



ANALYSIS

Title
1. Short Title

2. Safety of tractors

1965, No. 52

An Act to amend the Machinery Act 1950

[19 October 1965]

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

1. Short Title—This Act may be cited as the Machinery Amendment Act 1965, and shall be read together with and deemed part of the Machinery Act 1950 (hereinafter referred to as the principal Act).

2. Safety of tractors—(1) The principal Act is hereby amended by inserting, after section 21A (as inserted by section 4 of the Machinery Amendment Act 1963), the following section:

“21B. (1) In this section, unless the context otherwise requires,—

“‘Agricultural operations’ means any operations carried out in the course of agricultural, horticultural, or pastoral work of any kind, or in the keeping and care of sheep, cattle, pigs, or poultry for pecuniary gain; but does not include any bush undertaking within the meaning of the Bush Workers Act 1945:

“‘Approved testing institution’ means an institution approved by the Minister under this section as an approved testing institution:

“‘Safety frame’ means a structure designed or intended to be attached to or to form part of a tractor and intended for the purpose of protecting the driver from injury in the event of the tractor overbalancing; and includes all parts by which the frame is attached to the tractor:

“‘Tractor’ means a vehicle propelled by mechanical power, controlled by a driver carried thereon, that is designed exclusively or principally for the purposes of traction and not for the carriage thereon of passengers (other than the driver) or of goods; but does not include a traction engine within the meaning of the Transport Act 1962.

“(2) The Minister may from time to time for the purposes of this section approve any institution having the necessary equipment for testing safety frames.

“(3) On application in that behalf by any person who intends to manufacture and sell a safety frame or who intends to fit a safety frame to a tractor, an approved testing institution shall issue to the applicant in the prescribed form a report on the result of the test and shall forward a copy of the report to the Secretary.

“(4) On receipt of an application in that behalf, the Secretary, if he is of the opinion that the report made under subsection (3) of this section indicates that the safety frame to which the report relates complies with the standards of construction and specifications prescribed under this section, shall issue a certificate of approval in respect of the safety frame. Any such certificate of approval may relate to a single safety frame or to all safety frames of identical design, material, and construction, and shall specify a mark or number which shall be stamped on all safety frames to which the certificate relates.

“(5) Every person commits an offence against this Act who uses or permits to be used in agricultural operations any tractor to which a safety frame has been attached or who sells any safety frame for the purpose of being attached to a tractor used in agricultural operations unless a certificate of approval has been issued under this section in respect of the safety frame and is for the time being in force.

“(6) Nothing in subsection (5) of this section shall apply in respect of any safety frame attached to a tractor before the commencement of this section.

“(7) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

“(a) Providing for the approval by the Minister of testing institutions and for the renewal and cancellation of any such approvals:

“(b) Prescribing standards of construction and specifications in respect of safety frames and the procedures for testing any such frames:

“(c) Providing for the application for reports from approved testing institutions and for the application for, granting, refusal, renewal, and revocation of certificates of approval under this section:

“(d) Prescribing conditions to which certificates under this section shall be subject:

“(e) Prescribing fees payable under this section in respect of applications:

“(f) Conferring on Inspectors such powers as may be necessary to ensure that the provisions of this section are complied with:

“(g) Providing for the notification and investigation of accidents involving tractors used in agricultural operations:

“(h) Prescribing offences against the regulations and the penalties for any such offences:

“(i) Providing for such matters as are contemplated by or necessary for giving full effect to this section.”

(2) This section shall come into force on a date to be fixed by the Governor-General by Order in Council, being not earlier than the date on which regulations made under subsection (7) of section 21B of the principal Act (as inserted by this section) come into force.

This Act is administered in the Department of Labour.
