

HEALTH AND SAFETY FOR AIR CREW BILL

EXPLANATORY NOTE

THE object of this Bill is to extend coverage of the Health and Safety in Employment Act 1992 to air crew. This definition covers flight crew who operate the aircraft and cabin crew who work with passengers in the cabin area. Neither domestic nor international air crew are at present covered by the Act. This was not an oversight. The issue was discussed at select committee and although Opposition members lobbied for their inclusion, the Government excluded them on the grounds of jurisdictional problems. It was claimed during debate on the Act that a process had been put in motion to amend the Civil Aviation Act 1990 instead. This has not happened as yet. There seems to be no real justification for air crew to be excluded from coverage.

This Bill amends the Health and Safety in Employment Act 1992 to include air crew in the definition of employees who are covered, while still excluding the crew of ships who will be adequately covered by the provisions of the Maritime Transport Act 1994.

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HEALTH AND SAFETY FOR AIR CREW

ANALYSIS

Title	2. Meaning of "place of work"
1. Short Title	3. Interpretation

A BILL INTITULED

An Act to amend coverage of the Health and Safety in Employment Act 1992

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

5 **1. Short Title**—This Act may be cited as the Health and Safety for Air Crew Act **1996**, and shall be read together with and deemed part of the Health and Safety in Employment Act 1992*.

10 **2. Meaning of "place of work"**—Section 2 (1) of the principal Act is hereby amended by omitting from the definition of the term "place of work" the words "where any person is to work", and inserting the words "including an aircraft on internal or international flights where, or in which any person is to work".

15 **3. Interpretation**—(1) Section 2 (1) of the principal Act is hereby amended by omitting the definition of the term "crew", and substituting the following definition:

20 " 'Crew', in relation to a 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 at sea; or

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

*1992, No. 96
Amendments: 1993, No. 56

(2) Section 2 of the principal Act is hereby further amended by inserting, after subsection (2), the following subsection:

“(2A) In this section, unless the context otherwise requires,—

“ ‘Aircraft’ means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by the reactions of the air against surface of the earth: 5

“ ‘Internal flight’ means any flight crewed by employees, including an employee whose contract of employment has been entered into in terms of New Zealand law which both commences from and terminates at any place in New Zealand and which does not include any intermediate stop outside New Zealand: 10

“ ‘International flight’ means any flight, other than an internal flight, crewed by employees, including an employee whose contract of employment has been entered into in terms of New Zealand law,— 15

“(a) Beginning in New Zealand and ending outside New Zealand; or 20

“(b) Beginning outside New Zealand and ending in New Zealand; or

“(c) Beginning and ending outside New Zealand (with or without an intermediate stop in New Zealand); or 25

“(d) Beginning and ending in New Zealand with an intermediate stop outside New Zealand.”

(3) Section 2 (3) of the principal Act is hereby amended by omitting the words “an aircraft or ship” in each place where they occur, and substituting the words “a ship”. 30