety of employees while at work; and in particular shall take all practicable steps to—

- (a) Provide and maintain for employees a safe working environment; and
- (b) Provide and maintain for employees while they are at work facilities for their safety and health; and
- (c) Ensure that plant used by any employee at work is so arranged, designed, made, and maintained that it is safe for the employee to use; and
- (d) Ensure that while at work employees are not exposed to hazards arising out of the arrangement, disposal, manipulation, organisation, processing, storage, transport, working, or use of things—
 - (i) In their place of work; or
 - (ii) Near their place of work and under the employer's control; and
- (e) Develop procedures for dealing with emergencies that may arise while employees are at work.

Duties of Employers in relation to Hazard Management

7. Identification of hazards—(1) Every employer shall ensure that there are in place effective methods for—

- (a) Systematically identifying existing hazards to employees at work; and
- (b) Systematically identifying (if possible before, and otherwise as, they arise) new hazards to employees at work; and
- (c) Regularly assessing each hazard identified, and determining whether or not it is a significant hazard.

(2) Where there occurs any accident or harm in respect of which an employer is required by section 25 (1) of this Act to record particulars, the employer shall take all practicable steps to ensure that the occurrence is so investigated as to determine whether it was caused by or arose from a significant hazard.

8. Significant hazards to employees to be eliminated if practicable—Where there is a significant hazard to employees at work, the employer shall take all practicable steps to eliminate it.

9. Significant hazards to employees to be isolated where elimination

impracticable—Where—

- (a) There is a significant hazard to employees at work; and
- (b) Either—
 - (i) There are no practicable steps that may be taken to eliminate it; or
 - (ii) All practicable steps to eliminate it have been taken, but it has not been eliminated,—

the employer shall take all practicable steps to isolate it from the employees.

10. Significant hazards to employees to be minimised, and employees to be protected, where elimination and isolation impracticable—(1) Where—

- (a) There is a significant hazard to employees at work; and
- (b) Either—
 - (i) There are no practicable steps that may be taken to eliminate it; or
 - (ii) All practicable steps to eliminate it have been taken, but it has not been eliminated; and
- (c) Either—
 - (i) There are no practicable steps that may be taken to isolate it from the employees; or
 - (ii) All practicable steps to isolate it from the employees have been taken, but it has not been isolated,—

the employer shall take the steps set out in subsection (2) of this section.

(2) The steps are—

- (a) To take all practicable steps to minimise the likelihood that the hazard will be a cause or source of harm to the employees; and
- (b) To ensure that there is provided for, accessible to, and used by the employees suitable clothing and equipment to protect them from any harm that may be caused by or may arise out of the hazard; and
- (c) To monitor the employees' exposure to the hazard; and
- (d) To take all practicable steps to obtain the employees' consent to the monitoring of their health in relation to the hazard; and
- (e) With their informed consent, to monitor the employees' health in relation to exposure to the hazard.

Duties of Employers in relation to Information

11. Employees to be given results of monitoring—(1) This section applies to the results of any monitoring of any employee or place of work if it was undertaken in compliance with this Act; and—

- (a) If the monitoring was undertaken by or on behalf of an employer; or
- (b) If—

- (i) The monitoring was undertaken by or on behalf of a department (within the meaning of the State Sector Act 1988); and
 - (ii) The results have been given to an employer.
- (2) Subject to subsection (3) of this section, every employer shall ensure that—
- (a) Every employee is given all results to which this section applies of monitoring of the employee (whether as an individual or as one of a number of employees) in relation to health or safety; and
 - (b) All employees who ask for them are given all results to which this section applies of general monitoring of— (i) Conditions in the employee's place of work; or (ii) The health or safety of employees there.
- (3) Every employer shall ensure that—
- (a) There are omitted from all results to which this section applies given to any individual employee all information that identifies, or discloses anything about, any other individual employee; and
 - (b) There are omitted from all results to which this section applies given to any group of employees all information that identifies, or discloses anything about, any employee.

12. Information for employees generally—Every employer shall ensure that every employee who does work of any kind, or uses plant of any kind, or deals with a substance of any kind, in a place of work has been given, in such a form and manner that the employee is reasonably likely to understand it, information about—

- (a) What to do if an emergency arises while the employee is doing work of that kind, using plant of that kind, or dealing with substances of that kind, in that place; and
- (b) All identified hazards to which the employee is or may be exposed while doing work of that kind, using plant of that kind, or dealing with substances of that kind, in that place, and the steps to be taken to minimise the likelihood that the hazards will be a cause or source of harm to the employee; and
- (c) All identified hazards the employee will or may create while doing work of that kind, using plant of that kind, or dealing with substances of that kind, in that place, and the steps to be taken to minimise the likelihood that the hazards will be a cause or source of harm to other people; and
- (d) Where all necessary safety clothing, devices, equipment, and materials are kept.

Duties of Employers in relation to Training and Supervision

13. Training and supervision—Every employer shall take all practicable steps to ensure that every employee who does work of any kind, or uses plant of any kind, or deals with a substance of any kind, in a place of work—

- (a) Either—
 - (i) Has; or
 - (ii) Is so supervised, by a person who has,— such knowledge and experience of similar places, and work, plant, or substances of that kind, as to ensure that the employee's doing the work, using the

plant, or dealing with the substance, is not likely to cause harm to the employee or other people; and

- (b) Is adequately trained in the safe use of all plant, objects, substances, and protective clothing and equipment that the employee is or may be required to use or handle.

14. Employers to involve employees in development of health and safety

procedures—Every employer shall ensure that all employees have the opportunity to be fully involved in the development of procedures developed for the purpose of—

- (a) Complying with sections 7 to 10 of this Act; or
(b) Dealing with or reacting to emergencies or imminent dangers.

Other Duties

15. Duties of employers to people who are not employees—Every employer shall take all practicable steps to ensure that no action or inaction of any employee while at work harms any other person.

16. Duties of persons with control of places of work—To the extent that a person is—

- (a) The owner, lessee, sublessee, occupier, or person in possession of a place of work or any part of a place of work (not being a home occupied by the person); or
(b) The owner, lessee, sublessee, or bailee, of any plant in a place of work (not being a home occupied by the person),— the person shall take all practicable steps to ensure that people in the place of work, and people in the vicinity of the place of work, are not harmed by any hazard that is or arises in the place of work.

17. Duties of self-employed people—Every self-employed person shall take all practicable steps to ensure that no action or inaction of the self-employed person while at work harms the self-employed person or any other person.

18. Duties of principals—(1) Every principal shall take all practicable steps to ensure that—

- (a) No employee of a contractor or subcontractor; and
(b) If an individual, no contractor or subcontractor,— is harmed while doing any work (other than residential work) that the contractor was engaged to do.
(2) Subsection (1) of this section shall be read subject to section 2 (2) of this Act.

19. Duties of employees—Every employee shall take all practicable steps to ensure— (a) The employee's safety while at work; and (b) That no action or inaction of the employee while at work causes harm to any other person.

—
PART III
STANDARDS
Codes of Practice

20. Codes of practice—(1) The Secretary may from time to time publish in the Gazette notice that the Secretary has asked the Minister to approve—

- (a) A statement of preferred work practices or arrangements; or
- (b) The amendment or revocation of an approved code of practice.\

(2) A notice that the Secretary has asked the Minister to approve a statement of preferred work practices or arrangements shall include a description of the general purport of the statement; and a notice that the Secretary has asked the Minister to approve the amendment of an approved code of practice shall include a description of the general purport of the amendment.

(3) Subject to subsection (13) of this section, if—

- (a) At least a month has passed since the publication of a notice under subsection (1) of this section; and
- (b) The Minister has—
 - (i) Consulted all persons affected, or reasonably likely to be affected, by the statement, amendment, or revocation concerned (or representatives of those persons); and
 - (ii) Given them a reasonable time within which to comment; and—
 - (iii) Considered all written comments (from any person) received within that time,—

the Minister may, by notice in the *Gazette*, approve the statement, amendment, or revocation.

(4) A notice under subsection (3) of this section shall come into force on the later of the following days:

(a) The 28th day after the date of its publication in the Gazette: (b) A day specified in the notice. (5) The publication by the Minister of a notice in the Gazette approving a statement, amendment, or revocation is conclusive proof that subsection (3) (b) of this section has been complied with in respect of the notice. (6) The Secretary shall ensure that at all reasonable times copies of approved codes of practice are available at every office of the Department that deals with matters relating to health and safety in employment for inspection and copying by the public. (7) The Secretary may charge any person a reasonable fee for— (a) Providing the person with a copy of an approved code of practice; or (b) Allowing the person to use equipment under the Secretary's control to copy all or any part of an approved code of practice. (8) Nothing in subsection (6) or subsection (7) of this section requires the Secretary to allow any person to use equipment under the Secretary's control to copy all or any part of an approved code of practice. (9) A Court may, in determining whether or not a person charged with failing to comply with any provision of this Act has complied with the provision, have regard to any approved code of practice that— (a) Was in force at the time of the alleged failure; and (b) In the form in which it was then in force, related to

matters of a kind to which the provision relates. (10) In the absence of proof to the contrary, a document purporting to be an approved code of practice, or an amendment of an approved code of practice, issued by the Secretary shall in any proceedings be deemed to be an approved code of practice or an amendment of an approved code of practice. (11) Nothing in subsection (10) of this section limits any method of proof of an approved code of practice or an amendment of an approved code of practice. (12) Subject to subsection (13) of this section, an approved code of practice may incorporate, adopt, or apply, with or without modification, all or any part of any other document prepared or issued by any body or authority. (13) The Minister shall not— (a) Adopt with modification any document previously approved by another Minister of the Crown (or by the Building Industry Authority established by section 10 (1) of the Building Act 1991); or (b) Approve any amendment of any part of a code of practice that comprises a document approved by another Minister of the Crown (or by the authority) and later adopted by the Minister,— without the consent of the other Minister (or the authority).

Regulations 21. Regulations—(1) Subject to subsection (2) of this section, the Governor-General may from time to time, on the recommendation of the Minister, by Order in Council, make regulations— (a) Imposing duties relating to the health or safety of employees or other people on all or any of the following: (i) Employers, and other persons who or that control places of work: (ii) Employees: (iii) Designers, manufacturers, sellers, and suppliers, of plant, substances, protective clothing, or protective equipment: (b) Providing for any other matters contemplated by, or necessary for giving full effect to, this Act. (2) The Minister shall not recommend the making of any regulations without first consulting all persons and organisations the Minister thinks appropriate, having regard to the regulations' content.

22. Application of regulations—Regulations under section 21 (1) (a) of this Act may impose duties— (a) On all employers or other persons who or that control places of work: (b) On employers, or other persons who or that control places of work, of a particular kind or description: (c) On all employees: (d) On employees of a particular kind or description: (e) On all manufacturers, sellers, or suppliers of plant, substances, protective clothing, or protective equipment: (f) On manufacturers, sellers, or suppliers of plant, substances, protective clothing, or protective equipment, of a particular kind or description: (g) On manufacturers, sellers, or suppliers, of a particular kind or description, of plant, substances, protective clothing, or protective equipment: (h) In respect of places of work, plant, processes, activities, or substances, of all kinds and descriptions: (i) In respect of places of work, plant, processes, activities, or substances, of a particular kind or description.

23. Other provisions relating to regulations—(1) Regulations made under section 21 (1) (a) of this Act may provide for all or any of the following matters: (a) The registration, licensing, or certification of plant, and places of work: (b) The recording, notification, and

investigation of the occurrence in places of work of events that (whether or not any person was in fact harmed) might have caused any person serious harm: (c) The notification of the use of plant, places of work, substances, or work, of a particular kind: (d) The notification of the use of plant, places of work, or substances in a particular manner or for a particular purpose: (e) Persons engaged in particular work or activities to hold, or employ people holding, certificates of competence or registration: (f) The issue, renewal, cancellation, and suspension of certificates of competence, and the examination of applicants for certificates of competence: (g) The recognition and withdrawal of recognition of organisations issuing certificates empowering other organisations, and individuals, to undertake functions and tasks: (h) The issue, renewal, cancellation, and suspension by recognised organisations of certificates empowering other organisations, and individuals, to undertake functions and tasks: (i) The undertaking of functions and tasks by the holders of certificates issued by recognised organisations: (j) The payment of fees in respect of— (i) Matters provided for in this Act; and (ii) Acts performed and services provided under this Act: (k) The granting of exemption from any obligation or requirement under the regulations: (l) The approval, and withdrawal of approval, of testing institutions: (m) The procedures of inquiries under section 27 of this Act: (n) The provision of accommodation for employees, contractors, subcontractors, or employees of contractors or subcontractors. (2) Regulations made under section 21 (1) (a) of this Act may incorporate by reference all or any part of any— (a) New Zealand Standard: (b) Standard, requirement, recommended practice, rule, statute, or regulation, of any foreign government or organisation: (c) Document published by or by the authority of the Government of New Zealand. (3) Any material incorporated in regulations by reference shall be deemed for all purposes to form part of the regulations; but any amendment made to the material after the commencement of the regulations shall not have effect until regulations have been made incorporating the amendment into the regulations. (4) A copy of all material incorporated in regulations by reference shall be made available at the Head Office of the Department for inspection by the public free of charge. (5) Regulations made under section 21 (1) (a) of this Act may impose prohibitions. (6) Regulations made under section 21 (1) (a) of this Act may apply differently to people of a differing age or health status, and may apply only to people of a particular age or health status. (7) The fact that any provision of any regulations made under this Act contains an example does not limit or affect the generality of any other provision of those regulations.

24. Saving of regulations made under certain repealed enactments—Regulations that— (a) Were made under an enactment repealed by this Act (whether alone or in conjunction with any other enactment or enactments); and (b) Have not been revoked by this Act,— may be amended or revoked by regulations made under this Act; but until so revoked shall continue in force as if that enactment had not been repealed.

PART IV

—
GENERAL PROVISIONS

Accidents

25. Recording and notification of accidents and serious harm—(1)

Every employer shall maintain (in the prescribed form) a register of accidents and serious harm; and shall record in the register the prescribed particulars relating to—

- (a) Every accident that harmed (or, as the case may be, might have harmed)—
 - (i) Any employee at work; or
 - (ii) Any person in a place of work controlled by the employer;and
- (b) Every occurrence of serious harm to an employee at work, or as a result of any hazard to which the employee was exposed while at work, in the employment of the employer.

(2) Subsection (3) of this section applies to—

- (a) Serious harm in respect of which an employer is required by subsection (1) (b) of this section to record particulars; and
- (b) Accidents of a kind or description required by regulations made under section 21 of this Act to be notified to the Secretary.

(3) Where there occurs any serious harm or accident to which this subsection applies, the employer concerned shall—

- (a) As soon as is possible after its occurrence, notify the Secretary of the occurrence; and
- (b) Within 7 days of the occurrence, give the Secretary written notice, in the prescribed form, of the circumstances of the occurrence.

26. No interference at accident scene—(1) Where a person is seriously harmed while at work, no person shall, unless authorised to do so by an inspector, remove or in any way interfere with or disturb any wreckage, article, or thing related to the incident except to the extent necessary— (a) To save the life of, prevent harm to, or relieve the suffering of, any person; or (b) To maintain the access of the general public to an essential service or utility; or (c) To prevent serious damage to or serious loss of property. (2) Subsection (1) of this section does not apply where a person is seriously harmed by— (a) An accident involving a motor vehicle on a public highway; or (b) An accident being investigated under Part VIII of the Shipping and Seamen Act 1952, the Armed Forces Discipline Act 1971, the Civil Aviation Act 1990, or the Transport

Accident Investigation Commission Act 1990; or (c) An accident being investigated by a member of the Police.

27. Inquiry into cause of accident—(1) If an accident happens at any place of work, or if any person is seriously harmed while at work, the Minister may, after consultation with the Minister of Justice, direct an inquiry to be held before a District Court Judge. (2) To assist the Judge, the Minister may appoint 2 or more people with skills or knowledge relevant to the subject-matter of the inquiry. (3) The Judge may hold the inquiry at any times and places the Judge appoints, and shall report on the cause of the accident to the Minister. (4) The Judge has all the powers of a Commission of Inquiry under the Commissions of Inquiry Act 1908; and subject to subsections (2) and (3) of this section, that Act shall apply accordingly. (5) Nothing in subsection (1) of this section applies to an accident or occurrence that is being (or has been) investigated under the Armed Forces Discipline Act 1971.

28. Coroner may call for report on fatal accident—If so requested by a coroner, an inspector shall give the coroner a written report on the circumstances of any fatal accident that occurred at a place of work.

Inspectors

29. Inspectors—(1) The Secretary may appoint any person who has passed the prescribed examinations or acquired the prescribed experience to be a health and safety inspector for the purposes of this Act.

(2) An inspector shall perform and exercise the functions and powers of an inspector subject to the directions and conditions (if any) for the time being imposed by the Secretary.

(3) Every inspector shall have a certificate of appointment, in a form approved by the Secretary.

30. Functions of inspectors—The functions of an inspector are— (a) To help employers, employees, and other persons to improve safety at places of work, and the safety of people at work, by providing information and education; and (b) To ascertain whether or not this Act is being and will be complied with; and (c) To take all reasonable steps to ensure that this Act is being complied with; and (d) All other functions conferred on inspectors by this Act or any other enactment.

31. Powers of entry and inspection—(1) For the purpose of performing any function as an inspector, any inspector may at any reasonable time enter any place of work and— (a) Conduct examinations, tests, inquiries, and inspections, or direct the

employer or any other person who or that controls the place of work, to conduct examinations, tests, inquiries, or inspections: (b) Be accompanied and assisted by any other people and bring into the place of work any equipment necessary to carry out the inspector's functions: (c) Take photographs and measurements and make sketches and recordings: (d) Require the employer, or any other person who or that controls the place of work, to ensure that the place of work or any place or thing in the place of work specified by the inspector is not disturbed for a reasonable period pending any examination, test, inquiry, or inspection: (e) Require the employer, or any other person who or that controls the place of work, to produce documents or information relating to the place of work or the employees who work there and permit the inspector to examine and make copies or extracts of the documents and information: (f) Require the employer, or any other person who or that controls the place of work, to make or provide statements, in any form and manner the inspector specifies, about conditions, material, or equipment that affect the safety or health of employees who work there. (2) Notwithstanding subsection (1) of this section, an inspector shall not enter a place of work— (a) That is, or is within, a home; or (b) Through a home,— except with the consent of an occupier or pursuant to a warrant issued under subsection (3) of this section. (3) A District Court Judge who, on application made on oath, is satisfied that there is reasonable ground for believing that a home— (a) Is a place of work or has a place of work inside it; or (b) Is the only practicable means through which a place of work may be entered,— may issue to an inspector named in it a warrant to enter any part of the home that is, or is the only practicable means through which the inspector may enter, the place of work. (4) Notwithstanding subsection (1) of this section, an inspector shall not enter a defence area (within the meaning of section 2 (1) of the Defence Act 1990) except in accordance with a written agreement between the Secretary and the Chief of Defence Force entered into for the purposes of this section and for the time being in force. (5) Notwithstanding subsection (1) (e) of this section, if all or any part of a document, or of any information, relates to any person's health status and identifies the person, no inspector shall, without the person's consent,— (a) Require any person to produce; or (b) Examine; or (c) Make any copy or extract from,— the document or information (or that part of the document or information). (6) No person is required on examination or inquiry under this section to give any answer or information tending to incriminate the person.

32. Inspectors to prove identity—(1) Every inspector who enters any place of work under the authority of this Act shall, on first entering and, if requested, at any later time, produce to the person apparently in charge the inspector's certificate of appointment. (2) Where an inspector enters any place of work under the authority of this Act and is unable, despite reasonable efforts, to find any person apparently in charge, the inspector shall before leaving the place of work leave a written notice stating— (a) The inspector's identity; and (b) The address of a place where the inspector may be contacted; and (c) The date and time of entry; and (d) The inspector's reasons for entering.

33. Powers to take samples and other objects and things—(1) An inspector who enters a place of work under section 31 of this Act may, for the purpose of— (a) Monitoring conditions in the place of work; or (b) Determining the nature of any material or substance in the place of work; or (c) Determining whether or not this Act is being complied with; or (d) Gathering evidence for a prosecution for an offence against this Act,— take or remove a sample of any substance or thing for analysis, or seize and retain any material, substance, or thing. (2) Where an inspector removes or retains a sample, material, substance, or thing under subsection (1) of this section, the following provisions shall apply: (a) As soon as it is reasonable after removing or retaining it, the inspector shall give the employer or other person apparently in charge of the place of work concerned written notice of— (i) What has been (or is being) removed or retained; and (ii) Why it has been (or is being) removed or retained; and (iii) Where it will be kept in the meantime: (b) Subject to paragraph (c) of this subsection, within 7 days of removing or retaining it, the inspector shall give the employer or other person apparently in charge of the place of work concerned written notice of whether the inspector intends to return it or destroy it: (c) Where it is practicable to do so the sample, material, substance, or thing shall be returned to its owner— (i) When it is no longer required for any purpose under this Act (or any other enactment); or (ii) If a Court earlier orders its return.

Departmental Medical Practitioners

34. Appointment of departmental medical practitioners—(1) The Secretary may appoint any registered medical practitioner to be a departmental medical practitioner. (2) A departmental medical practitioner shall exercise the powers of a departmental medical practitioner subject to the directions and conditions (if any) for the time being imposed by the Secretary. (3) Every departmental medical practitioner shall have a certificate of appointment, in a form approved by the Secretary. (4) Upon ceasing to be registered as a medical practitioner under the Medical Practitioners Act 1968, a departmental medical practitioner shall cease to be a departmental medical practitioner.

35. Powers of entry and inspection of departmental medical practitioners—For the purposes of this Act, any departmental medical practitioner may at any reasonable time enter any place of work and do anything specified in any of paragraphs (a), (b), (c), and (e) of section 31 (1) of this Act as if the departmental medical practitioner is an inspector; and subsections (2) to (4), and (6) of section 31, and section 32 of this Act shall have effect accordingly.

36. Departmental medical practitioners may require medical examinations of employees—If satisfied that— (a) Any employee is, has been, or may have been, exposed to a significant hazard while at work; and (b) By examining the employee or

causing a sample taken from the employee to be tested or analysed, it is likely to be possible to determine— (i) Whether or not the employee is or has been exposed to the hazard; or (ii) The extent to which the employee is or has been exposed to the hazard; or (iii) The extent to which the employee's health has been or may have been affected by exposure to the hazard,— a departmental medical practitioner may, by notice in writing to the employee, require the employee— (c) To— (i) Be examined by a registered medical practitioner; and (ii) Provide to the departmental medical practitioner a certificate from the registered medical practitioner as to the employee's fitness for work; or (d) To— (i) Allow a person (or person of a kind) specified in the notice to take from the employee a sample of a kind specified in the notice; and (ii) Have the sample tested or analysed by a person (or person of a kind) specified in the notice in a manner specified in the notice; and (iii) Provide the departmental medical practitioner with a written report from the person who tests or analyses the sample on the results of the tests and analyses done; or (e) Both.

37. Departmental medical practitioners may suspend employees in certain cases—(1) If satisfied on reasonable grounds that— (a) An employee— (i) Is, has been, or may have been, exposed to a significant hazard while at work; and (ii) Has failed or refused, without reasonable cause, to comply with a notice under section 36 of this Act; or (b) An employee has been so harmed by exposure to a significant hazard while at work that the employee should not continue to be exposed to the hazard,— the departmental medical practitioner may, by written notice to the employee (a copy of which the departmental medical practitioner shall give to the employer),— (c) Require the employee to cease doing anything specified in the notice that, in the departmental medical practitioner's opinion, constitutes, causes, or enhances the employee's exposure to the hazard; and (d) Require the employer to ensure that the employee ceases doing the thing or things specified in the notice. (2) Every employee and employer shall comply with a suspension notice.

38. Administrative provisions—Sections 44 to 48, 57, and 58 of this Act shall have effect in relation to departmental medical practitioners and suspension notices as if— (a) Every reference to an inspector is a reference to a departmental medical practitioner; and (b) Every reference to a notice is a reference to a suspension notice.

Improvement and Prohibition Notices

39. Inspectors may issue improvement notices—(1) An inspector who believes on reasonable grounds that any person is failing to comply with any provision of this Act may give the person written notice to comply with the provision. (2) An inspector who believes that— (a) Any person has failed to comply with any provision of this Act; and (b) The failure (or a similar failure) is likely to occur again,— may give the person written notice to comply with the provision. (3) An improvement notice shall state that the

inspector concerned believes that the person to whom or which it relates is failing, or has failed and is likely to fail again, to comply with a provision of this Act, and shall specify— (a) The provision; and (b) The inspector's reasons for believing that the person is failing, or has failed and is likely to fail again, to comply with it; and (c) The nature of the failure or likely failure; and (d) A day before which compliance is to be completed. (4) An improvement notice may specify steps that could be taken to ensure compliance with the provision concerned. (5) Every person to whom or to which an improvement notice is given or posted shall comply with it.

40. How improvement notices to be given—(1) An improvement notice may be— (a) Given to a person to whom or which it relates; or (b) Given to a person apparently in charge of any activity, building, place of work, plant, process, situation, structure, or substance to which the provision of this Act that the inspector believes has not been complied with applies; or (c) Posted to any such person by registered letter. (2) An improvement notice posted under subsection (1) (c) of this section shall be deemed to have been received on the 7th day after it was posted.

41. Inspectors may issue prohibition notices—(1) An inspector who believes that, by virtue of a failure to comply with a provision of this Act, there is a likelihood of serious harm to any person may give written notice to stop the carrying on, continuing, operating, storing, transporting, or use of the activity, building, place of work, plant, process, situation, structure, or substance, that the inspector believes to constitute the hazard that is likely to cause the harm concerned until an inspector is satisfied that measures sufficient to eliminate the hazard, or minimise the likelihood that the hazard will be a source of harm, have been taken. (2) A prohibition notice shall specify— (a) The hazard to which it relates; and (b) The inspector's reasons for believing that it is likely to cause the harm concerned. (3) A prohibition notice may require the withdrawal of all employees of a specified kind or description except such employees as may be necessary to deal with the hazard. (4) A prohibition notice may specify steps that could be taken to eliminate the hazard concerned or minimise the likelihood that the hazard will be a source of harm.

42. Service of prohibition notices—(1) The inspector who gives a prohibition notice shall fix it to or near the part of the place of work or plant to which it relates; and no person shall remove it unless authorised by an inspector. (2) The inspector shall give a copy of the notice to any person apparently in charge of the activity, building, place of work, plant, process, situation, structure, or substance, that the inspector believes to constitute the hazard that has caused or is likely to cause the harm concerned.

43. Compliance with prohibition notices—Every person to whom a prohibition notice is given, and every person who controls a place of work or any plant to which a prohibition notice relates, shall ensure that no action is taken in contravention of it.

44. How notices to be addressed—An inspector's notice may be addressed to any person under the person's legal name or usual business name or style.

45. Matters may be completed by different inspectors—If an inspector has given any notice, authorisation, or consent under this Act (whether or not subject to conditions) any inspector may— (a) Take further steps on or in relation to it; or (b) Revoke or withdraw it; or (c) From time to time vary it; or (d) Revoke, or from time to time vary, any condition on or subject to which it was given.

Appeals

46. Appeals against notices—(1) Any person affected by an inspector's notice or any variation of an inspector's notice may, within 14 days of its being given, appeal against it to a District Court on the grounds that it is unreasonable. (2) The Court shall inquire into the circumstances of the notice or variation, and may vary, rescind, or confirm it. (3) An appeal against an inspector's notice or variation does not operate as a stay of the notice or variation. (4) Subsections (1) to (3) of this section shall have effect in respect of— (a) Any notice given by an inspector under regulations made under this Act; and (b) Any failure or refusal by an inspector to give or allow an exemption, suspension, or variation provided for in regulations made under this Act,— as if it is an inspector's notice.

Duties in respect of Inspectors

47. Duty of assistance—Every person on whom or which any duty is imposed by this Act— (a) Shall at all reasonable times furnish; and (b) Shall ensure that at all reasonable times the person's agents and employees furnish,— the means required by any inspector for an entry, inspection, examination, inquiry, or the exercise of any other power, under this Act in relation to the duty.

48. Obstruction, etc.—No person shall without reasonable cause— (a) Obstruct, delay, hinder, or deceive; or (b) Cause to be obstructed, delayed, hindered, or deceived,— any inspector while the inspector is lawfully exercising or performing any power, function or duty under this Act.

Offences and Penalties

49. Offences likely to cause serious harm—(1) Where—
(a) A person who, knowing that any action is reasonably likely to

cause serious harm to any person, takes the action; and

(b) The action is contrary to a provision of this Act,—

the person commits an offence against this Act.

(2) Where—

(a) A person who, knowing that failure to take any action is reasonably likely to cause serious harm to any person, fails to take the action; and

(b) The person is required by this Act to take the action,—

the person commits an offence against this Act.

(3) Every person who commits an offence under this section is liable on conviction to—

(a) Imprisonment to a term of not more than 1 year; or

(b) A fine of not more than \$100,000; or

(c) Both.

(4) A person charged with an offence under this section may be convicted of an offence against section 50 of this Act as if the person had been charged under that section.

50. Other offences—Every person who fails to comply with— (a) Any provision of Part II of this Act other than section 14; or (b) Section 25, section 26, section 37 (2), section 39 (5), section 42 (1), section 43, section 47, section 48, or section 58 of this Act; or (c) Any provision of any regulations made under this Act, or continued in force by section 24 of this Act, declared by those regulations to be a provision to which this section applies,— commits an offence, and is liable on summary conviction to— (d) A fine not exceeding \$50,000, if the failure caused any person serious harm: (e) A fine not exceeding \$25,000, in any other case.

51. Actions taken to prevent harm—Notwithstanding sections 49 and 50 of this Act, where any employee harms any person by taking any action necessary for the protection of that person or any other person from harm,— (a) The employee does not thereby commit an offence against section 19 of this Act; and (b) The employee's employer does not thereby commit an offence against section 15 of this Act.

52. Failure to comply with section 14—Where— (a) Any employer is convicted of failing to comply with any provision of sections 7 to 10 of this Act; and (b) The Court is satisfied that the employer has also failed to ensure that employees had the opportunity to be fully involved in the development of procedures developed for the purpose of

complying with the provision,— the Court may take the failure referred to in paragraph (b) of this section into account in determining the penalty to be imposed.

53. Strict liability—In any prosecution for an offence against section 50 of this Act, it is not necessary to prove that the defendant— (a) Intended to take the action alleged to constitute the offence; or (as the case may be) (b) Intended not to take the action, the failure or refusal to take which is alleged to constitute the offence.

54. Only inspectors to institute prosecutions—No proceedings for an offence against this Act shall be brought except by an inspector.

55. Other provisions relating to offences—(1) An information laid by an inspector in respect of any offence against this Act may be proceeded with and conducted by the informant, any other inspector, or any other person permitted by the Court to proceed with and conduct it. (2) For the purposes of subsection (1) of this section, no person **shall be called on to prove that**— (a) The person is an inspector; or (b) An information was laid by an inspector. (3) In any proceedings for an offence against this Act in respect of a duty imposed by this Act on employers or persons who control places of work, it is enough to state the name or title under which a person who or that is ostensibly an employer or such a person is usually known or appears to carry on business; and the Court may from time to time amend the indictment or information as to the actual name of the defendant. (4) In addition to any penalty imposed, a Court may require a person convicted of an offence against this Act to remedy any matter in respect of which the person was convicted.

56. Offences by bodies corporate—Where a body corporate fails to comply with a provision of this Act, any of its officers, directors, or agents who directed, authorised, assented to, acquiesced in, or participated in, the failure is a party to and guilty of the failure and is liable on conviction to the punishment provided for the offence, whether or not the body corporate has been prosecuted or convicted.

Proof of Notices

57. Proof of notices—Every document purporting to be an inspector's notice shall be received in evidence and, in the absence of proof to the contrary, be deemed to be an inspector's notice; and in any proceedings the production of a document purporting to be certified by or on behalf of an inspector to be a true copy of an inspector's notice shall, in the absence of proof to the contrary, be sufficient evidence of the notice.

Personation of Inspectors

58. Personation of inspectors—No person shall— (a) Personate the inspector named in any certificate of appointment as an inspector; or (b) Falsely pretend to be an inspector.

Funding of Administration

59. Funding—(1) A levy (for the purpose of recovering the costs, direct or indirect, to the Department of administering this Act) shall be paid by employers and self-employed persons in accordance with the procedures and at a rate or rates prescribed by regulations made under this Act. (2) Regulations made under this Act may provide for the levy to be paid to an agent of the Secretary. (3) The Minister may, by written notice to the Accident Rehabilitation and Compensation Insurance Corporation, require the Corporation to act as the Secretary's agent for the purposes of this section; and until the Minister revokes the notice the Corporation shall comply with it. (4) Where any levy is paid to an agent under this Act, the agent may deduct a collection fee from the amount paid at an agreed rate and pay the balance monthly to the Secretary. (5) The Secretary shall cause all money paid to the Secretary under this section to be paid into the Crown Bank Account.

Information Provided by Accident Rehabilitation and Compensation Insurance Corporation 60. Accident Rehabilitation and Compensation Insurance Corporation may provide information—(1) Subject to subsection (2) of this section, the Accident Rehabilitation and Compensation Insurance Corporation may provide to the Secretary any information (not being information that identifies any employee to whom it relates) under its control that— (a) Was provided on or in respect of claims for personal injury; and (b) Relates to harm to employees arising out of and in the course of their employment. (2) The corporation shall not provide to the Secretary any information unless— (a) There is in force an agreement between the Secretary and the corporation relating to the provision of information; and (b) The information is provided in accordance with the agreement. (3) The Secretary shall not use any information provided under subsection (1) of this section except for one or more of the following purposes: (a) Developing a body of statistical data relating to harm to employees arising out of and in the course of their employment: (b) Determining trends in the incidence of such harm: (c) Developing and implementing programmes of education and information relating to the prevention of such harm: (d) Reviewing the effectiveness of this Act and its administration.

Non-compliance with Other Enactments

61. Inspectors to notify local authority—An inspector who, in the course of the inspector's duties, discovers anything the inspector believes to be a failure to comply with any provision of any enactment relating to health or safety administered (in whole or in part) by territorial authorities shall give the appropriate territorial authority written notice of the apparent failure.

Amendments, Repeals, Revocations, and Savings

62. Consequential amendments, repeals, revocations, and savings—(1) The enactments specified in the Third Schedule to this Act are hereby repealed. (2) The

enactments specified in the Second Schedule to this Act are hereby consequentially amended in the manner indicated in that Schedule. (3) The Orders in Council and notices specified in the Fourth Schedule to this Act are hereby revoked. (4) Every reference in any enactment passed before the repeal of the Factories and Commercial Premises Act 1981 to a factory within the meaning of that Act shall have effect as if that Act is still in force. (5) The repeal by subsection (1) of this section of section 73 of the Factories and Commercial Premises Act 1981 does not affect section 32A of the Dangerous Goods Act 1974.

SCHEDULES

FIRST SCHEDULE

Section 2 (4)

SERIOUS HARM

1. Any of the following conditions that amounts to or results in permanent loss of bodily function, or temporary severe loss of bodily function: respiratory disease, noise-induced hearing loss, neurological disease, cancer, dermatological disease, communicable disease, musculoskeletal disease, illness caused by exposure to infected material, decompression sickness, poisoning, vision impairment, chemical or hot-metal burn of eye, penetrating wound of eye, bone fracture, laceration, crushing.

2. Amputation of body part.

3. Burns requiring referral to a specialist registered medical practitioner or specialist outpatient clinic.

4. Loss of consciousness from lack of oxygen.

5. Loss of consciousness, or acute illness requiring treatment by a registered medical practitioner, from absorption, inhalation, or ingestion, of any substance.

6. Any harm that causes the person harmed to be hospitalised for a period of 48 hours or more commencing within 7 days of the harm's occurrence.

SECOND SCHEDULE

Section 62 (2)

Consequential Amendments

Enactment	Amendment
1950, No. 52---The Machinery Act 1950 (R.S. Vol. 18, p. 409)	By repealing the definitions in section 2 of the terms ``boiler'', ``crane'', ``hoist'', ``lift'', ``lifting machine'', ``lifting tackle'', ``lifting vehicle'', ``noise'', and ``winding engine''.
1950, No. 53---The Boilers, Lifts, and Cranes Act 1950 (R.S. Vol. 1, p. 377)	By repealing the definitions in section 2 (1) of the terms ``crane'' and ``lift''.
1974, No. 14---The Marine Pollution Act 1974 (R.S. Vol. 24, p. 499)	By omitting from section 17 (3) the words ``and every inspector appointed under section 33 of the Petroleum Act 1937''.
1975, No. 122---The Disabled Persons Community Welfare Act 1975 (R.S. Vol. 26, p. 143)	By repealing paragraphs (z) and (za) of section 25 (4) (as substituted by section 92 (1) of the Building Act 1991), and substituting the following paragraphs: ``(z) Other buildings, premises, or facilities where 10 or more people work, whether for gain or reward or otherwise: ``(za) Other buildings, premises, or facilities to which the public are admitted, whether on payment or otherwise:''.
1983, No. 143---The Wages Protection Act 1983	By inserting, after section 12, the following section: ``12A. No premium to be charged for employment---(1) No employer shall seek or receive any premium in respect of the employment of any person, whether the premium is sought or received from the person employed or proposed to be employed or from any other person. ``(2) Where an employer receives any amount of money in contravention of subsection (1) of this section, whether by way of deduction from wages or otherwise, then, irrespective of any penalty to which the employer thereby becomes liable, the person by whom the money was paid or, as the case may be, from whose wages it was deducted, may recover that amount from the

| employer as a debt due to the person; and
 | civil proceedings for the recovery of the
 | amount may be instituted in the Employment
 | Tribunal by the person or, notwithstanding
 | any disability to which the person is
 | subject, by a Labour Inspector designated
 | under section 143 (1) of the Employment
 | Contracts Act 1991 on behalf of the person.
 | `` (3) Any such proceedings instituted by
 | any Labour Inspector may be continued or
 | conducted by the same or any other Labour
 | Inspector''.

THIRD SCHEDULE

Section 62 (1)

ENACTMENTS REPEALED

- 1937, No. 27---The Petroleum Act 1937. (R.S. Vol. 7, p. 647.)
 1945, No. 27---The Bush Workers Act 1945. (Reprinted 1976, Vol. 3, p. 2365.)
 1950, No. 52---The Machinery Act 1950: Paragraphs (a) to (f) of section 3 (1), and sections 4, 12, 17E, 19, 19A, 21B, 21C, 22, 24 (2), 30, 31, 39, and 40. (R.S. Vol. 18, p. 309.)
 1950, No. 53---The Boilers, Lifts, and Cranes Act 1950: Sections 3, 4, 10 to 35, 54, 56, 59, and 60. (R.S. Vol. 1, p. 377.)
 1953, No. 102---The Geothermal Energy Act 1953. (Reprinted 1975, Vol. 3, p. 2019.)
 1956, No. 17---The Machinery Amendment Act 1956. (R.S. Vol. 18, p. 441.)
 1956, No. 65---The Health Act 1956: Sections 7 (da) and 22A. (R.S. Vol. 19, p. 493.)
 1957, No. 51---The Geothermal Energy Amendment Act 1957. (Reprinted 1975, Vol. 3, p. 2035.)
 1959, No. 32---The Construction Act 1959. (R.S. Vol. 23, p. 227.)
 1962, No. 136---The Shearers Act 1962. (R.S. Vol. 9, p. 575.)
 1965, No. 52---The Machinery Amendment Act 1965.
 1966, No. 40---The Construction Amendment Act 1966. (R.S. Vol. 23, p. 255.)
 1966, No. 50---The Geothermal Energy Amendment Act 1966. (Reprinted 1975, Vol. 3, p. 2035.)
 1966, No. 100---The Boilers, Lifts, and Cranes Amendment Act 1966: Sections 3, and 4 to 9. (R.S. Vol. 1, p. 406.)
 1967, No. 27---The Bush Workers Amendment Act 1967. (Reprinted 1976, Vol. 3, p. 2376.)
 1967, No. 64---The Construction Amendment Act 1967. (R.S. Vol. 23, p. 256.)
 1968, No. 28---The Machinery Amendment Act 1968.
 1968, No. 74---The Construction Amendment Act 1968. (R.S. Vol. 23, p. 256.)
 1969, No. 11---The Construction Amendment Act 1969. (R.S. Vol. 23, p. 256.)
 1969, No. 33---The Machinery Amendment Act 1969: Sections 2 to 6, and

8. (R.S. Vol. 18, p. 443.)
- 1969, No. 79---The Geothermal Energy Amendment Act 1969. (Reprinted 1975, Vol. 3, p. 2036.)
- 1970, No. 32---The Construction Amendment Act 1970. (R.S. Vol. 23, p. 257.)
- 1970, No. 128---The Machinery Amendment Act 1970. (R.S. Vol. 18, p. 444.)
- 1970, No. 137---The Age of Majority Act 1970: So much of the First Schedule as relates to the Bush Workers Act 1945. (R.S. Vol. 21, p. 1.)
- 1971, No. 25---The Mining Act 1971. (R.S. Vol. 17, p. 355.)
- 1971, No. 84---The Boilers, Lifts, and Cranes Amendment Act 1971. (R.S. Vol. 1, p. 409.)
- 1971, No. 90---The Construction Amendment Act 1971. (R.S. Vol. 23, p. 257.)
- 1972, No. 51---The Construction Amendment Act 1972. (R.S. Vol. 23, p. 258.)
- 1972, No. 83---The Mining Amendment Act 1972: Section 3. (R.S. Vol. 17, p. 508.)
- 1973, No. 64---The Geothermal Energy Amendment Act 1973. (Reprinted 1975, Vol. 3, p. 2035.)
- 1973, No. 76---The Mining Amendment Act 1973. (R.S. Vol. 17, p. 508.)
- 1975, No. 43---The Petroleum Amendment Act 1975. (R.S. Vol. 7, p. 726.)
- 1975, No. 64---The Construction Amendment Act 1975. (R.S. Vol. 23, p. 259.)
- 1975, No. 91---The Mining Amendment Act 1975: Section 2 (2), and so much of the Schedule as relates to any of sections 191 to 215 of the Mining Act 1971. (R.S. Vol. 17, p. 509.)
- 1976, No. 37---The Machinery Amendment Act 1976.
- 1976, No. 81---The Construction Amendment Act 1976. (R.S. Vol. 23, p. 259.)
- 1977, No. 28---The Territorial Sea and Exclusive Economic Zone Act 1977: So much of the Schedule as relates to the Petroleum Act 1937.
- 1977, No. 43---The Agricultural Workers Act 1977. (R.S. Vol. 22, p. 1.)
- 1977, No. 89---The Geothermal Energy Amendment Act 1977.
- 1977, No. 106---The Agricultural Workers Amendment Act 1977. (R.S. Vol. 22, p. 14.)
- 1977, No. 147---The Construction Amendment Act 1977. (R.S. Vol. 23, p. 260.)
- 1978, No. 89---The Bush Workers Amendment Act 1978.
- 1978, No. 90---The Construction Amendment Act 1978. (R.S. Vol. 23, p. 260.)
- 1979, No. 21---The Coal Mines Act 1979.
- 1979, No. 59---The Local Government Act 1979: So much of Part III of the Third Schedule as relates to the Geothermal Energy Act 1953 or the Mining Act 1979. (R.S. Vol. 25, p. 609.)
- 1979, No. 79---The Bush Workers Amendment Act 1979.
- 1980, No. 66---The National Parks Act 1980: So much of the First Schedule as relates to the Coal Mines Act 1979.
- 1980, No. 72---The Petroleum Amendment Act (No. 2) 1980. (R.S. Vol. 7, p. 728.)
- 1980, No. 94---The Family Proceedings Act 1980: So much of the First

- Schedule as relates to the Coal Mines Act 1979.
- 1980, No. 101---The Boilers, Lifts, and Cranes Amendment Act 1980.
1980, No. 104---The Coal Mines Amendment Act 1980.
1980, No. 113---The Geothermal Energy Amendment Act 1980.
1981, No. 8---The Agricultural Workers Amendment Act 1981. (R.S. Vol. 22, p. 15.)
1981, No. 9---The Bush Workers Amendment Act 1981.
1981, No. 10---The Machinery Amendment Act 1981. (R.S. Vol. 18, p. 448.)
1981, No. 11---The Construction Amendment Act 1981. (R.S. Vol. 23, p. 261.)
1981, No. 25---The Factories and Commercial Premises Act 1981.
1981, No. 128---The Mining Amendment Act 1981. (R.S. Vol. 17, p. 510.)
1982, No. 18---The Quarries and Tunnels Act 1982.
1982, No. 63---The Coal Mines Amendment Act 1982.
1982, No. 133---The Reserves and Other Lands Disposal Act 1982: Section 13 (14).
1982, No. 153---The Petroleum Amendment Act 1982.
1983, No. 45---The Coal Mines Amendment Act 1983.
1983, No. 61---The Agricultural Workers Amendment Act 1983. (R.S. Vol. 22, p. 15.)
1983, No. 64---The Bush Workers Amendment Act 1983.
1983, No. 72---The Factories and Commercial Premises Amendment Act 1983.
1983, No. 93---The Shearers Amendment Act 1983.
1983, No. 124---The Construction Amendment Act 1983. (R.S. Vol. 23, p. 261.)
1985, No. 35---The Petroleum Amendment Act 1985.
1986, No. 15---The Machinery Amendment Act 1986: Sections 2 to 6, 9, and 10. (R.S. Vol. 18, p. 448.)
1986, No. 52---The Coal Mines Amendment Act 1986.
1986, No. 121---The Fair Trading Act 1986: The First Schedule.
1986, No. 122---The National Development Act Repeal Act 1986: Section 2 (1) (d).
1986, No. 123---The Survey Act 1986: So much of the First Schedule as relates to the Coal Mines Act 1979.
1986, No. 124---The State-Owned Enterprises Act 1986: Paragraphs (a), (b), (c), and (e) of section 24 (5).
1987, No. 8---The Official Information Amendment Act 1987: So much of the Third Schedule as relates to the Petroleum Act 1937, the Bush Workers Act 1945, the Construction Act 1959, the Shearers Act 1962, the Mining Act 1971, the Agricultural Workers Act 1977, the Coal Mines Act 1979, or the Factories and Commercial Premises Act 1981.
1987, No. 15---The Weights and Measures Act 1987: Section 43 (7).
1987, No. 65---The Conservation Act 1987: So much of the Second Schedule as relates to the Petroleum Act 1937, the Mining Act 1971, or the Coal Mines Act 1979.
1987, No. 99---The Mining Amendment Act 1987: Section 6.
1987, No. 109---The Electricity Operators Act 1987: Section 3 (2).
1987, No. 117---The State-Owned Enterprises Amendment Act 1987: So much of the First Schedule as relates to the Petroleum Act 1937, the Geothermal Energy Act 1953, the Mining Act

- 1971, or the Coal Mines Act 1979.
- 1988, No. 20---The State Sector Act 1988: So much of the Fifth Schedule as relates to the Mining Act 1971.
- 1988, No. 57---The Coal Mines Amendment Act 1988.
- 1988, No. 62---The Geothermal Energy Amendment Act 1988.
- 1988, No. 78---The Petroleum Amendment Act 1988.
- 1988, No. 128---The Finance Act (No. 2) 1988: Section 12.
- 1988, No. 177---The Boilers, Lifts, and Cranes Amendment Act 1988.
- 1989, No. 44---The Public Finance Act 1989: So much of the First Schedule as relates to the Petroleum Act 1937, the Coal Mines Act 1979, or the Quarries and Tunnels Act 1982.
- 1989, No. 63---The Sale of Liquor Act 1989: So much of the First Schedule as relates to the Factories and Commercial Premises Act 1981.
- 1989, No. 75---The Transit New Zealand Act 1989: So much of the Fourth Schedule as relates to the Petroleum Act 1937.
- 1989, No. 83---The Construction Amendment Act 1989.
- 1989, No. 86---The Factories and Commercial Premises Amendment Act 1989.
- 1989, No. 140---The Ministry of Energy (Abolition) Act 1989: So much of the First Schedule as relates to the Petroleum Act 1937, the Geothermal Energy Act 1953, the Mining Act 1971, the Coal Mines Act 1979, or the Quarries and Tunnels Act 1982, and so much of the Third Schedule as relates to the Mining (Safety) Regulations 1973, the Coal Mines (Electrical) Regulations 1980, or the Coal Mines (Opencast Coal Mines) Regulations 1986.
- 1990, No. 31---The Conservation Law Reform Act 1990: So much of the Schedule as relates to the Petroleum Act 1937.
- 1991, No. 22---The Employment Contracts Act 1991: Section 164.
- 1991, No. 60---The Judicature Amendment Act 1991: So much of the Schedule as relates to the Petroleum Act 1937 or the Coal Mines Act 1979.
- 1991, No. 69---The Resource Management Act 1991: So much of the Eighth Schedule as relates to the Geothermal Energy Act 1953.
- 1991, No. 70---The Crown Minerals Act 1991: The First Schedule.
- 1991, No. 150---The Building Act 1991: So much of the Fourth Schedule as relates to section 4 of the Boilers, Lifts, and Cranes Act 1950.
- 1992, No. 13---The Accident Rehabilitation and Compensation Insurance Act 1992: Section 36.

FOURTH SCHEDULE

Section 62 (3)

ORDERS IN COUNCIL AND NOTICES REVOKED

Title	Statutory Regulations Serial Number
The Construction Regulations 1961	1961/5
The Agricultural Workers Act Commencement Order 1963	1963/78
The Agricultural Workers Accommodation Regulations 1963	1963/79
The Shearers Act Commencement Order 1963	1963/82
The Shearers Regulations 1963	1963/83
The Construction Regulations 1961, Amendment No. 1	1965/117
The Construction Regulations 1961, Amendment No. 2	1965/186
The Cranes Exemption Order 1966	1966/207
The Construction Regulations 1961, Amendment No. 3	1967/269
The Boilers, Lifts, and Cranes Exemption Notice 1968	1968/1
The Boilers (Gas Pipelines) Exemption Order 1969 ..	1969/6
The Construction Regulations 1961, Amendment No. 4	1969/45
The Construction Regulations 1961, Amendment No. 5	1970/317
The Boilers and Machinery Exemption Order 1971 ..	1971/13
The Construction Regulations 1961, Amendment No. 6	1971/187
The Mining (Safety) Regulations 1973	1973/82
The Woodworking Machinery Regulations 1973	1973/85
The Construction Regulations 1961, Amendment No. 7	1974/215
The Construction Regulations 1961, Amendment No. 8	1975/209
The Shearers Regulations 1963, Amendment No. 1 ..	1975/220
The Agricultural Workers Accommodation Regulations 1963, Amendment No. 1	1975/246
The Agricultural Workers (Market Gardens) Order 1976	1976/201
The Agricultural Workers (Tobacco Growers) Order 1976	1976/302
The Agricultural Workers (Dairy Farms) Order 1977 ..	1977/32
The Agricultural Workers (Farms and Stations) Wages Order 1977	1977/33
The Agricultural Workers (Orchards and Vineyards) Order 1977	1977/218
The Construction Regulations 1961, Amendment No. 9	1977/312
The Agricultural Workers Act Commencement Order 1978	1978/100
The Agricultural Workers Regulations 1978	1978/233
The Petroleum Regulations 1978	1978/255
The Coal Mines (Electrical) Regulations 1980 ..	1980/51
The Coal Mines (Mine Management and Safety) Regulations 1980	1980/116
The Construction Regulations 1961, Amendment No. 10	1980/148
The Factories and Commercial Premises Act Commencement Order 1981	1981/277
The Factories and Commercial Premises Regulations 1981	1981/323
The Woodworking Machinery Regulations 1973, Amendment No. 1	1982/74
The Quarries Regulations 1983	1983/39
The Tunnels Regulations 1983	1983/40

The Mining (Safety) Regulations 1973, Amendment No. 1		1983/41
The Boilers, Lifts, and Cranes Exemption Order 1983		1983/89
The Boilers, Lifts, and Cranes Exemption Notice 1983		1983/90
The Quarries Regulations 1983, Amendment No. 1 ..		1984/258
The Tractor Safety Frame Regulations 1986		1986/229
The Factories and Commercial Premises Regulations 1981,		
Amendment No. 1		1986/231
The Coal Mines (Mine Management and Safety) Regulations		
1980, Amendment No. 1		1986/276
The Coal Mines (Opencast Coal Mines) Regulations 1986		1986/277
The Construction Regulations 1961, Amendment No. 13		1986/337
The Mining (Safety) Regulations 1973, Amendment No. 2		1987/187
The Quarries Regulations 1983, Amendment No. 2 ..		1987/188
The Tunnels Regulations 1983, Amendment No. 1 ..		1987/189
The Boilers, Lifts, and Cranes Exemption Notice 1990		1990/174
The Boilers, Lifts, and Cranes (Fees) Regulations 1990		1990/321
