



## ANALYSIS

Title	2. Powers of Inspectors
1. Short Title	3. Penalties

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1978, No. 105

**An Act to amend the Machinery Act 1950**

[20 October 1978]

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 1978, and shall be read together with and deemed part of the Machinery Act 1950 (hereinafter referred to as the principal Act).

**2. Powers of Inspectors**—(1) Section 6 (1) of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraph:

“(d) Make such inspections, examinations, tests, and inquiries, and take such samples and photographs, as are necessary to ascertain whether the provisions of this Act have been or are being complied with as regards any machinery or the persons working with it or in its vicinity; and where any such sample is taken, the Inspector concerned shall, if so requested, deliver part of it to the owner of, or the person appearing to the Inspector to be in charge of, the machinery concerned.”

(2) Section 6 of the principal Act is hereby further amended by adding the following subsection:

“(3) Except for the purposes of this Act and the exercise of his functions under this Act, or with the consent of the Minister, an Inspector shall not disclose to any person any information that he acquires in the exercise of those functions:

“Provided that if so requested by a Coroner, an Inspector shall provide him with a written report relating to the circumstances of any fatal accident.”

(3) Section 7 of the principal Act is hereby consequentially repealed.

**3. Penalties**—(1) The principal Act is hereby further amended by repealing section 29 (as substituted by section 7 (1) of the Machinery Amendment Act 1969, and amended by section 2 (2) of the Machinery Amendment Act 1971), and substituting the following section:

“29. (1) Every person who commits an offence against this Act shall be liable on summary conviction—

“(a) In the case of an offence against section 11 of this Act, to imprisonment for a term not exceeding 6 months:

“(b) In the case of an offence against section 18 of this Act, to a fine not exceeding \$1,000:

“(c) In the case of an offence against section 31 (3) of this Act, to a fine not exceeding \$100 for every day on which the default continues:

“(d) In the case of an offence against section 32 of this Act, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months:

“(e) In the case of an offence against a provision of this Act not specified in paragraphs (a) to (d) of this subsection, or against any regulation made under this Act for which no specific penalty is elsewhere provided, to a fine not exceeding \$2,000 and, if the offence is a continuing one, to a further fine not exceeding \$100 for every day or part of a day during which the offence has continued.

“(2) A fine imposed in respect of an offence against section 31 (3) of this Act shall be irrespective of any fine to which the defendant is liable in respect of the original offence concerned.”

(2) Section 11 of the principal Act is hereby consequentially amended by omitting the words “and shall be liable on summary conviction to imprisonment for a term not exceeding 6 months”.

(3) Section 18 of the principal Act (as substituted by section 3 of the Machinery Amendment Act 1961) is hereby consequentially amended by omitting the words “, and shall be liable on summary conviction to a fine not exceeding \$250,” (as inserted by section 3 (1) of the Machinery Amendment Act 1963).

(4) Section 31 (3) of the principal Act is hereby consequentially amended by omitting the words “and shall be liable to a fine not exceeding \$10 for every day during which the default continues”.

(5) Section 32 of the principal Act is hereby consequentially amended by omitting the words “and shall be liable to a fine not exceeding \$200, or to imprisonment for a term not exceeding 3 months,”.

(6) Section 39 (1) (k) of the principal Act is hereby consequentially amended by omitting the expression “\$500” (as substituted by section 3 of the Machinery Amendment Act 1971) and the expression “\$20”, and substituting, respectively, the expressions “\$2,000” and “\$100”.

(7) The following enactments are hereby consequentially repealed:

- (a) Section 3 of the Machinery Amendment Act 1963:
- (b) The Machinery Amendment Act 1971.

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This Act is administered in the Department of Labour.

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