The use of standards in New Zealand law

J. L. Mansell*

To protect public rights in the interests of safety, and to prevent economic exploitation, Parliament has passed legislation using standards to define the technological performance level considered acceptable by society. The nature and origin of the standards used, and the ways they are incorporated into law significantly affect their validity and enforceability. This article reports on an investigation of the use of standards in New Zealand statutes and regulations.

Standards are incorporated in legislation in a number of ways, some of which inhibit later adoption of improved technology because the law is hard to change, and some of which allow changes in the law without reference to Parliament. This paper reviews the nature and origin of standards, examines the ways in which they are used in New Zealand law, and suggests changes which would allow society to benefit from the latest technology while ensuring all legislation was properly authorised.

I. THE CHARACTERISTICS OF A STANDARD

Standards are a codification of the available technology on a subject, and are frequently used in legislation to define a legal obligation. They are often, but not necessarily, prepared after wide consultation and in such cases being based on a consensus are suitable for voluntary adoption.

The standards used in New Zealand legislation come from a very wide range of sources, the most common being the Standards Association of New Zealand. S.A.N.Z. was established under the Standards Act 1965 "to promote standardisation in industry and commerce and to promulgate standards with the object of improving the quality of goods produced in New Zealand, promoting industrial efficiency and development, and promoting public and industrial welfare, health and safety".[1] Other sources include analogous overseas bodies, official publications,

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1 Standards Act 1965, s.16.

industry groups, and departmental or ministerial declarations.[2] All these standards only have legal effect when the legislature uses them in statutes and regulations.[3]

Standards originating from S.A.N.Z. are prepared according to the provisions of section 23 of the Standards Act 1965. Initially, the person or group requiring the standard must make a formal request, with justification, which requires approval by the S.A.N.Z. Executive Committee before work proceeds. The detailed study is made by a project committee of expert interested parties which uses its own experience, consults others and checks overseas to find the best technology, and then circulates a draft for comment by the public and interested groups. Finally approval by the Standards Council and the minister of the relevant government department are required before the declaration and publication of a proposal as a New Zealand standard.

Because standards have become so widely used and respected as sources of technical detail on a wide variety of subjects, they are often used in statutes and regulations to define the performance level or standard of care expected in carrying out an activity. Where a New Zealand standard specification is used in this way, the citation is "deemed to include and refer to the latest published standard specification in existence when the Act was passed or the regulation or bylaw made".[4]

II. METHODS USED TO INCORPORATE STANDARDS INTO LEGISLATION

When standards define legal obligations their use must conform with basic constitutional and legal safeguards. First the standard must be either clearly set out in the legislation, or clearly identified there and readily available elsewhere. Secondly the standard must be used in the form in which it is passed into law by Parliament. The major difficulty in satisfying these requirements arises from the need to keep the standards up to date so that the latest technology is used. Legislatures throughout the world have proved to be slow to pass amending legislation to update standards, while courts have tended to demand the latest and best possible level of technology. When standards are incorporated into statutes or regulations this may be done in any one of three ways.

A. Quotation in Full

Statutes or regulations can easily be prepared using a standard as a ready-made source of technical detail, by quoting it in full. This method is entirely appropriate where a regulation is specifying a simple property which is not likely to be changed but which could result in a manufacturer's product being unacceptable for sale.[5] In many cases, however, a very large amount of space is required. An example[6] is the use of fifteen pages to describe two methods of test for the flash point of combustible liquids. The methods described are identical to those

2 E.g. the British Standards Institution (B.S.I.), the British Pharmacopaeia (B.P.), the Institute of Petroleum (I.P.).
3 See "British Standards and the Law: Statement of Principles" B.S.I. document 78/00224 (1978).
4 Standards Act 1964, s.28(1).
5 E.g. the dimensions of a test probe, in the Schedule to the Fireguards Regulations 1958.
6 Dangerous Goods Regulations 1958, Fourth Schedule.

published[7] by the Institute of Petroleum as IP 170 and IP 34, and have also been adopted by the British Standards Institution as BS 3442-2 and BS 2839, so they could have been incorporated much more simply by reference to either or both of these sources.

With full quotation as the mode of incorporation, although no legal or constitutional difficulties arise, no provision can be made for updating the standard other than by amendment through the normal legislative process, so it is not a good method in practice.

B. Incorporation by Reference

To reduce the amount of space needed to specify a standard, it may be incorporated into legislation by use of either or both of its number and title.

Incorporation by reference is an appropriate method in those cases where quotation in full would take an excessively large amount of space, and yet, because a criminal penalty is imposed for an offence, a very clear statement of the requirement is needed.[8] Incorporation by reference does overcome the space difficulty, but does not provide a mechanism for keeping the standard up to date. The inability to ensure the latest technology is being applied means that although widely used in practice, incorporation by reference leaves a lot to be desired.

C. Prima Facie Means of Compliance

Irvine[9] has suggested that a more satisfactory way to use standards, where they would be valuable to define the acceptable technology in a particular situation, is to establish in the statute or regulation "a definite and fixed standard of duty, with the added provision that compliance with a named, nationally recognised code or standard shall be considered as *prima facie* evidence of satisfying the fixed standard of duty".[10] He went to some lengths to show the prima facie means of compliance method of using standards in legislation allows a defendant to set up a rebuttable presumption that the duty of care has been satisfied. It

> would merely authorise a showing of compliance with a code as establishing an installation to be reasonably safe, unless the state or municipality thereafter is able to show that the code or standard itself is deficient. It would not be conclusive, however, and would not preclude the presentation of other evidence indicating negligence despite compliance with a code.[11]

7 Readily available in the oil industry literature.

8 E.g. the Safety of Children's Night Clothes Act 1977, s.3(a)(i): "Made wholly of fabric which complies with the Standard Specification for Low Fire Risk Fabrics for Children's Night Clothes (NZS 8704)".

9 Ralstone R. Irvine "The Constitutional and Legal Problems Surrounding the Use of National Codes and Standards by States and Municipalities", in *State Laws and Local Ordinances,* a report by Committee Z56 of the American Standards Association (1949), 29.

10 Ibid., 31.

11 Ibid., 32.

This method of using standards has been advocated by Hitchcock[12] under the title "Means of Compliance". He has clearly stated Irvine's recommendations, but has not emphasised the evidentiary nature of the fact of compliance, and has instead said[13]: "The standard or other technical document adopted as the 'means of compliance' does not become law because it is only one of alternative solutions". This obscures the point that it is the fixed legal duty of care which must be satisfied, not the text of the standard.

The prima facie means of compliance is only appropriate if the circumstances are such that a general duty of care can be imposed by the statute. The standard can then be used to enable a defendant to raise the rebuttable presumption that by complying with it he has fulfilled the statutory duty.[14]

In practice, the use of the prima facie means of compliance method of incorporating a standard in a statute or regulation would result in general use of the standard. A person following the standard would know that any attempt to show his work was unsafe would only succeed if it could be proved the standard was unsafe. On the other hand anyone who did not follow the standard would face the difficult task of proving that although he did not follow the accepted expert doctrine his work was nevertheless safe. Amendments updating the standard, provided they were made with the same impartiality recorded for the original standard, would be admitted as evidence of the latest technology available to satisfy the general standard of care required by the statute or regualtion.

III. HOW STANDARDS ARE ACTUALLY USED IN LEGISLATION[15]

A. Number of Acts and Regulations Using Standards[16]

Standards are used predominantly in regulations which is to be expected as this is where detailed rules for the conduct of activities are laid down. However, a small number of statutes do use standards, and this has been particularly marked in several recent Acts where Parliament has deliberately set out to make

12 E. H. Hitchcock "Standards, Technology and Law", (1968) N.Z. Engineering 271. (Virtually the same article appears as "Administrative Law applied to Technology: The Place of Standards" (1969) 31 Journal of Public Administration No. 2, 28).

13 Ibid., 279.

14 This procedure has been used in New Zealand, an example being the Petroleum Pipelines Regulations 1964, r.11:

> (1) All pipelines shall be constructed of suitable and sound materials and designed, constructed, operated and maintained in accordance with sound and accepted engineering practice.
>
> (2) Proof that the owner has complied with the code of practice for petroleum pipelines issued by the Institute of Petroleum shall, in the absence of proof to the contrary be sufficient evidence that the owner has complied with subclause (1) of this regulation.

15 For the purposes of this paper all N.Z. legislation in force in August 1978 was surveyed. There is no official listing of standards used in N.Z. legislation.
The Acts and regulations using standards, and the standards used in them, are listed in the Appendix to this paper. [The legislation in the Appendix has been detailed in accordance with amendments to 31 January 1980].

16 Cp. Table 1.

a visible impact on contentious, highly publicised, socially and environmentally significant matters.

TABLE 1

	Acts	Regulations
Number using standards	11	48
Number of standards used	17	133

B. Means of Incorporation of Standards[16a]

Standards are overwhelmingly (79%) incorporated by reference. Since regulations could so easily be changed to update standards incorporated by reference, this method of use would be invaluable, if only a systematic policy of altering regulations to specify the latest version of the relevant standard were adopted.[17] In the case of Acts, which are much harder to change, using this method is highly likely to lead to requirements becoming obsolete. The very small number quoted in full is a fair indication of the disadvantages of taking up so much space when using that method. In view of the flexibility of the prima facie means of compliance method its relatively minor use is rather surprising.

TABLE 2

	Acts	Regulations
By quotation	1	4
By reference	15	103
As means of compliance	1	26
Total number of standards	17	133

C. Sources of Standards Used[18]

Although a high proportion of the standards used (64%) are produced by national standards organisations after a rigorous multi-party assessment, the rest are made by individuals, government agencies and organisations which do not necessarily have to consider all aspects of the subject before setting their standards.

TABLE 3

	Acts	Regulations
Standards Association of New Zealand	10	59
British Standards Institution		27
British Pharmacopaeia & Codex		6
Proclamation of New Zealand Government Department Official		5
Publication of Government Department in another country	1	5
Institute of Petroleum (U.K.)		4
Proclamation by New Zealand Government Minister	1	–
The Colour Index		2
American Society for Testing & Materials	2	1
Association of Official Analytical Chemists (USA)		2
Draeger (Breath Tester)		2
Standards Association of Australia		2
St. Johns/Red Cross		2

16a Cp. Table 2.

17 Provision for automatic updating is normally non-existent or unsatisfactory. Cp. post Table 5. In the context of regulations however the amendment problem is rather less serious than in the case of statutes.

18 Cp. Table 3.

International Atomic Energy Agency		2
International Air Transport Association		2
Trade Mark		1
ECE Regulations (European Motor Vehicle Rules)		1
Federal Motor Vehicle Standard Specifications (USA)		1
Food Chemicals Codex (USA)		1
Konimeter		1
Lloyds of London		1
N.Z. Institute of Chemistry		1
Society for Analytical Chemists (U.K.)		1
Detailed quotation, unknown source		2
Codex Alimentarius (International Food Standards)		1
Sikes Hydrometer	1	
Distillation Temperatures	1	
Based on NZ88 1256		1
Fire Services Commission	1	
	17	133

D. Types of Liability Imposed by the Standards[19]

The majority (70%) of the standards are used in legislation where non-compliance is an offence, usually punishable by a fine, but a significant proportion (22%) are simply used to specify a duty and are not accompanied by penalty provisions. One Act provides specifically for both criminal and civil liability, and in the case of a few standards, which are used in a classificatory role or simply as test methods, it is not always clear whether the result is the creation of criminal or civil liability.

TABLE 4

	Acts	Regulations
Civil	8	26
Criminal	9	97
Not specified	–	5
Test method only	1	5
	18	133

E. Method of Amendment Nominated in Legislation[20]

For most of the standards used in Acts and regulations (82%) no provision is made for amendment when the original standard is updated, and this can rapidly lead to the technology becoming obsolete. By contrast, one Act and one regulation[21] specifically allow not only later amendments of the standard, but also standards later declared in substitution for those originally approved. This may be legally acceptable in the case of the Act (although an undesirable loss of control over the statutory requirement), but in the case of the regulation it

19 Cp. Table 4.

20 Cp. Table 5.

21 The Disabled Persons Community Welfare Act 1975 s.25, and the Timber Regulations 1948, r.3.

would almost certainly be held ultra vires by a Court as an unconstitutional delegation of the lawmaking powers of Parliament.[22]

An example of the need to update a standard urgently, occurred when it was found the description of the equipment to be used for breath tests was no longer adequate to define the apparatus with sufficient certainty to secure convictions.[23] Another more typical example of updating standards was the need in the Construction Regulations 1961 to replace the obsolete NZS 169 by the updated version, NZSS 3631.[24] A rather ironic example was noted where an update of a New Zealand Standard Specification meant it was no longer suitable for use in the regulation and had to be deleted from it.[25]

TABLE 5

	Acts	Regulations
None stated	13	110
All later amendments and substitutions	1	1
By Regulation	1	–
By Minister	1	1
All later amendments	–	6
By an official or an organisation	1	15
Total number of standards	17	133

F. Policy Objectives of Legislation Using Standards[26]

Standards used in legislation for the promotion of public safety provide a convenient way of setting out the level of performance of equipment, or the manner of providing services, which society regards as acceptable in the interests of people generally, as distinct from the interests of those directly involved in buying and using the goods and services. Consumer protection is a more specific kind of objective in that there the safety and performance standards are those expected by the person using the commodity or service.[27]

TABLE 6

	Acts	Regulations
Public safety or welfare	3	39
Consumer safety	6	8
Other	2	1
Total number using standards	11	48

22 *Geraghty* v. *Porter* [1917] N.Z.L.R. 554 (regulation invalid as it purported to subdelegate power to make rules); *Godkin* v. *Newman* [1928] N.Z.L.R. 597 (regulation invalid as it purported to subdelegate power to set the specifications for the 5 classes of roads without giving guidelines as to criteria to be used); *Jackson* v. *Collector of Customs* [1939] N.Z.L.R. 682 (Minister could not subdelegate power to set general rules, only power to decide specific cases).

23 The Transport (Breath Tests) Notice (No. 2) 1976 replaced the Transport (Breath Tests) Notice 1976 after a very short time.

24 Construction Regulations 1961, Amendment No. 7.

25 Shipping Lifesaving Appliances Rules 1968, Amendment No. 2.

26 Cp. Table 6.

27 The Product Safety Bill 1978 currently being considered by a caucus committee has this kind of objective.

IV. PROBLEMS RAISED BY THE USE OF STANDARDS IN LEGISLATION

A. Subdelegation of Amendment Power may be Unconstitutional

The question of validity of updating regulations arises as a matter of subdelegation. Aikman[28] sets out seven categories of authority which might be subdelegated, and points out that the cases would uphold only two of them, all the others involving rule-making, or the opportunity for rule-making, being invalid.[29] The first category which would be upheld was that where the delegate was given power to makes rules and the subdelegate was authorised to decide specific cases within these rules. The second category was where the delegate could make rules imposing a prohibition, the subdelegate being given power to dispense with the prohibition, although perhaps only if guidelines were given by the delegate.[30] In the context of the use of standards in regulations, would be declared invalid as amounting to unauthorised law-making, unless expressly provided for and limited by conditions given in the original statute. To facilitate automatic updating of standards in statutes and regulations, it would be a simple matter to amend section 28(1) of the Standards Act 1965 and provide that where a declared New Zealand standard is used in legislation any amendment which is later declared should become incorporated if the statute concerned has expressly authorised this process.

B. "Means of Compliance" Method may not be Acceptable in New Zealand

Irvine's case for the "means of compliance" method of incorporation of standards in legislation[31] was based on American legal practice, and cannot necessarily be used to justify adoption of that procedure in New Zealand.[32] This is particularly so since the wording of our means of compliance provisions has not followed his recommendations in detail, so the evidentiary nature of compliance with the standard has been obscured. In fact both policy and precedent stand against the use of the means of compliance method, as a few examples will show.

First, the wording of the legislation may in effect make meeting the particular standard obligatory, so that a product or service which does not meet that standard may be regarded as unacceptable. An interesting example is the seat belt legislation which requires the use of seat belts of an "approved" type.[33] Approval has been given for seat belts meeting any of five listed standard specifications.[34] This appears to be a means of compliance arrangement, but in

28 C. C. Aikman "Subdelegation of the Legislative Power" (1960) 3 V.U.W.L.R. 69.

29 See the cases in n.22, and also *Hawke's Bay Raw Milk Co-operative Co. Ltd.* v. *New Zealand Milk Board* [1961] N.Z.L.R. 218 (Eubdelegation by Governor-General, in an Order, of power for Minister to set prices; invalid because not authorised by the statute).

30 *McKay* v. *Adams* [1926] N.Z.L.R. 518 (maximum speed specified, a power to grant exceptions subject to detailed rules was valid).

31 Supra n.9.

32 N. W. Horne "Bylaw-making Powers and Procedures", LL.M. Thesis, University of Otago, 1975, 163.

33 Traffic Regulations 1976, r. 78.

34 Seat Belts Approval Notice 1974 (made under the earlier Traffic Regulations 1956, r. 51B).

fact there is no general performance level given by which a belt not meeting one of the five standards can be judged "approved". It really amounts to incorporation of the five listed standards by reference, with the attendant difficulties in authorisation of updates.

Secondly, the very restrictive nature of the requirements in a case like that just discussed is a grave disadvantage where international trade is concerned, because if one country calls for a product to meet its national standard (and only that standard) a product made in a second country to an equivalent and perhaps even identical standard is unfairly and unreasonably excluded. To attempt to overcome this difficulty, Hitchcock[35] has suggested using the approach taken in the United Kingdom Building Regulations 1965 which includes a clause:

> No provision in these regulations stating that the use of a particular material, method of construction, or specification shall be deemed to satisfy the requirement of any regulation or part thereof shall be construed so as to require any person necessarily to use such material, method of construction, or specification.

This would be an undoubted improvement, and provided a performance level was actually set, would give a supplier the opportunity of showing that while he did not meet the specific requirements of the listed standard, he did meet the statutory general performance level. It would not, however, solve the difficulty in situations like the seat belt case where no general criterion was given.

Thirdly, and more importantly, the New Zealand courts may interpret the use of standards in statutes differently from the manner expected by Irvine.[36] In *Bevan Investments Ltd.* v. *Blackhall & Struthers (No. 2)*[37] Beattie J., in discussing whether a structure built outside a "code" could be safe, or could meet a required general performance level said:[38]

> I am of the view that, bearing in mind the function of codes, a design which departs substantially from them is prima facie a faulty design, unless it can be demonstrated that it conforms to accepted engineering practice by rational analysis.

So a statute which gives a standard as a means of compliance with a statutory duty may be taken to imply that failure to meet that standard is evidence of a breach of the duty of care, and throws a burden on the defendant to prove his product or process was at the performance level of the standard. This is precisely opposite to Irvine's intention which was that meeting the standard should be prima facie evidence of satisfying the fixed general performance level required to meet the duty of care. He said:[39]

> This particular clause we are considering, as written, would merely provide a shield by which the defendant might protect himself, not a sword by which he might be attacked. Although the defendant may use his compliance with a code or standard as a rebuttable presumption that he acted legally, his non-compliance would not constitute even this type of a presumption showing that he had not met the standard of duty called for.

35 Supra n.12.
36 Supra n.9.
37 [1973] 2 N.Z.L.R. 45. (The case subsequently went to the Court of Appeal, but not on this point: [1978] 2 N.Z.L.R. 97.)
38 Ibid., 66.
39 Supra n.9 at 34.

To achieve this interpretation in New Zealand in future, in view of the *Bevan Investments* precedent to the contrary, it would be necessary for legislative action to clearly spell out that it was the intention of Parliament that Irvine's "shield" concept be adopted.

Fourthly, and paradoxically in view of the arguments just raised, the New Zealand courts may interpret the use of standards more liberally than Irvine contemplated, which would result in another conflict with his philosophy. *Arthur Barnett Ltd.* v. *Dunedin Metropolitan Fire Board*[40] was an action under the now superseded Fire Services Act 1949 which by a combination of sections contained a classic prima facie means of compliance provision:

> s.32(1). It shall be the duty of every Urban Fire Authority to make provision in accordance with standards approved by the Council, for the prevention of fire, the suppression and extinction of fires which may occur . . .
>
> . . . .
>
> s.46(4) . . . it shall be a defence to show that the provisions were made in accordance with standards approved by the Council . . .

It was held that the plaintiff had to allege and prove a failure on the part of the Board to act in accordance with standards approved by the Fire Services Council, and that section 46(4) did not cast on the Board the onus of proving compliance with such standards. This was a useful clarification of the relative burdens of the parties, but in his discussion of the second point, Henry J. stated that section 46(4) meant that in the event of a claim of general negligence, proof of compliance with the standards would be a good defence, "even if the provision were, in the judgment of the tribunal, otherwise not adequate".[41] This is at variance with Irvine's concept of the prima facie evidence (rebuttable presumption) method, of which he said: " . . . showing compliance with a code . . . would not be conclusive, however, and would not preclude the presentation of other evidence indicating negligence despite compliance with a code",[42] To achieve this interpretation in New Zealand in future in view of the *Barnett* precedent, would also require legislative clarification.

It is clear that for the prima facie means of compliance method of incorporation to be acceptable in New Zealand, not only must the particular provision be carefully worded, but also there must be legislation to ensure that the interpretation will be in line with the original concept of the method.

C. Standards may not Define Liability with Sufficent Clarity

Statutes which impose criminal liability must define the offence clearly, so the citizen can be certain of his obligations. This means that if a standard is used to define the duty of care, it must be specified either by reference or quotation, and the means of compliance approach, with its flexibility of interpretation, would be unsatisfactory.

40 [1964] N.Z.L.R. 305.
41 Ibid., 307.
42 Supra n.9 at 34.

A standard may lack certainty because it has not been published sufficiently widely. For a citizen to be able to identify the required performance level, any standard incorporated in a statute by reference or as a means of compliance would have to be as readily available as the statute itself. This feature has already proved a stumbling block in the use of N.Z.S.S. 1900 "Model Building Bylaw" by local bodies. In fact, the Standards Association has had to prepare special annual summaries[43] to assist local bodies so they can enforce their building by-laws.

A consensus standard, designed for voluntary acceptance, may amount only to a recommendation or an opinion, which is acknowledged not to be an exact and positive requirement based on full information or scientific study, and so could be totally unsuitable for use as a legal criterion. Furthermore, where standards are prepared after full consultation between groups representing all relevant interests, the resulting compromise may not be framed in a suitable form for legal enforcement.

V. A PROPOSAL

A possible model for a process by which standards could be developed and given legal force is provided by the United States Consumer Product Safety Act of 1972. This Act established a Commission which sets standards having force of law after first notifying publicly the need for a standard, seeking submissions as to performance levels, and then adopting an existing standard, developing one itself, or arranging for another body to prepare one for it. The remedies available under the Act include labelling and certification requirements, the possibility of a ban on hazardous products, and the manufacturer either notifying the Commission or giving public notice of defects. Enforcement is by civil penalties up to $500,000, criminal penalties for wilful offences, injunctions, and private action.[44]

A system for consumer protection in New Zealand, based on the American one, has been suggested[45] and could be applied generally to the preparation of standards for use in all legislation. If this proposal was adopted to cover the general use of standards, a suitably constituted Commission would decide on the standard to be used each time a technological standard was required in a statute or regulation. The standard could be an existing one, issued by the Standards Association of New Zealand or any other body, or one specifically drafted for the purpose, but would be adopted only after opportunity for submissions by all concerned, and with provision for appeal.

Updating standards would follow the same procedure, but provision could be made in the legislation for automatic inclusion of amendments approved by

43 MP 3801, MP 101.

44 J. R. Patton & E. B. Butler "The Consumer Product Safety Act — Its Impact on Manufacturers and on the Relationship between Seller and Consumer" (1973) 28 Bus. Law 725.

45 G. W. R. Palmer "Dangerous Products and the Consumer in N.Z." [1975] N.Z.L.J. 366.

the Commission without having to have Parliament formally amend the statute or regulation. In this way every standard used in legislation would have been prepared authoritatively with consideration of the objectives of the enactment in which it would be used, could reflect the latest technology, and be in a form suitable for legal enforcement.

This article has reported the ways standards are used in New Zealand legislation, reviewed the difficulties which arise, and proposed a new system. The improvements would ensure that statutes and regulations using standards to define the level of technology demanded by society for the provision of products and services meet traditional constitutional constraints and are enforceable.

APPENDIX

STANDARDS IN NEW ZEALAND LEGISLATION

1. Statutes which use standards

Title	Year	Section	Standard*
Weights and Measures	1925	6	16
Local Government	1974	181	15
Distillation	1971	2	14
Clean Air	1972	2	1
Marine Pollution	1974	2	11
Fire Service	1975	22, 21(4), 43(2)	2, 8, 9, 10, 13
Disabled Persons Community Welfare	1975	25	3
Weights & Measures Amendment	1976	2	4
Safety of Children's Night Clothes	1977	2, 3	5, 6, 7
Contraception, Sterilisation and Abortion	1977	6	17

2. Key to standards used in statutes

Standards Association of New Zealand

1 NZSS 1568C/1960
2 1900 Chapter 5
3 4121
4 6501
5 8703
6 8704
7 8705
8 9201 Chapter 2
9 9231
10 9232

American Society for Testing & Materials

11 ASTM D86/59
12 D323
13 N.Z. Fire Service Commission Standards
14 Sikes Hydrometer
15 Distillation Range
16 Imperial Board of Trade Standards
17 Minister's Declaration in **Gazette** 13 April 1978, No. 29, p.1084 of BS 3704 (1972) with amdt. 1766 (1975)

3. Subsidiary legislation which uses standards

Title	Year	Provision	Standard**
Coal Mines	1939	233	91
Stock Remedies	1947	19	74
Timber	1948	3	3
Fireguards	1958	Schedule	93
Dangerous Goods	1958	Schedule	92
Construction	1961	1st Schedule	31, 44, 62a
Coal Mines (Electrical)	1962	4	1, 36
Petroleum Pipelines	1964	11	83

Fire Services Code of Practices	1965	Part VIII, Part XII	21, 29, 39
First Aid (Factories)	1966	2	108, 109
Tractor Safety Frames	1967	2, 10	42
General Harbour (Safe Working Load) 1935 Amendment No. 4	1967	7, 11	12, 14, 15, 17, 19, 32, 33, 38
Customs	1975	104, 105	59, 85, 86
Shipping Lifesaving Appliances Rules	1968	2, 10th Schedule	72, 73, 87, 89
Agricultural Chemicals	1968	2	4, 57
Shipping Fire Appliances Rules	1969	106, Schedule 3	6, 10, 11, 24, 25, 26, 27, 53, 56, 60, 61, 63, 64, 65, 69, 70
Fertilisers	1969	2, 34, Schedule 4	4, 20, 57, 67, 116, 117, 118, 119
General Harbour (Safe Working Load) 1935 Amendment No. 5	1970	2, 4	66, 115
Tractor Safety Frames 1967 Amendment No. 1	1970	2, 3	42
Shipping Lifesaving Appliances Rules 1968 Amendment No. 2	1970	2	35
Oil in Navigable Waters (Heavy Diesel Oil)	1971	2	84
Construction 1961 Amendment No. 6	1971	7, 9	13, 68, 100, 101
Shipping (Passenger Ship) Construction & Survey Rules	1972	2	58
Shipping (Anchors & Chain Cables) Rules	1972	5	52
Coal Mines (Electrical) 1962 Amendment No. 1	1972	4, 5, 8, 14, 35a, 40, 79	104, 105, 106, 107, 120
Coal Mines 1939 Amendment No. 15	1972	165F	75
Radiation Protection	1973	5	110, 111
Transport of Radioactive Materials	1973	5	110, 111
Food & Drug	1973	2, 15, 18, 237	85, 86, 88, 90, 112
Mining (Safety)	1973	32, 50, 174	5, 8, 9, 28, 34, 36, 40, 45, 79, 113, 114
Construction 1961 Amendment No. 7	1974	23, 1st Schedule	44
Seat Belts Approval Notice	1974	2	49, 76, 78, 98, 99
Drug Tariff	1974	4	87, 89, 103
Agricultural Chemicals (Paranthion and Parathion-Methyl) Notice	1974	3	55
Marine Pollution (Dispersants, and Exceptions)	1975	Schedule	80, 81, 82
Agricultural Chemicals Amendment No. 5	1976	2	4, 57
Electrical Wiring	1976	18, 114, 115, 125, 126	7, 30, 37, 41, 43, 48, 54, 95
Food & Drug 1973 Amendment No. 2	1976	24	96
Electrical Supply	1976	41, 73	2, 47, 51, 62
Transport (Breath Tests) Notice	1978	2, 3	97
Traffic	1976	31	22, 23, 50
National Standards	1976	5	46
Shipping (Cargo Ship) Construction & Survey Rules	1976	2	102
Plumbers, Gasfitters & Drain Layers	1977	6th Schedule	16
Agricultural Chemicals (Vertebrate Pest Control)	1977	29	18
Food & Drug 1973 Amendment No. 3	1978	4	94
Passenger Service Vehicle Construction	1978	13, 19, 52	40, 71, 77

4. Key to standards used in subsidiary legislation

Standards Association of New Zealand

1	NZSS 94	9	397
2	160	10	533
3	169	11	534
4	196 — test sieves	12	615
5	213	13	624/1964 — timber ladders for general purposes
6	275		
7	380/1968	14	647
8	396	15	703

16 758
17 998
18 1050/1969
19 1089
20 1138 — methods for use of BS fine mesh sieves
21 1152
22 1214
23 1215
24 1241/1962
25 1242/1962
26 1243/1962
27 1244/1962
27a 1256
28 1272
29 1296
30 1300/1965
31 1426/1965
32 1444
33 1520
34 1580
35 1620 (deleted)
35a 1638
36 1683
37 1716
38 1795
39 1812
40 1950/1965
41 1989
42 2146/1967
43 2247
44 3631/1971
45 4444
56 6501
47 Other NZSS, numbers not specified (electricity supply)
48 SANZ Index 1975 or latest
49 SANZ "Standard Mark" (Seat belts)
50 SANZ "Standard Mark" (Safety helmets for motor cyclists)

British Standards Institution

51 BS 88
52 131 Pt. 2/1959
53 138/1948
54 196
55 381C/1964
56 401
57 410/1962
58 476 Pt. 1/1953
59 658/1962
60 740-1/1948
62 936
62a 1139/1964
63 1287
64 1288
65 1382/1948
66 1700
67 1796/1952
68 2037/1964 — aluminium ladders, steps and trestles
69 3326/1960
70 3465/1962
71 6862 Pt. 1/1971
72 2F49 (tapes)/1959
73 4F34 (fabrics)/1960
74 BS Sieve sizes (number not specified)
75 BS Test for flash point (number not specified)
76 BSI Certification Mark (Seat Belts)
77 BSI Tyre tables

Standards Association of Australia

78 E 35 (Seat belts)
79 C 81 (Cables)

Institute of Petroleum

80 IP 34
81 IP 71
82 IP 219
83 IP Code of Practice for Petroleum pipelines

American Society for Testing & Materials

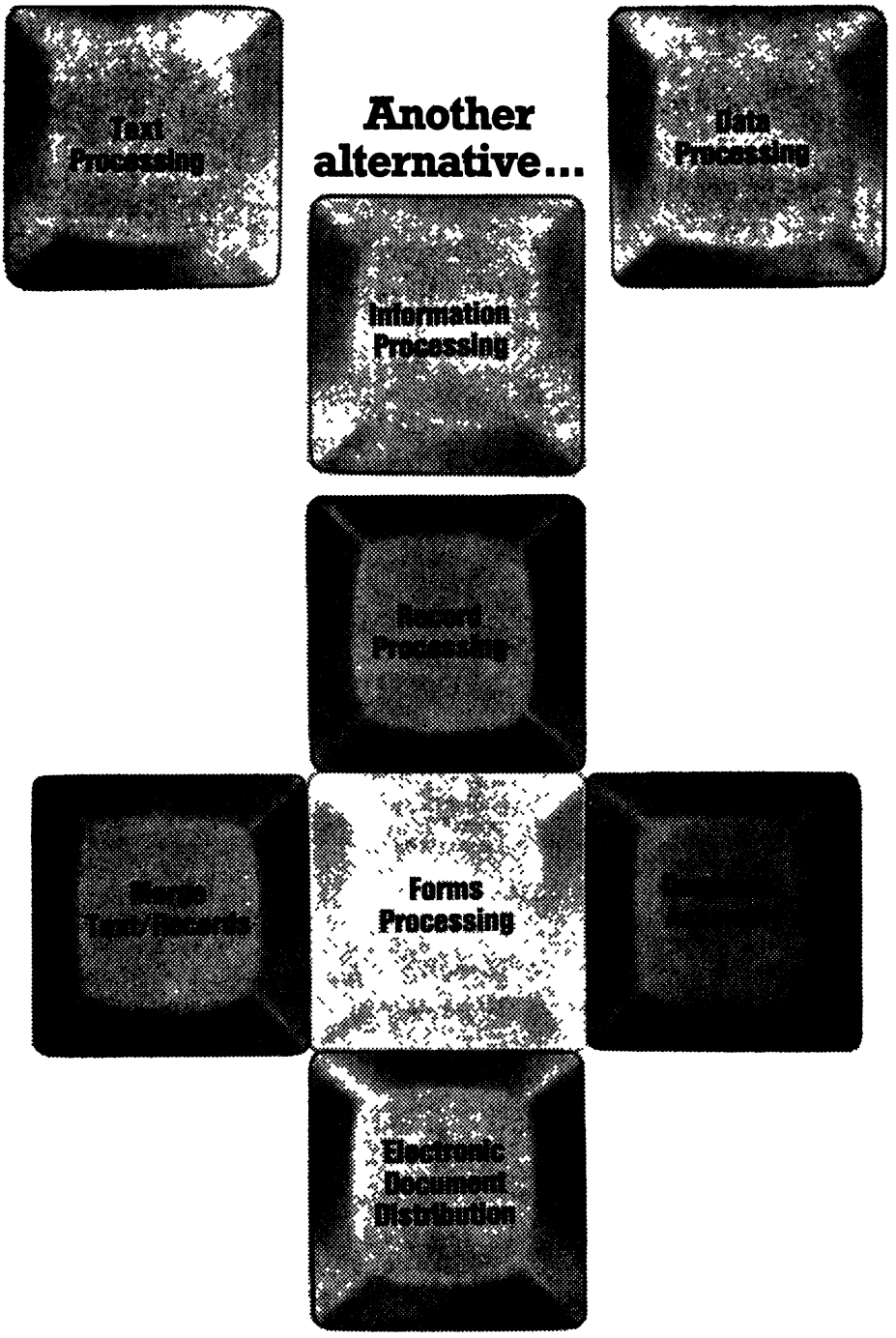
84 ASTM D 86/59
85 Colour Index of the Society of Dyers and Colourists of the U.K.
86 Society of Textile Chemists and Colourists of USA, 1971 (also referred to as: Colour Index, 2nd Ed.)
87 British Pharmacopaeia
88 British Pharmacopaeia 1973 and amendments to 1 April 1974
89 British Pharmaceutical Codex
90 British Pharmaceutical Codex 1973 and amendments to 1 April 1974
91 "Explosives in Coal Mines" issued by British Board of Trade
92 Detailed quotation of flash point test methods (15 pages)
93 Detailed drawing of test probe (Fireguards)
94 Codex Alimentarius (International Food Standards)
95 Specifications declared by General Manager (Electric wiring — there are 42 such Standards comprising 10 British, 17 Australian, 1 Canadian, 1 German, 2 Japanese, 1 South African, 1 National Fire Protection Association (USA) and 9 Underwriters Laboratories (USA))
96 Official methods of Analysis of the Association of Official Analytical Chemists, 11th ed., 1970, 22.098 to 22.101 (USA)
97 Draeger Alcotest 80 (and variants on the name)
98 Federal Motor Vehicle Safety Standards No. 209 (Seat belts — USA)
99 ECE Regulation No. 16 (Seat belts — Economic Commission for Europe)
100 "Code of Practice for Underwater Diving on Construction Work" issued 1 October 1969 by Chief Safety Engineer
101 "Code of Practice for Work in Compressed Air" issued 4 June 1968 by Chief Safety Engineer
102 "Tested [by] a standard approved by the Chief Surveyor" ("non-combustible" ship construction materials)
103 Trade Mark (to identify drugs)
104 British Ministry of Power (Coal Mine Electrical equipment)
105 Bureau of Mines, USA (Coal Mine Electrical equipment)

106 Mines Department, NSW (Coal Mine Electrical equipment)
107 Mines Department, Qld. (Coal Mine Electrical equipment)
108 Certificate of St. Johns Ambulance Association
109 Certificate of New Zealand Red Cross Society
110 Regulations for Safe Transport of Radioactive Materials issued by the International Atomic Energy Agency
111 Regulations for Carriage of Restricted Articles by Air issued by International Air Transport Association
112 Food Chemicals Codex, September 1966 (USA)
113 Konimeter (re ventilation of mines)
114 Devices approved by Chief Inspector (noxious fumes in mines)
115 Code of Practice for Construction and Survey of Ships Cargo Handling Gear — Lloyds of London
116 New Zealand Institute of Chemistry (fertiliser tests)
117 Society for Analytical Chemistry of UK (fertiliser tests)
118 Association of Official Analytical Chemists in USA (fertiliser tests)
119 Detailed quotation of fertiliser test methods (20 pages)
120 British National Coal Board Specification 295

FOOTNOTES

* The numbers in this column refer to those set against the standards listed in para. 2.

** The numbers in this column refer to those set against the standards listed in para. 4.



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