

NEW ZEALAND'S SAFETY-RELATED LAW

This publication identifies the key New Zealand legislation and regulations, which are related to safety or injury prevention.

How To Use This Resource

There are two ways to find the law you want.

1. The legislation has been grouped into the categories listed below (for example, law relating to motor vehicle crashes). Simply select a category and you will then be provided with a list of legislation related to that category. Click on the name of the legislation to find out more about it. [Categories of Law](#)
2. Summary lists of the statutes, regulations, and other types of law contained in each section of this report is available [here](#).

Disclaimer

This publication does not contain actual copies of the legislation, regulations and other law mentioned and does not purport to be a definitive description of all safety related law or of the contents of any law. Its purpose is to provide general summaries of the various Acts of Parliament, regulations and other deemed regulations.

The law is contained in full at the Parliamentary Counsel Office's Public Access to Legislation Project's web site: www.legislation.co.nz

CATEGORIES OF LAW

Section A: NZIPS National Injury Prevention Priority Areas

1. [Motor Vehicle Traffic Crashes](#)
2. [Assault](#)
3. [Suicide & Deliberate Self-harm](#)
4. [Falls](#)
5. [Workplace Injuries \(& Occupational Diseases\)](#)
6. [Drowning & Near Downing](#)

Section B: Other Causes of Injury (or contributing factors)

1. [Fire & Burns](#)
2. [Other transport-related injuries \(water transport, air transport etc.\)](#)
3. [Poisoning & hazardous substances](#)
4. [Substance use/abuse](#)
5. [Food Safety](#)
6. [Sports injuries](#)
7. [Medical misadventure](#)
8. [Diseases and illness](#)
9. [Construction / building safety](#)
10. [Product safety](#)
11. [General environmental law](#)

Section C: Health and Disability Services

1. [Provision of health and disability services](#)

Section D: [Injury Prevention, Rehabilitation, and Compensation Act 2001](#)

Section E: [The Local Government Act](#)

Section F: [Legislation relating to government agencies involved in injury prevention](#)

SECTION A:

The NZIPS Injury Prevention Priority Areas

The New Zealand Injury Prevention Strategy identifies six national injury prevention priority areas. These six areas account for at least 80 percent of all injury deaths and serious injuries in New Zealand.

1. [Motor Vehicle Traffic Crashes](#)
2. [Assault](#)
3. [Suicide & Deliberate Self-harm](#)
4. [Falls](#)
5. [Workplace Injuries \(& Occupational Diseases\)](#)
6. [Drowning & Near Drowning.](#)

A1: Motor Vehicle Traffic Crashes

A number of key Acts of Parliament and regulations currently govern land transport safety in New Zealand.

This is also an area of our law that is currently being simplified. Recently, numerous Acts have been incorporated into the main land transport safety statute: the Land Transport Act 1998.

Additionally, a range of regulations, orders, and notices made under various transport Acts have been converted into Land Transport Rules.

The following information about the land transport legal regime is adapted from information on the on the [Land Transport Safety Authority](#) web site.

Legislation

- Land Transport Act 1998
- Land Transport Management Act 2003
- Transport Act 1962
- Transport (Vehicle and Driver Registration and Licensing) Act 1986
- Transport Services Licensing Act 1989
- Transport Accident Investigation Commission Act 1990
- Road User Charges Act 1977.

These Acts are summarised [here](#)

Regulations and Rules

A range of [regulations](#) and [rules](#) have been made under the above legislation (primarily the Land Transport Act 1998).

Penalties and offences

The [LTSA](#) web site also summarises the various offences and penalties for:

- [Driver licence offences](#)
- [General driving](#)
- [Drink-driving](#)

- [Speeding](#)
- [Is a skateboard a vehicle?](#)
- [Table of offences and penalties](#)

Legislation

Land Transport Act 1998

This Act is New Zealand's main land transport safety Act. Its purposes include:

- Promoting safe road user behaviour and vehicle safety.
- Providing for a system of rules governing road user behaviour, the licensing of drivers, and technical aspects of land transport, and to recognise reciprocal obligations of persons involved.
- Consolidating and amending various enactments relating to road safety and land transport.
- Enabling New Zealand to implement international agreements relating to road safety and land transport.
- Continuing the Land Transport Safety Authority.

The Act incorporates a number of other previous transport Acts, including most of the Transport Act 1962 (except its transport services licensing and road management elements), Part II of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 (which deals with driver licensing), and most of the Land Transport Act 1993.

Land Transport Management Act 2003

This Act contributes to achievement of an integrated, safe, responsive, and sustainable land transport system by:

- Providing an integrated approach to land transport funding and management.
- Improving social and environmental responsibility in land transport funding, planning, and management.
- Broadening the focus of Transfund – the organisation responsible for allocating resources in a way that contributes to an integrated, safe, responsive, and sustainable land transport system.
- Broadening the focus of Transit New Zealand – the organisation that operates the State highway system in a way that contributes to an integrated, safe, responsive, and sustainable land transport system.
- Improving long-term planning and investment in land transport.

- Ensuring that land transport funding is allocated in an efficient and effective manner.
- Improving the flexibility of land transport funding, including provisions enabling new roads to be built on a tolled or concession agreement basis or on a basis involving a combination of these methods.

Transport Act 1962

This Act used to be the main Act for general land transport safety matters. However, most its provisions were moved to the Land Transport Act 1998. It has retained provisions relating to setting of speed limits and the requirements for driving hours and logbooks.

Transport (Vehicle and Driver Registration and Licensing) Act 1986

This Act sets out the law relating to the registration and licensing of motor vehicles and related matters.

Transport Services Licensing Act 1989

This Act outlines the licensing requirements for commercial transport operators. It covers the following classes of service: goods service; passenger service; rental service; vehicle recovery service; and rail service.

Transport Accident Investigation Commission Act 1990

This Act establishes the Transport Accident Investigation Commission, which helps to determine the circumstances and causes of accidents and incidents with a view to avoiding similar occurrences in the future. The Act defines the Commission's functions, duties, and powers.

Road User Charges Act 1977

This Act imposes charges for the use of roads by heavy vehicles and certain other vehicles, such as diesel powered vehicles.

Regulations

The following are summaries of some of the regulations made under New Zealand land transport safety legislation.

Heavy Motor Vehicle Regulations 1974

These regulations prescribe the requirements for heavy motor vehicles (vehicles with a gross laden weight over 3500 kg). Recent amendments to these regulations standardised the speed limit for heavy motor vehicles at 90 km/h (except school buses, which will remain at 80 km/h).

Traffic Regulations 1976

These regulations set out the general requirements for using roads including the legal basis for the Road Code, vehicle requirements, loading and dimension requirements, equipment, signals and road signs.

Transport (Vehicle Registration and Licensing) Regulations 1994

These regulations specify the specific requirements for the registration and licensing of motor vehicles.

Transport (Vehicle Standards) Regulations 1990

These regulations prescribe the technical standards that motor vehicles must comply with in New Zealand.

Land Transport (Offences and Penalties) Regulations 1999

These regulations detail the offences for breaching land transport rules and the penalties for those offences. (Such rules are explained in the [rules](#) section).

Land Transport (Certification and Other Fees) Regulations 1999.

These regulations prescribe certain fees (e.g. for appointment of certifying organisations and certifiers; for certifications and for standards development, etc).

The regulations also enable the Director of the Land Transport Safety Authority to refund or waive all or part of certain fees. Certifiers or certifying organisations are also empowered to fix reasonable fees for the certification of a vehicle for in-service fitness.

Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999.

These regulations set driver licensing and driver testing fees.

Land Transport (Infringement and Reminder Notices) Regulations 1998.

These regulations set the form of infringement notices to be issued in respect of infringement offences under the Land Transport Act 1998 and for stationary vehicle infringement offences under the Transport Act 1962.

Transport (Vehicle Registration and Licensing) Regulations 1994.

These regulations contain provisions relating to the registration and licensing of vehicles.

Notices

A range of notices have been made under transport law, which have relevance to safety issues:

- Land Transport (Ordering a Vehicle Off the Road) Notice 1999.
- Transport (Measurement of Weight) Notice 1997.
- Transport (Vehicle Registration and Licensing) Notice 1995.
- Transport (Approved Vehicle Surveillance Equipment) Notice 1994.
- Transport (Breath Tests) Notice (No 2) 1989.
- Transport (Child Restraints and Seat Belts Approval) Notice 1984.
- Transport (Driving Hours Logbook Exemption) Notice 2003.

Rules

Rules are a type of legislation that focus on improving land transport safety. They bring together legal requirements that can be spread through many sources (including regulations, Gazette notices, Orders and policy directives).

The Minister of Transport has made a number of Rules that set safety requirements and standards for transport systems and the components of motor vehicles operating in New Zealand.

These Rules are published on the [LTSA](#) web site and examples include:

Setting of Speed Limits 2003 – establishes procedures whereby road controlling authorities may set enforceable speed limits on roads within their jurisdictions.

Passenger Service Vehicles 1999 – specifies the legal requirements for the design and construction of all passenger service vehicles in New Zealand.

Door Retention Systems 2001 – covers the design, construction and maintenance of door retention systems used by passengers and drivers for entrance and exit to a motor vehicle.

Interior Impact 2001 – covers the design, construction and maintenance of interior fittings in motor vehicles.

Steering Systems 2001 – covers the design, construction and maintenance of steering systems in motor vehicles.

Seats and Seat Anchorages 2002 – covers the design, construction and maintenance of seats and seat anchorages.

Frontal Impact 2001 – provides that the performance of a motor vehicle in relation to frontal impact must not be impaired by factors such as corrosion or structural damage; and requires specified vehicles to comply with an approved frontal impact standard.

External Projections 2001 – covers objects and fittings that protrude from the exterior of the motor vehicle.

Head Restraints 2001 – requires that, if head restraints are fitted to motor vehicles, they must be designed and maintained to protect the occupants' heads and necks against whiplash injury in a crash.

Seatbelts and Seatbelt Anchorages 2002 – sets out the seating positions in which seatbelts must be fitted in vehicles, as well as the type of seatbelt that must be fitted.

Glazing, Windscreen Wipe and Wash, and Mirrors 1999 – establishes minimum safety levels for glazing in vehicles, requirements for windscreen wipe and wash systems, and requirements for the fitting of rear-view mirrors.

Tyres and Wheels 2001 – applies to tyres and wheels and their assembly with hubs and axles, on all motor vehicles and on pedal cycles.

Light-vehicle Brakes 2002 – specifies the types of brakes that must be fitted in most types of light vehicle, and the requirements for those brakes.

Vehicle Exhaust Emissions 2003 – puts in place a vehicle exhaust emissions standards regime for motor vehicles.

Vehicle Repair 1998 – sets a standard of repair for vehicles and requires repairers to use suitable methods in attaining that standard.

Vehicle Standards Compliance 2002 – sets out the way that motor vehicles must comply with safety standards when they are new or imported into New Zealand and how they must continue to comply with those safety standards during their on road life. It includes requirements for warrant of fitness and certificate of fitness checks.

Vehicle Dimensions and Mass 2002 – specifies requirements for dimension and mass limits for vehicles operating on New Zealand roads.

Dangerous Goods 1999 – sets out the requirements for the safe carriage of dangerous goods on land in New Zealand.

Land Transport (Driver Licensing) Rule 1999 – sets out the specific requirements for upgrading to a photo driver licence and obtaining a new driver licence.

A2: Assault

There are a range of Acts, which aim to protect the public and individuals from harm associated with assault. These include:

Legislation

- Arms Act 1983
- Bail Act 2000
- Crimes Act 1961
- Crimes of Torture Act 1989
- Domestic Violence Act 1995
- Evidence Act 1908
- Guardianship Act 1968
- Harassment Act 1997
- Health and Safety in Employment Act 1992
- Summary Offences Act 1981
- Victims Rights Act 2002

These Acts are summarised [here](#).

Regulations and guidelines

A range of [regulations](#) have been made under the above legislation.

Legislation

Arms Act 1983

This Act promotes the safe use and the control of firearms and other weapons. It has provisions relating to the licensing of dealers in firearms, the importation of arms, restrictions on the possession of firearms, and offences relating to arms.

Bail Act 2000

This Act sets out the law relating to bail. The safety of the public or victims of alleged offending are usually relevant considerations for a court when deciding to grant bail to a person.

Crimes Act 1961

The Crimes Act sets out the law relating to a range of different crimes, many of which relate to assault. Part 8 of the Act covers a range of crimes against another person, including:

- Murder
- Manslaughter
- Attempted murder
- Acid throwing
- Assaults and injuries
- Female genital mutilation
- Abduction and kidnapping.
- Aggravated robbery
- Assault with intent to rob
- Arson
- Cruelty to a child.

The Act covers grievous, serious, and minor assaults.

Grievous assaults

- Wounding with intent
- Injuring with intent
- Aggravated wounding/injury
- Disabling/stupefying
- Dangerous acts with intent
- Injury – or if death ensues, manslaughter

- Miscellaneous grievous assaults
- Use of a firearm against a law enforcement officer
- Assault with a weapon.

Serious assaults

- Aggravated assault
- Assault with intent to injure
- Assault on child (under 14 years)
- Assault by a male on a female
- Assault on police
- Assault on a person assisting the police
- Common assault
- Miscellaneous common assault

Minor assaults

- Assault on law enforcement officers
- Assault on a person assisting the police
- Assaults official (other statutes)
- Common assault
- Miscellaneous common assault.

Sexual Assault

Part 7 of the Act contains a range of sex-related offences.

Sexual violation [s. 128]

Sexual violation is defined as the act of a male who rapes a female or the act of any person having ‘unlawful sexual connection’ with any other person. ‘Unlawful sexual connection’ is any type of sex without a person’s consent (permission). It is also illegal to attempt to sexually violate someone (Section 129). Sexual violation carries a maximum penalty of twenty years imprisonment.

Incest [s. 130]

Incest is defined as sexual intercourse between close blood relatives (e.g. parent and child, siblings). The maximum penalty for someone who commits incest is 10 years imprisonment.

Sexual intercourse with a girl under care or protection [s. 131]

Anyone who has, or attempts to have, sexual intercourse with a female aged under twenty who is in their care and protection (e.g. a

step-daughter or a foster daughter) is liable for imprisonment up to 7 years.

Sections 132-135 (inclusive)

These sections protect females under 16 years of age from sexual intercourse and indecency. As the age of consent in New Zealand is 16, it is illegal to have sexual relations with a girl under this age, even if it is consensual sex. The maximum penalties for doing this range from 7 to 10 years imprisonment.

Sections 140, 140a, 141

These sections help protect males from sexual indecency and assault. Sections 140 and 140a protect males under the age of 16, while Section 141 protects both children and adult males. The penalties for breaching these sections of the law range from 7 to 10 years imprisonment.

Crimes of Torture Act 1989

This Act provides for the punishment of crimes of torture, and implements the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

Domestic Violence Act 1995

The objectives of this Act are to reduce domestic violence through education and counselling programmes and to help deal deal with violence when it occurs by using “protection orders”. The Act covers a range of “close personal” domestic relationships where protection may be necessary. This includes any form of family relationship regardless of whether the relationship arises from a legal or a de facto union. Homosexual relationships, flatmates and friends can be subject to a protection order. Specifically excluded from the definition of “close personal relationship” are landlord / tenant and employer / employee relationships.

The definition of acts of violence includes physical, sexual and psychological abuse. It covers such things as intimidation, harassment, damage to property and threats of abuse. This could be a single serious act or a pattern of behaviour resulting from a number of minor acts.

Violence is committed “against a child” if the child is abused or even allowed to witness abuse of a person with whom they share a domestic relationship. Threats or intimidation of a child’s mother qualify as violence against the child, if the child witnesses those threats.

Evidence Act 1908

This Act covers the law of evidence for court trials. Section 13B relates to the non-disclosure of a witnesses identity if their safety is likely to be endangered.

Guardianship Act 1968

This Act defines and regulates the authority of parents as guardians of their children, their power to appoint guardians, and the powers of the Courts in relation to the custody and guardianship of children. For example, section 15 provides for the safety of a parent from the other parent when deciding visiting conditions for children.

This Act provides criminal and civil remedies in respect of harassment. While the Act creates certain offences for particular types of behaviour, it generally covers situations when a person acts in a way that causes another person to fear for his or her safety.

The Act’s aim is to provide greater protection to victims of harassment by:

- (a) Recognising that behaviour that may appear innocent or trivial when viewed in isolation may amount to harassment when viewed in context.
- (b) Ensuring that there is adequate legal protection for all victims of harassment.

This Act aims to achieve its object by:

- Making the most serious types of harassment criminal offences.
- Empowering the Court to make orders to protect victims of harassment who are not covered by domestic violence legislation.
- Providing effective sanctions for breaches of the criminal and civil law relating to harassment.

Health and Safety in Employment Act 1992

This Act focuses on preventing of harm from work activities. It allocates responsibilities for safety and health in the workplace, and covers employers, the self-employed, employees, volunteers, trainees, contractors, principals, and people who control places of work.

Primary responsibility is placed on the employer, who has a general duty to provide a safe and healthy work environment.

There are other specific duties, including a requirement for employers to identify and actively manage hazards in the workplace. To do this, it sets out a hierarchy of action where employers must follow a process of identification, elimination and isolation of hazards. If a hazard cannot be eliminated or isolated, the effects of the hazard must be minimised.

Regulations provide minimum standards for particular high-hazard industries and work practices. Guidelines developed by, or in consultation with, industry also outline good practice.

Summary Offences Act 1981

This Act contains a number of offences against the person or property that can be tried summarily (in a District Court). They include common assault, assault on a Police, Prison or Traffic officer, acts endangering safety, and throwing stones or fireworks.

The Act also includes some offences relating to drinking in public places.

Victims' Rights Act 2002

This Act imposes clear obligations on specified agencies to provide information and offer assistance to victims of offences. It turns a number of directives for the treatment of victims into enforceable rights.

In summary, the Act:

- Expands the range of persons who are defined as victims for the purposes of the Act by including parents and guardians of child

victims and close family members of those murdered or rendered incapable.

- Provides that persons not strictly victims under the Act may have input into proceedings involving the accused/offender.
- Mandates the provision of assistance and information to victims.
- Encourages the holding of meetings between victims and offenders, in accordance with principles of restorative justice.
- Prohibits the disclosure in court of the victim's address except in particular circumstances.
- Requires that in all cases a victim impact statement is sought for the information of the sentencing judge.
- Requires that victims' views on any application for orders prohibiting the publication of the accused/offender's name are sought.
- Provides comprehensive rights of notification, to victims of certain offences, of the occurrence of specified (including forthcoming) events relating to the accused/offender.
- Provides that victims of certain offences may participate in decision-making processes, such as processes for the offender's release from prison under the Parole Act 2002 or for the deportation of the offender under the Immigration Act 1987.

Regulations

Arms Regulations 1992

These Regulations provide for the safe storage, use of and sale of firearms.

Domestic Violence (Programmes) Regulations 1996

These Regulations provide for the safety of participants and protected programmes in domestic violence programmes.

Domestic Violence (Public Registers) Regulations 1998

Under Part 6 of the Domestic Violence Act 1995, directions can be made for the non-publication of information relating to protected persons on certain public registers. These regulations prescribe procedural and other matters that apply to that part of the Act.

Domestic Violence Rules 1996

These rules set out the procedure to be followed in respect of proceedings under the Domestic Violence Act 1995.

Guidelines

Armed Robbery – Guidelines for the Safety of Staff from the Threat of (OSH)

These Guidelines offer information to businesses at risk from armed robbery on how to conduct oneself during an armed robbery and putting in place clear policies and procedures.

Violence at Work – A Guide for Employers and Employees on Dealing with (OSH)

This publication gives practical advice to help you find out if violence is a problem for staff; and if it is, how to address it.

A3: Suicide and Deliberate Self-harm

Suicide is not a crime in New Zealand. However, it is a crime to help another person to commit suicide. There is also law relating to individuals rights to refuse medical treatment and to permit compulsory treatment by health professionals in certain circumstances.

Euthanasia

Euthanasia is illegal in New Zealand. The provisions of the Crimes Act 1961 relating to suicide apply. However the Bill of Rights Act 1990 and the Code of Health and Disability Services Consumers' Rights provide that people may refuse medical treatment.

Legislation

- Crimes Act 1961
- Mental Health (Compulsory Assessment and Treatment) Act 1992
- Bill of Rights Act 1990
- Health and Disability Commissioner (Code of Health and Disability Services Consumers' Rights) Regulation 1996

Crimes Act 1961

This Act contains sections relating to suicide. Section 63 provides that no-one has the right to consent to the infliction of death upon themselves and if a person is killed the fact that they gave consent does not affect the criminal responsibility of any person who was party to that killing. Section 179 provides that it is a crime to aid and abet the suicide of a person and section 180 provides that a person who kills someone as part of a suicide pact is guilty of manslaughter rather than murder.

Mental Health (Compulsory Assessment and Treatment) Act 1996

This Act sets out the circumstances in which and the conditions under which persons may be subjected to compulsory psychiatric assessment and treatment. It defines the rights of such persons, gives protection for those rights, and sets out the law relating to the

assessment and treatment of persons suffering from mental illness. It allows authorities to intervene when necessary to prevent self-harm.

Bill of Rights Act 1990

This Act applies to the actions of the Government and anyone carrying out a public function. Its purpose is to affirm, protect, and promote human rights and fundamental freedoms in New Zealand, and to affirm New Zealand's commitment to the International Covenant on Civil and Political Rights.

The Act also provides that everyone has the right to refuse to undergo any medical treatment.

Health and Disability Commissioner (Code of Health and Disability Services Consumers' Rights) Regulation 1996

The Code confers a number of rights on all consumers of health and disability services in New Zealand and places corresponding obligations on providers of those services.

The Code makes it clear that every consumer has the right to refuse services and to withdraw consent to services (Right 7(7)(10)). Rights 7(1) and 7(7) recognise the autonomy and dignity of the individual and require that providers recognise the right of competent consumers to self determination.

A4: Falls

Falls (including slipping and tripping) across all age groups are the single largest cause of injury for all New Zealanders.

While New Zealand does not have a single “Falls Prevention Act”, a number of pieces of legislation covering different settings or environments have safety requirements aimed at helping to prevent harm from falls.

Some examples are summarised below.

Health and Safety in Employment Act 1992

In the construction and allied industries falls from heights have been identified as a significant hazard that has led to many deaths and serious harm.

The Health and Safety in Employment Act 1992 sets out to promote the management of hazards in the workplace, by requiring employers to identify and control hazards that may cause harm, and for employees and others to take steps to ensure their safety and the safety of others.

OSH New Zealand has published Guideline for the Prevention of Falls (2000). These provide information on general safety, design and organisational requirements, platforms, ladders, scaffolding, safety equipment and working at heights in different environments and industries.

The Guidelines are working document designed to provide practical advice on identifying fall hazards and assessing and controlling the risks due to working at heights. They can be accessed [here](#):

SiteSafe New Zealand has also developed guidelines for working at height, which cover basic safety measures, safe ladder use, scaffolding, mechanical plant for supporting personnel, working on roofs and fall protection systems. They are available [here](#).

Building Regulations 1992

All building work must comply with the Building Code. This is contained in the Building Regulations and is a performance-based code, setting out objectives to be achieved rather than prescribing construction methods. The emphasis is on how a building and its components must perform as opposed to how the building must be designed and constructed.

Clause F4 of the code is about safety from falling. Buildings must be constructed to reduce the likelihood of accidental falls. Where people could fall 1 metre or more from an opening in the external envelope or floor of a building, or from a sudden change of level within or associated with a building, a barrier must be provided. Roofs with permanent access must have barriers provided.

The Code can be accessed [here](#).

Injury Prevention, Rehabilitation and Compensation Act 2001

The Act has three key goals:

- Injury prevention.
- Complete and timely rehabilitation.
- Code of ACC Claimant's Rights.

The definition of accident in the Act is “injuries caused by external force or resistance”. This has been refined to include cover for personal injury due to the force of gravity. Personal injury caused by sudden movement to avoid such force or resistance external to the human body is also covered.

A5. Workplace Injuries (& Occupational Diseases)

The principle Act which aims to prevent injuries, illness and accidents in the workplace is the Health and Safety in Employment Act 1992.

Information contained here about the health and safety at work is adapted from the [OSH](#) web site, the [ACC](#) web site, and the [Department of Labour](#) web site.

Legislation

- Health and Safety in Employment Act 1992
- Hazardous Substances and New Organisms Act 1996
- Injury Prevention, Rehabilitation, and Compensation Act 2001

These Acts are summarised [here](#).

The Health and Safety in Employment Act sets out duties which are in turn supplemented by regulations, approved codes of practice, and guidelines developed by, or in conjunction with, the Occupational Safety and Health Service.

Regulations

Regulations made under the Health and Safety in Employment Act (and other legislation) describe some of the requirements which apply to specific work situations. Like the Act, regulations are enforceable, and breaches may result in prosecution and fines.

Summaries of some of the regulations are available [here](#).

Approved codes of practice

Approved codes of practice are guidelines which have been approved by the Minister of Labour under the Health and Safety in Employment Act. Their requirements are not mandatory or enforceable as such, but their observance is accepted in Court as evidence of good practice.

Summaries of some of these approved codes of practice are available [here](#).

Guidelines

Guidelines developed by, or in conjunction with, OSH may not have undergone a formal approval process, but are nevertheless an important source of guidance for employers and others on how to meet the requirements of workplace safety legislation.

Some of these guidelines are available [here](#).

Legislation

Health and Safety in Employment Act 1992

What the Act sets out to do

The Act's object is to promote the prevention of harm to all persons at work and other persons in, or in the vicinity of, a place of work. It aims to achieve this by:

- Promoting excellence in **health and safety management**, in particular being systematic.
- **Defining hazards** and harm in a comprehensive way so that all hazards and harm are covered, including harm caused by work-related stress and hazardous behaviour caused by certain temporary conditions.
- **Imposing duties** to ensure that people are not harmed as a result of work activities.
- **Setting requirements** that relate to the taking of **all practicable steps** to ensure health and safety, and are flexible to cover different circumstances.
- Encouraging the health and safety of **volunteers**.
- Requiring **employee participation** in the improvement of health and safety and encouraging good faith co-operation in places of work.
- Providing a range of **enforcement methods** in response to failure to comply with the Act.

The Act imposes duties on a wide range of working relationships in nearly all places of work, including:

- Employers.
- Persons who control places of work.
- Persons who sell or supply plant for use in places of work.
- Self-employed people.
- Principals to contracts.

- Employees.
- Volunteers.
- People receiving on the job training or gaining work experience.

Overlapping duties

Frequently a person will have duties under more than one section of the Act. For example, **an employer** may have duties:

- To employees (sections 6-14, 19A-19I).
- In relation to volunteers, or people receiving on-the-job training or work experience (sections 3C-3F).
- To ensure that the action or inaction of employees does not endanger the public (section 15).
- As a person who controls a place of work (section 16).
- As a principal to a contract (section 18).
- As a person who sells or supplies plant for use in a place of work (section 18A).
- In the event of accident, injury or illness (sections 25 and 26).
- To comply with notices, sampling or other requirements of health and safety inspectors and/or departmental medical practitioners (sections 31, 33, 35, 37, 39-45).

Similarly, **an employee** has duties:

- Not to endanger themselves or others (section 19).
- Not to interfere with an accident scene (section 26).
- To comply with notices, sampling or other requirements of health and safety inspectors and/or departmental medical practitioners (sections 31, 35, 37, 39-45).

An employee who has management or supervisory responsibilities may be authorised to represent the interests of the employer or to make statements on the employer's behalf. They also have the duties of an employee in respect of their own conduct.

A self-employed person has similar responsibilities to an employee, and may also have duties:

- As a person who controls a place of work (section 16).
- As a principal to a contract (section 18).
- As a person who sells or supplies plant for use in a place of work (section 18A).

- In relation to volunteers, or people receiving on the job training or work experience (sections 3C-3F).
- In the event of accident, injury or illness (sections 25 and 26).

Officers, directors or agents of a body corporate have duties. Where their actions or decisions lead to breaches of the Act by the company or other body corporate, they may be charged, whether or not the body corporate is prosecuted (section 56).

A duty may apply to more than one person at a time

Where the Act imposes a duty on one person in a particular set of circumstances, it may apply to another person at the same time, whether in the same or a different capacity. This means more than one person may be held liable for a particular breach of the Act, or the same person may be held liable under more than one section.

State employees are included

The Act applies to local and central government agencies including departments, Crown-owned entities, or state-owned enterprises. Chief executive officers of government agencies are responsible for ensuring that the State meets its obligations as an employer under the Act. However, there are some exemptions in relation to the defence forces, and some aspects of emergency services.

Other legislation is not affected

Other legislation may impact on health and safety in the workplace, even though it is not primarily concerned with the issue – examples are the Gas Act 1992, the Building Act 1991, and the Electricity Act 1992.

The general principle is that, where two pieces of legislation apply to any given situation, an employer or any other person affected needs to follow both. In effect, meeting the requirements of the other legislation will usually mean that the requirements of the Health and Safety in Employment Act are being met in relation to the particular hazards covered. Where appropriate, formal agreements have been reached between administering departments to clarify roles and responsibilities.

Where the gravity of a particular offence justifies it, criminal charges under the Crimes Act may take precedence.

Further information

OSH has produced a guide to the Health and Safety in Employment Act. This has become known as the Blue Guide. The Blue Guide provides some detail on how the legislation works, and what it means for people with duties and rights. The Blue Guide is available [here](#).

Hazardous Substances and New Organisms Act 1996

OSH is one of the agencies with an enforcement role under the Hazardous Substances and New Organisms Act 1996 (HSNO). OSH's role under HSNO is to ensure that workplaces comply with the Act.

Further information on HSNO is available [here](#).

Injury Prevention, Rehabilitation, and Compensation

Act 2001

The Act has three key goals:

- Injury prevention
- Complete and timely rehabilitation
- Code of ACC Claimant's Rights

The Act covers injuries happening in the workplace. More information on the Act is available [here](#)

Regulations

Regulations made under the Health & Safety in Employment Act 1992

A number of regulations have been made under the Act:

- To set minimum standards for the management of particular hazards where alternative control measures are not always effective.
- To deal with administrative matters provided for in the Act (such as appointment of inspectors).
- To elaborate on some general duties in the Act.

Where a regulation exists, its requirements are mandatory. However, while regulations must be complied with, the overriding responsibility is to comply with the duties set out in the Act. There may be instances where this involves taking further steps than meeting the requirements of the regulations.

Regulations made under the Act can be grouped into four main categories:

- [General workplace](#) regulations
- Regulations concerning [hazardous machinery](#)
- Regulations for the [extractives sector](#)
- Regulations controlling [hazardous processes](#).

The [OSH](#) web site provides information on these regulations as well as guidance notes for some of them to help you understand and comply with the regulations.

General workplace regulations

Health and Safety in Employment Regulations 1995

These regulations apply to all workplaces and cover:

- Facilities required for the safety and health of employees.
- Precautions to be taken with some particular hazards.
- Notification of hazardous construction and forestry work.
- Certificates of competence for some kinds of work.
- Young people in hazardous places of work.
- Agricultural workers' accommodation.

Factories and Commercial Premises (First Aid)

Regulations 1985

These regulations describe minimum requirements for first aid training and facilities in places of work.

Health and Safety in Employment (Prescribed Matters)

Regulations 2003

These regulations contain forms for the administration of the Act and also prescribe a range of other matters. These include:

- The form of the register of accidents and serious harm required to be maintained by employers, self-employed persons, and principals.

- The qualifications required for appointment as a health and safety inspector.
- The form of a hazard notice that may be issued by a trained health and safety representative.
- The form by which certain people have to notify the authorities when accidents and serious harm occurs (e.g. in the maritime sector).

Regulations concerning hazardous machinery

Regulations have been made under the Act to provide for the safe installation, operation and maintenance of machinery.

Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999

These regulations set out the duties of various people (e.g. employees, controllers, manufacturers, suppliers, designers in relation to the matters contained in the regulations. This may include unsafe equipment, operating equipment safely, notifications of accidents, etc). The regulations also cover inspection issues and the certification of quality management systems in relation to equipment. Failure to observe any of the duties set out in these regulations can constitute an offence.

Amusement Devices Regulations 1978

These regulations institute a system for the registration and inspection of amusement devices (e.g. ferris wheels, roller coasters, etc). They specify certain standards that devices must meet, and impose certain safety requirements on the owners and operators of devices.

Regulations for the extractives sector

Regulations have been made under the Act that provide for safety and health in the petroleum and gas industry and in underground mining.

Health and Safety in Employment (Pipelines) Regulations 1999

These regulations deal with matters relating to health and safety in the operation of pipelines. In summary, the regulations require employers to appoint managers to manage pipeline operations and

supervise health and safety aspects of the operations. They outline the employer's general duties (e.g. management of hazardous liquids, vapours, and gases) and contain provisions relating to a system of certification of the fitness of pipelines.

Health and Safety in Employment (Mining-Underground) Regulations 1999

These regulations deal with matters relating to health and safety in underground mines and tunnels. They impose a number of duties on certain people involved in such work (e.g. notifying accidents).

Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 1999

These regulations deal with matters relating to health and safety in the operation of installations for petroleum exploration and extraction.

Health and Safety in Employment (Mining Administration) Regulations 1996

These regulations impose a duty on employers and persons in control of places of work, in relation to operations in mines, quarries, and tunnels, to appoint managers to manage the operations and to personally supervise the health and safety aspects of the operations. They also require certain managers to hold certificates of competence.

Geothermal Energy regulations 1961

These regulations set out the safety precautions to be observed when boring for and using geothermal energy.

Regulations controlling hazardous processes

A number of regulations have been made that place controls on the hazards presented by particular substances or processes. The requirements they impose are in addition to the controls required by the [Hazardous Substances and New Organisms Act 1996](#)

While the requirements of these regulations continue to set minimum standards, some are supplemented by more recently published

[approved codes of practice](#) or other [guidance material](#) developed by OSH.

These regulations include:

Abrasive Blasting Regulations 1958

These regulations set out health and safety requirements for persons engaged in abrasive blasting operations in factories.

Electroplating Regulations 1950

These regulations set out health and safety requirements for those involved in electroplating.

Health and Safety in Employment (Asbestos) Regulations 1998

These regulations impose a number of duties on employers in relation to all work involving asbestos. These duties relate to the exposure to asbestos dust, cleanliness of the place of work and clothing, storage and disposal of asbestos, and maintenance of protective clothing and equipment. Duties are also imposed on employers in relation to restricted work. For example, the working area is to be isolated and employees undertaking restricted work must hold certificates of competence. A duty is also imposed on manufacturers and suppliers to label products containing asbestos.

Lead Process Regulations 1950

These regulations contain provisions controlling the conduct of lead processes carried on in a factory or workshop and safeguarding the health and welfare of persons working at any lead process carried on in a factory or workshop. They also include regulations about paint containing lead.

Spray Coating Regulations 1962

These regulations prescribe the conditions under which all manner of materials and liquids, excluding metal, may be sprayed in factories.

Approved Codes of Practice

The Health & Safety in Employment Act 1992 allows for the development and approval of statements of preferred work practice, known as “approved codes of practice”. These are recommended means of compliance with provisions of the Act, and may include

procedures which could be taken into account when deciding on the practicable steps to be taken. They are the result of consultation between OSH and affected industry members.

A code of practice applies to anyone who has a duty of care in the circumstances described in the Code. This may include employers, employees, the self-employed, principals to contracts, owners of buildings or plant, and so on.

An approved code does not necessarily contain the only acceptable ways of achieving the standard required by the Act. However, in most cases, compliance would meet the requirements of the Act, in relation to the subject matter of the Code.

Such Codes do not have the same legal force as a regulation, and failure to comply with a code of practice is not, of itself, an offence. However, observance of a relevant code of practice may be considered as evidence of good practice in a court.

Where appropriate, New Zealand Standards or other Standards may be cited in approved codes of practice or guidelines.

The codes of practice are available [here](#).

- Arboriculture – Approved Code of Practice for Safety and Health in Tree work – Part 1
- Boilers – Approved Code of Practice for the Design, Safe Operation, Maintenance and Servicing of
- Cranes – Approved Code of Practice for – Includes the Design, Manufacture, Supply, Safe Operation, Maintenance and Inspection of Cranes
- Demolition – Approved Code of Practice for
- Excavation and Shafts for Foundations – Approved Code of Practice for
- Fire and Explosion in New Zealand Dairy Industry Spray Drying Plant – Approved Code of Practice for the Prevention, Detection and Control of
- Forest Operations – Approved Code of Practice for Safety and Health in
- Forest Operations – Safety Code – Part 5: Timber Stacking, Packeting and Transportation – Approved Code of Practice for

- Forklifts – The Approved Code of Practice for Training Operators and Instructors of Powered Industrial Lift trucks
- Helicopter Logging – Approved Code of Practice for
- Isocyanates – Approved Code of Practice for The Safe Use of
- Maintenance of Trees Around Power Lines – The Approved Code of Practice for Safety and Health in Tree Work Part 2
- Management of Substances Hazardous to Health (MOSHH) in the Place of Work – Approved Code of Practice for the
- Managing Hazards to Prevent Major Industrial Accidents – Approved Code of Practice for
- Noise in the Workplace – Approved Code of Practice for the Management of
- Operator Protective Structures on Self-Propelled Mobile Mechanical Plant – Approved Code of Practice for
- Paint, Printing Inks and Resins – Approved Code of Practice for Safety and Health in the Manufacture of
- Passenger Ropeways in New Zealand – Approved Code of Practice for including amendment 1
- Photoengraving and Lithographic Processes – Approved Code of Practice for Safety in
- Powder-Actuated Hand-Held Fastening Tools – Approved Code of Practice for
- Power-Operated Elevating Work Platforms – Approved Code of Practice
- Pre-Cast Concrete – Approved Code of Practice for the Safe Handling, Transportation and Erection of
- Pressure Equipment (Excluding Boilers) – Approved Code of Practice
- Rigging – Approved Code of Practice for Load-Lifting
- River and Stream Operations – The Approved Code of Practice for Safety and Health in Tree Work Part 3
- Roll Over Protective Structures on Tractors in Agricultural Operations – Approved Code of Practice for
- Scaffolding – Approved Code of Practice for the Safe Erection and Use of
- Sulphur Fires and Explosions – Approved Code of Practice for the prevention of
- Timber Preservatives and Antisapstain Chemicals – Approved Code of Practice for the Safe Use of

- Visual Display Units in the Place of Work – Approved Code of Practice for the Safe Use of

Guidelines

A range of guidelines on legislation along with other publications on various workplace safety topic is available [here](#).

A6. Drowning & Near Drowning

The following legislation and regulations have components which aim to prevent drowning and near drowning in New Zealand.

Fencing of Swimming Pools Act 1987

This Act promotes the safety of young children near pools. All garden pools, swimming pools and spas must be fenced off.

- The fence must be at least 1.2 metres above ground level or permanent object which is within 1.2 metres of the fence e.g., decking or boundary fences
- The space between the bottom of the fence and ground should not exceed 100mm
- All materials shall be durable, and be erected to inhibit any child under 6 years of age from climbing over or crawling under the fence
- All gates and doors must not open inwards, and are clear of anything which may hold them open
- All gates and doors must have a latch to keep it closed, mounted at least 1.2 metres above the ground
- If a building wall is part of the fence, any door must have a lock which prevents children under 6 years from opening the door.

Building Regulations 1992 (The Building Code)

All building work must comply with the Building Code. This is contained in the Building Regulations and is a performance-based code, setting out objectives to be achieved rather than prescribing construction methods. The emphasis is on how a building and its components must perform as opposed to how the building must be designed and constructed.

Clause F4 relates to swimming pools and the barriers that must be provided.

The Code can be accessed [here](#).

Maritime safety law

The law regulating maritime transport has safety components. While harm from drowning or near drowning is an obvious concern in

this sector, its safety law needs to have a wider focus as well. For instance injuries from falls on ships, or accidents from machinery and equipment are also important considerations.

More information on the maritime transport law, including safety components can be accessed [here](#).

Rule Part 91 – The Navigation Safety Rule

To give an example of the sort of issue covered under the Maritime safety law, this rule requires every boat to carry a correct size and serviceable ‘PFD’ (which stands for personal flotation device) for each person on board. The term “lifejacket” can only strictly be applied to PFDs which have a full buoyant collar. A range of PFDs are approved and all comply with the requirements for ‘lifejackets’ under the law.

Some Regional Councils already have bylaws requiring lifejackets, but these bylaws vary considerably from place to place. Because bylaws must match the Maritime Safety Rule there will be a standard legal requirement throughout the country.

The Navigation Safety Rule also addresses a number of issues including:

- The speeds for operating boats and the areas where they can operate
- The age requirement for driving fast power boats
- Dangerous wakes caused by boats
- Water skiing rules
- Anchoring rules
- Small boats and ships when they meet in a harbour
- Boats operating divers.

SECTION B

Other Causes of Injury

This section provides summaries of the law for other causes of injury, or key contributing factors. Some of the law is relevant to the six priority areas discussed in Section A. For instance, alcohol can contribute to motor vehicle crashes.

1. [Fire & Burns](#)
2. [Other Transport-related Injuries \(water transport, air transport, etc.\)](#)
3. [Poisoning & Hazardous Substances](#)
4. [Substance Use/Abuse](#)
5. [Food Safety](#)
6. [Sports Injuries](#)
7. [Medical Misadventure](#)
8. [Disease and Illness](#)
9. [Building Safety](#)
10. [Product Safety](#)
11. [General Environmental Law](#)

B1. Fire & Burns

There are a range of Acts that aim to protect the public and individuals from harm associated with fire.

Legislation

- Fire Service Act 1975
- Forest and Rural Fires Act 1977

These Acts are summarised [here](#).

Regulations

A range of [regulations](#) have also been made, which cover fire safety issues.

Legislation

Fire Service Act 1975

This is the main Act relating to the protection of life and property from fire. It established the New Zealand Fire Service and its governing body the New Zealand Fire Service Commission. It sets out the powers, functions and duties of the key players in the Fire Service, along with accountability mechanisms.

The Act has specific functions relating to the promotion of fire safety. For example, fire safety education and publicity, publishing and disseminating fire safety literature, sponsoring, assisting, and conducting fire safety campaigns and fire safety courses.

The Act also contains provisions about the organisation of the Fire Service, including the command structure and the geographical divisions (fire districts, areas, and regions). The Act also has a range of operational provisions for brigades and officers and firefighters.

The Commission is also the National Rural Fire Authority for the purposes of the Forest and Rural Fires Act 1977.

Forest and Rural Fires Act 1977

This Act consolidated law relating to the safeguarding of life and property by the prevention, detection, control, restriction, suppression and extinction of fire in forest and rural areas and other areas of vegetation.

It creates rural fire districts and rural fire authorities to run the services in these districts. The Act contains a range of provisions regarding fire control operations in rural areas.

Regulations

Building Regulations 1992

All building work must comply with the Building Code. This is contained in the Building Regulations and is a performance-based code, which sets out objectives to be achieved rather than prescribing construction methods. The emphasis is on how a building and its components must perform as opposed to how the building must be designed and constructed.

Part C of the Code is related to fire safety and contains requirements regarding the:

- Outbreak of fire
- Means of escape
- Spread of fire
- Structural stability during fire.

The Code can be accessed [here](#).

Fire Safety and Evacuation of Buildings Regulations 1992

These regulations cover fire safety in buildings. They contain provisions regarding:

- The required standards of fire safety, including evacuation procedures for those premises where there is no requirement for an authorised evacuation scheme in terms of section 21A of the Fire Service Act 1975.
- The content of authorised evacuation schemes where this is a requirement in terms of section 21A of the Fire Service Act 1975.
- The grounds for determining that a building's automatic sprinkler system is inadequate and therefore that a requirement exists for

an authorised evacuation scheme pursuant to section 21A of that Act.

- How the Fire Service has to maintain and supply information on evacuation schemes.
- The prohibition on limitation of normal access for persons with disabilities.
- The training of staff of institutions of care and staff of places of lawful detention or custody.

The New Zealand Fire Service's web site contains advice to help navigate the fire evacuation law. This can be accessed [here](#).

Fireguards Regulations 1958

These regulations require fireguards to be fitted to electric fires, gas fires, and oil burning heaters that are sold and are so designed as to be suitable for use in residential premises. They apply to heaters of such a type that, without a guard, there is risk of injury to persons by burning, or of the ignition of clothing or fabrics, by contact with the heating elements or flames.

Fire Extinguishers Regulations 1958

These regulations require the proper labelling of fire extinguishers containing materials that are or may become injurious to health. They also prohibit the sale, for domestic use, of certain pressurised fire extinguishers.

Fire Service Levy Order 1993

This order prescribes the rate of the fire service levy payable in respect of insured property.

Forest and Rural Fires Regulations 1979

The regulations:

- Provide procedures for the constitution of rural fire districts, forest areas etc.
- Set out the functions of Rural Fire Authorities and Rural Fire Forces.
- Specify fire control measures to be taken in respect of normal forest and rural operations.
- Restricts certain practices in respect of extreme fire hazards in vegetation.

- Provide for returns, penalties and other miscellaneous matters.

Fire Service Regulations 2003

These regulations prescribe some procedural requirements regarding the payment of fire levies, which help fund the Fire Service's activities.

They also contain procedural requirements for companies, corporations, partnerships, or local or public authorities regarding the disclosure of their fire insurance arrangements.

B2. Other Transport-related Injuries

Motor vehicle traffic crashes are the highest traffic-related cause of injury. Law relating to motor vehicle traffic crashes is contained in Section A1.

However, there are also other forms of transport, which are covered by legislation where public health and safety are important considerations.

As with the motor vehicle traffic crashes section of this database, there is a trend across the rest of the transport sector to put much of the technical detail of the law into a form of deemed regulation called rules.

Summaries of the legislation, regulations, and rules for each of the other main transport sectors is provided below.

Air Transport safety law

- [Legislation](#)
- [Regulations](#)
- [Rules](#)

Maritime Transport safety law

- [Legislation](#)
- [Regulations](#)
- [Rules](#)

Rail safety law

- [Legislation](#)

Air Transport Legislation

- Airport Authorities Act 1966
- Aviation Crimes Act 1972
- Civil Aviation Act 1990

Airport Authorities Act 1966

This Act confers powers on certain local authorities and other persons in respect of airports. The Act allows local authorities or airport authorities to make bylaws for a range of purposes including prescribing precautions to be taken for the protection of persons or property from accident or damage.

Aviation Crimes Act 1972

This Act gives effect to various international conventions that New Zealand is a party to – e.g. the:

- Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.
- Montreal Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation.

The Act has provisions regarding crimes such as hijacking aircraft, taking firearms on aircraft and the search of passengers, baggage and cargo.

Civil Aviation Act 1990

The Act establishes rules of operation and divisions of responsibility within the New Zealand civil aviation system in order to promote aviation safety.

The Civil Aviation Act 1990, which replaced the previous 1964 Act, and is now the principal instrument for regulating civil aviation safety in New Zealand introduced a two tier legislative structure consisting of Act and Rules. The Act provides the legislative foundation for implementation of the aviation safety regulatory regime advocated in the 1988 Swedavia-McGregor Report. In particular the Act:

- clearly defines the responsibilities of all the participants within the civil aviation system;
- sets high standards for entry into the system;
- provides effective sanctions for non-compliance with safety rules;
- provides for the Civil Aviation Rules; and
- recognises that different levels of risk exist in the aviation system and that resources should be concentrated in areas where there is the greatest safety dividend.

Air Transport Regulations

A number of regulations and orders have been made under the Civil Aviation Act.

Civil Aviation (Offences) Regulations 1997

These regulations prescribe the breaches of the Civil Aviation Rules that are summary offences and the breaches of those rules that are infringement offences, and prescribe the fines and infringement fees in respect of those offences.

Civil Aviation (Safety) Levies Order 2002

The order imposes safety levies under the Act, including a domestic passenger levy, a departing international passenger levy, and a set of participation levies.

Civil Aviation Charges Regulations (No2) 1991

These regulations only exist for the purpose of specifying fees and charges and offences and penalties for non-compliance with the Rules.

Air Transport Rules

Civil Aviation Rules

Under the Civil Aviation Act, the Minister of Transport can make Rules. Many of these rules have safety considerations inherent in them. These effectively contain much of the technical detail of the civil aviation safety regime.

These Rules cover a range of topics and can be viewed at the [Civil Aviation Authority's](#) web site:

In summary they cover:

- Definitions and interpretations
- Procedures
- Administration
- Aircraft
- Personnel
- Airspace
- Rules of the Air and General Operating Rules

- Certificated Operators and Other Flight Operations
- Certificated Organisations and Agencies
- Aerodromes
- Certificated Airways Services.

Statutory functions

In support of its principal function, the CAA's specific statutory functions include:

- establishing safety and security standards for the civil aviation system, and monitoring adherence to these standards;
- promoting aviation safety and security in the civil aviation system by providing safety and security information and advice;
- performing entry and exit control over participants in the civil aviation system;
- measuring and reviewing the performance of the system from a safety point of view, including investigating incidents and some accidents as the aviation safety regulatory authority;
- providing the Minister such information as the Minister may from time to time require;
- establishing and maintaining an Aviation Security Service; and
- [establishing, maintaining, and operating a national rescue co-ordination centre for the conduct of aviation search and rescue and other search and rescue services throughout the New Zealand search and rescue region] – until Dec 1st.

The last two functions are kept entirely separate for the CAA's regulatory functions.

Maritime Transport Legislation

- Maritime Transport Act 1994
- Local Government Act 1974

Maritime Transport Act 1994

This Act continues the Maritime Safety Authority (MSA) of New Zealand (its original Act was repealed). The MSA's principal objective is to undertake activities that promote a safe maritime environment and provide effective marine pollution prevention and an effective

marine oil pollution response system, at a reasonable cost. Ship safety is, therefore, core business of the MSA.

The Act also:

- Enables the implementation of New Zealand's obligations under international maritime agreements.
- Ensures that participants in the maritime transport system are responsible for their actions.
- Consolidates and amends maritime transport law.
- Continues, or enables, the implementation of obligations on New Zealand under various international conventions relating to pollution of the marine environment.

Local Government Act 1974

This Act deals with local navigational safety matters, which are not covered under the Maritime Transport Act. Regional councils can make bylaws in relation to navigation within its regional waters (e.g. reserving areas for specified craft in the interests of navigation safety).

Maritime Transport Regulations

A number of maritime safety regulations have been made with safety components. Those made under the Maritime Transport Act include:

Marine Safety Charges Regulations 2000

These regulations prescribe the marine safety charges payable for ships that enter or use any New Zealand port, or operate in New Zealand waters.

Maritime (Offences) Regulations 1998

These regulations prescribe the breaches of the Maritime Rules that are summary offences and the breaches of those rules that are infringement offences. They also prescribe the fines and infringement fees in respect of those offences.

Maritime Transport Rules

Maritime and Marine Protection Rules

Under the Maritime Transport Act, the Minister of Transport can make Rules. These Rules contain safety and marine environment protection standards and procedures. They aim to ensure the safe travel of passengers, crew, cargo and ships and contain the detailed technical, documentary, or procedural standards for the navigation and operation of ships.

In summary they cover:

- Health and safety of seafarers
- Design and construction
- Equipment
- Crewing
- Operation
- Tonnage measurement
- Carriage of passengers and cargoes.

In certain circumstances, the Director of Maritime Safety can also make emergency rules in certain circumstances.

Failure to comply with these Rules can be an offence under the Act.

These Rules can be viewed at the [Maritime Safety Authority's](#) web site. This web site outlines the rule-making process and how you can have your say in the development of the rules.

Rail Legislation

- Railway Safety and Corridor Management Act 1992
- Transport Services Licensing Act 1989

Railway Safety and Corridor Management Act 1992

This Act provides for railway safety (e.g. warning devices at crossings), corridor management and the protection, construction, maintenance, and repair of railways.

The Act creates a range of safety offences and penalties (for example, doing acts in respect of a railway that are likely to cause danger to any other person or to any property).

Transport Services Licensing Act 1989

This Act outlines the licensing requirements for commercial transport operators. The Act covers the following classes of service: goods service; passenger service; rental service; vehicle recovery service; and rail service.

Those applying for a rail service licence must provide information about their proposed safety system. This has to cover the standards, practices, and procedures the operator proposes to follow in order to ensure the safety of persons likely to be significantly at risk of death or serious injury through the operation of a rail service vehicle. The Act prescribes what is required [sections 6A-I]. It also has provisions regarding regular audits of the safety systems.

B3. Hazardous Substances

There are a range of Acts which aim to protect the public and individuals from harm associated with poisons and hazardous substances.

Related law is also contained under the [substances use/abuse](#) and [food safety](#) sections.

Legislation

- Hazardous Substances and New Organisms Act 1996
- Legislation closely related to HSNO
 - Food safety law
 - Environmental law
 - Substance use/abuse law
 - Building safety law
 - Transport safety law
 - Workplace injuries
 - The Gas Act
- Radiation Protection Act 1965
- Chemical Weapons (prohibition) Act 1996
- Anti-Personnel Mines Prohibition Act 1998

These Acts are summarised [here](#).

Regulations

A range of [regulations](#) have also been made under the above legislation.

Legislation

Hazardous Substances and New Organisms Act 1996

The purpose of this Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms.

A new organism could be a plant, animal or micro-organism coming into New Zealand for the first time or a new species developed

through genetic modification. Hazardous substances could be explosive, flammable, corrosive, toxic or eco-toxic.

The Act establishes the Environmental Risk Management Authority (ERMA), which makes decisions on applications to introduce hazardous substances or new organisms including genetically modified organisms (GMOs).

The Act establishes:

- a comprehensive assessment and approval process for introducing new hazardous substances and new organisms into New Zealand
- a consistent, control framework based on performance requirements for hazardous substances and new organisms
- a toolbox of regulations to manage hazardous substances (e.g. labelling, packaging storage, transportation, manufacture, use, and disposal restrictions).

More information is available [here](#).

Legislation closely related to the HSNO Act

The Ministry for the Environment's dedicated HSNO [web site](#) explains that while the HSNO Act is the main law for managing hazardous substances and new organisms in New Zealand, it interfaces with a number of other laws. These include:

Food safety law

The Food Act 1981 provides controls on the importation and labelling of food products, including foods that are derived from genetically modified organisms. The New Zealand Food Safety Authority is required to consult with ERMA on food regulations where residues or additives in foods are also hazardous substances. The HSNO Act sets controls on importation, development or field testing of any genetically modified organisms that may be used to create food products.

The Agricultural Compounds and Veterinary Medicines Act 1997 addresses risks to trade, animal welfare and biosecurity from the use of chemicals as agricultural compounds or veterinary medicines. The

registration process under this Act is co-ordinated with the approval process under the HSNO Act.

More information on food safety is available [here](#)

Substance abuse law

The Medicines Act 1981 and Misuse of Drugs Act 1975 control the safe use of substances as medicines and controlled drugs. The Ministry of Health must advise ERMA when consent is given for the use of a hazardous substance or new organism (including genetically modified organisms) as a medicine or therapeutic agent.

More information on substance use and abuse safety law is available [here](#).

Workplace injuries law

The Health and Safety in Employment Act 1992 (HSE) is closely connected with the HSNO Act, because hazardous substances are often found in the workplace. Controls set under the HSNO Act will be consistent with the requirements under the HSE Act to avoid, isolate and minimise any hazard in the work place.

More information on workplace injuries law is contained [here](#).

Environmental law

The Biosecurity Act 1993 covers border control for all organisms that may be imported unintentionally, and for managing pest species already in New Zealand. The HSNO Act covers the assessment of new organisms intended for introduction into New Zealand. Any containment facilities operated under the HSNO Act must be registered under the Biosecurity Act.

The Resource Management Act 1991 manages the location of facilities involving hazardous substances in relation to sensitive environments or conditions. For example, schools, hospitals, lakes or earthquake-prone areas. City and district councils can develop rules and methods to manage the location of hazardous facilities (that is, activities involving hazardous substances) in relation to land use zones. Such provisions can be no less stringent than the requirements of the HSNO Act.

More information on such law is available [here](#).

Building safety law

The Building Act 1991 provides for building safety. However, structures specifically designed for hazardous substances are treated as hazardous substances containers and controlled under the HSNO Act (for example, a bulk storage tank for acids).

More information about building safety law is available [here](#).

Transport safety law

New Zealand's transport legislation follows international transport agreements in terms of managing the safety of transporting hazardous substances. The HSNO Act and land transport legislation set consistent controls on identifying and packaging substances, and for the skills that people handling these substances must have. However, for some substances there are additional requirements for tracking and handling and storage in transit.

More information about transport safety law is available [here](#).

Gas Act 1992

This Act controls safety in the supply and use of fuel gases like natural gas and LPG. These are supplied to appliances from containers, installations or distribution systems. However, the Act does not control the safety of the containers. The HSNO Act controls potentially harmful effects of flammable or toxic gases, including fuel gases, and uses the same controls as the Gas Act where these are in fuel gas systems. The Energy Safety Service administers controls on the safety and quality of fuel gases under the Gas Act.

Radiation Protection Act 1965

This Act regulates the use of radiation in New Zealand. The Ministry of Health is currently updating this law.

Chemical Weapons Prohibition Act 1996

This Act implements New Zealand's obligations under the International Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. This creates a range of restrictions, including offences, regarding chemical weapons.

Anti-Personnel Mines Prohibition Act 1998

The purpose of this Act is to implement New Zealand's obligations under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.

The Act creates a range of restrictions, including offences, regarding Anti-Personnel Mines. It provides for the seizure, forfeiture, deactivation or destruction of anti-personnel mines.

Regulations

Hazardous Substances and New Organisms regulations

A range of regulations have been made under the HSNO Act.

Hazardous Substances (Classes 1 to 5 Controls)

Regulations 2001

These regulations prescribe controls for class 1, 2, 3, 4, and 5 hazardous substances. The properties of these substances are:

- class 1 – explosiveness
- class 2 – flammability, gases
- class 3 – flammability, liquids
- class 4 – flammability, solids
- class 5 – capacity to oxidise.

Hazardous Substances (Classes 6, 8, and 9 Controls)

Regulations 2001

These regulations prescribe controls for class 6, 8, and 9 hazardous substances. These are toxic, corrosive, and ecotoxic substances respectively.

Hazardous Substances (Classification) Regulations 2001

These regulations prescribe the classification criteria for each intrinsic hazardous substance property.

Hazardous Substances (Compressed Gases) Regulations 2004

These regulations set out the controls to manage compressed gases.

Hazardous Substances (Disposal) Regulations 2001

These regulations prescribe the disposal requirements for particular hazardous substances. They also cover certain information requirements relating to their disposal.

Hazardous Substances (Emergency Management) Regulations 2001

These regulations prescribe emergency management requirements for hazardous substances.

Hazardous Substances (Fireworks) Regulations 2001

These regulations regulate the sale of fireworks to the public.

Hazardous Substances (Fireworks, Safety Ammunition, and Other Explosives Transfer) Regulations 2003

These regulations provide for the transfer of existing fireworks, safety ammunition, and other explosives into the HSNO regime.

Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001

For each intrinsic hazardous substance property (e.g. explosiveness, toxicity, flammability) these regulations prescribe the minimum degrees of hazard that must be met before a substance is considered hazardous for the purposes of the Act.

Hazardous Substances (Packaging) Regulations 2001

These regulations prescribe the packaging requirements for various hazardous substances.

Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004

These regulations specify the requirements for various types of tanks, tank wagons, and transportable containers that carry hazardous substances.

Hazardous Substances (Tracking) Regulations 2001

These regulations prescribe the hazardous substances for which tracking is required. For instance, safety ammunition, some igniters,

and gun powder). The regulations set out the information that is to be recorded in respect of such substances.

Hazardous Substances and New Organisms (Low-Risk Genetic Modification) Regulations 2003

These regulations specify the circumstances in which genetic modification of an organism is considered to be a low-risk genetic modification.

Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001

The regulations prescribe the knowledge and practical skills that approved handlers, enforcement officers, and test certifiers must have under the Act.

Radiation Protection Regulations 1982

These regulations adopt certain international measurements and processes regarding radiation.

The Fumigation Regulations 1967 (made under the Health Act 1951)

These regulations cover fumigants and the fumigation of places such as ships, aircraft, and buildings.

PLEASE NOTE: In addition to these regulations, a hazardous substance may also need to comply with other controls. These additional controls were first published in the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 (New Zealand Gazette, Issue No. 35, March 2004) as Schedules 8 to 10 and 12, and subsequently amended by (New Zealand Gazette, Issue No. 128, September 2004). ERMA New Zealand has produced a consolidated version of the Gazette Notices on their website www.ermanz.co.nz.

B4. Substance Use/abuse

There are a range of Acts, which aim to protect the public and individuals from harm associated with the use or misuse of substances such as alcohol, tobacco, illicit drugs, medicines, and other substances.

Legislation

- Alcohol Advisory Council Act 1976
- Alcoholism and Drug Addiction Act 1966
- Sale of Liquor Act 1989
- Smoke-free Environments Act 1990
- Misuse of Drugs Act 1975
- Medicines Act 1981
- New Zealand Sports Drug Agency Act 1994

These Acts are summarised [here](#).

The [national drug policy](#) web site contains more information about these laws.

Regulations

A range of [regulations](#) have also been made under the above legislation.

Legislation

Alcohol Advisory Council Act 1976

This Act establishes and regulates the Alcohol Advisory Council of New Zealand (ALAC). ALAC's primary objective is the promotion of moderation in the use of alcohol, the discouragement and reduction of the misuse of alcohol, and the minimisation of the personal, social, and economic harm that can result from the misuse of alcohol.

The Act sets out a levy system on alcohol, produced and imported for sale in New Zealand, to help fund ALAC and its work.

Alcoholism and Drug Addiction Act 1966

This Act allows for the treatment of people with alcoholism or drug addiction at certified institutions and provides legal definitions of ‘alcoholic’ and ‘drug addict’.

Detention under the Act can be either voluntary (applied for by the person requiring treatment) or involuntary (applied for by the person’s relatives, a police officer or ‘any other reputable person’). In practice, the Act is used infrequently and is mainly for people with chronic alcohol dependence.

Sale of Liquor Act 1989

This Act aims to establish a reasonable system of control over the sale and supply of liquor to the public. It aims to contribute to the reduction of alcohol abuse, so far as can be achieved by legislative means. In summary, the purpose of the Act is to:

- Set out the provisions relating to on-license, off-licenses, club licences and special licences
- Define the powers of the Licensing Authority and District Licensing Agencies, which have responsibilities regarding the consideration of liquor licence applications
- Outline offences and enforcement provisions.

Smoke-free Environments Act 1990

The Act has the following purposes:

- To reduce the exposure of people who do not themselves smoke to any detrimental effect on their health caused by smoking by others.
- To regulate the marketing, advertising, and promotion of tobacco products, whether directly or through sponsorship of other products, services, or events.
- To monitor and regulate the presence of harmful constituents in tobacco products and tobacco smoke.
- To establish a Health Sponsorship Council.

Smokefree law is intended to protect public health and to provide consistent health protections for all workers and for non-smokers, from the significant health risks of exposure to second-hand smoke. The Act encourages a smokefree (auahi kore) lifestyle, and positive health for all New Zealanders.

Misuse of Drugs Act 1975

The Act is intended to prevent the misuse of drugs controlled under it (such as cannabis, heroin, methamphetamine, cocaine, and fantasy). Generally, this legislation houses drugs that are illegal for the average person to possess, use, supply, and sell. However, because some of these drugs have legitimate uses (e.g. medical uses) some people (e.g. doctors) are permitted access to them.

The Act contains provisions relating to the licensing, prescribing, storage, import and export of controlled drugs. There are also border control, law enforcement and penalty provisions in the Act.

Medicines Act 1981

This Act sets out the law relating to the manufacture, sale, and supply of medicines. It contains provisions relating to the licensing, prescribing, dispensing, storage, import and export of medicines. The Act sets out a range of provision to ensure medicines are safe and used safely, including:

- assessing the safety, quality and efficacy of medicines before they are marketed;
- auditing manufacturers, packers and wholesalers of medicines to ensure their premises and practices meet an acceptable standard
- monitoring the safety of medicines on the market.

Establishment of a Joint Scheme for the Regulation of Therapeutic Products

The Medicines Act is, however, likely to be replaced soon.

The Governments of New Zealand and Australia have signed a Treaty to develop a joint medicines regulatory regime. The Treaty is called: The Agreement for the Establishment of a Joint Scheme for the Regulation of Therapeutic Products. It is available [here](#).

Subject to the passage of implementing legislation in both countries, a joint agency to regulate therapeutic products (medicines, medical devices, and complementary medicines/dietary supplements that have therapeutic uses) in both countries should commence operation in mid 2005.

More information about our medicines law is available [here](#).

New Zealand Sports Drug Agency Act 1994

The Act establishes the New Zealand Sports Drug Agency. This agency oversees sports drug testing of competitors within and outside New Zealand, implements sports drug sampling and testing measures, and provides education on the use of drugs and doping methods in sport.

While encouraging the practice of sport free from the use of drugs, one of the key factors the agency is to consider is protecting the health of competitors. One of its functions is also to develop and implement educational programmes to discourage the use of drugs in sport.

Regulations

Alcohol Advisory Council Regulations 1978

These regulations set out some administrative details relating to how the Council is funded (a levy on different forms of alcohol).

Alcoholism and Drug Addiction (Medical Fees) Regulations 1992 and the Alcoholism and Drug Addiction (Forms) Regulations 1968

These regulations specify the fees to be paid to medical practitioners who issue certificates under the Act and prescribe certain forms to be used under the Act (e.g. when people are committed to institutions).

A number of Orders have also been made under the Act, which relate to institutions that are certified under the Act.

Sale of Liquor Regulations 1989

These regulations detail how to apply for liquor licenses and set out the various forms, fees, and other matters for the purposes of the Act.

Sale of Liquor (Evidence of Age Document) Notice 1999

The notice sets out the form of the evidence of age document under the Act.

Smoke-free Environments Regulations 1999

These regulations cover health warning messages that are required on retail packages of tobacco products. The regulations also have provisions about listing the harmful constituents of cigarettes on the packets.

Misuse of Drugs Regulations 1977

These regulations provide the details about obtaining licenses and permissions for controlled drugs, and record keeping requirements. Many drugs are used by industry or for medical or research purposes. Requirements are also set out for when doctors write prescriptions for controlled drugs for their patients.

Misuse of Drugs (Prohibition of Cannabis Utensils and Methamphetamine Utensils) Notice 2003

This notice prohibits the importation and supply of cannabis and methamphetamine utensils (such as bongs and pipes).

Misuse of Drugs Orders

A number of Orders have been made under the Act. These classify particular substances as controlled drugs under the Act and hence make them illegal for the average person to possess or sell. Examples include methamphetamine (“speed”, or “ice”) and the party drug “Fantasy”.

Medicines Regulations 1984

These regulations set out much of the detail of the medicines regulatory regime in New Zealand. This includes how medicines are classified (e.g. as prescription medicines or pharmacy medicines). They also specify medicine labelling, consumer information and warning statements, and record keeping requirements. Requirements on how prescriptions should be written by doctors and other prescribers of medicines are also specified. The regulations also contain storage and transportation provisions for medicines.

Medicines (Designated Prescriber: Nurses Practising in Aged Care and Child Family Health) Regulations 2001

These regulations allow some nurse practitioners to prescribe selected prescription medicines in certain circumstances.

Medicines (Database of Medical Devices) Regulations 2003

These regulations relate to the creation of a database of information about medical devices. Medical devices include a range of different devices such as bandages and heart valves. The regulations impose obligations on certain people (e.g. sponsors of medical devices) to supply information necessary for the Director-General to establish and maintain the database. The regulations also set out rules to be applied in determining the risk classifications that apply to medical devices.

Medicines (Standing Order) Regulations 2002

The regulations set minimum requirements for the content, development, and use of standing orders. Standing order are orders written by health practitioners, which allow another person to administer and supply a medicine.

B5: Food Safety

Food safety in New Zealand is regulated under a regime which contains several Acts and a number of pieces of delegated legislation. The main Act to ensure the safety of domestically sold food is the Food Act 1981.

The Food Act contains provisions to help give legal effect to a Treaty made between New Zealand and Australia.

The joint food standards setting system between Australia and New Zealand

In December 1995, Australia and New Zealand signed a Treaty to work together to create a joint food standards setting system.

The Treaty was called the Agreement Between the Government of New Zealand and the Government of Australia Establishing a System for the Development of Joint Food Standards (the “Food Standards Treaty”).

The Treaty can be accessed [here](#).

The underlying aims of the joint system are to consider the needs of both New Zealand and Australia, to protect the public health of both countries, and reduce unnecessary barriers to trade.

The Joint Food Code

The outcome of the Food Standards Treaty is a joint Australia New Zealand Food Standards Code, which applies in both countries. This code effectively sets out all of the detailed law relating to the composition and labelling of food.

It was adopted in New Zealand in February 2001 and took full effect on 20 December 2002.

The Code is available [here](#).

New Zealand-only law

A number of areas are outside the scope of the joint system and are covered under a New Zealand-only food standards setting process.

These include:

- Maximum residue limits for agricultural compounds in food (e.g. pesticides and veterinary medicines).
- Food hygiene and food safety provisions (including high risk imported foods).
- Export requirements relating to third country trade.
- Dietary supplements (likely to be covered under new therapeutic products legislation).

Legislation

The following legislation is relevant to food safety.

- Food Act 1981
- Animal Products Act 1999
- Animal Products (Ancillary and Transitional Provisions) Act 1999
- Dairy Industry Act 1952
- Agricultural Compounds and Veterinary Medicines Act 1997
- Meat Act 1981
- Health Act 1956
- Fair Trading Act 1986

These Acts are summarised [here](#).

Delegated legislation

A range of regulations, food standards and specifications have also been made under the above legislation (primarily the Food Act 1981 and the Animal Products Act 1999). This is summarised [here](#).

Review of our current system

The domestic food regime is administered by the New Zealand Food Safety Authority and is currently being reviewed.

The information about the food safety regime is adapted from that contained in the [New Zealand Food Safety Authority](#) web site.

Legislation

Food Act 1981

In New Zealand, food is regulated under the Food Act 1981 and delegated legislation under that Act. This legislation:

- defines relevant terms, such as food and sale
- outlines prohibitions on sale (including unfit food)
- prohibits misleading labelling and advertising
- provides powers of enforcement and offences
- contains provisions to make regulations and food standards.

Under the Act, the Minister for Food Safety has the power to issue food standards that set minimum requirements for the quality and safety of food for sale.

Before the Minister can issue a food standard, he or she must consider:

- the need to protect public health
- the desirability of avoiding unnecessary restrictions on trade
- the desirability of maintaining consistency with international food standards and agreements, in particular, the Australia New Zealand Joint Food Standards Agreement.

The Minister must also be satisfied that appropriate consultation has been carried out, including:

- adequate and appropriate notice of the intention to issue a food standard
- a reasonable opportunity for interested persons to make submissions
- adequate and appropriate consideration of any submissions.

Animal Products Act 1999

The Animals Product Act 1999, the Animal Products (Ancillary and Transitional Provisions) Act 1999 and various regulations under these Acts regulate the production and processing of animal material and animal products traded and used in New Zealand or exported from New Zealand.

Dairy Industry Act 1952

The Act relates to the inspection of dairies, and the manufacture, sale, and export of dairy produce. However, the Government agreed that the Dairy Industry will be regulated under the Animal Products Act 1999. The Animal Products (Dairy and Other Matters) Amendment Bill is likely to replace this Act in 2004. It will revoke the Dairy Industry Act and its associated regulations.

Agricultural Compounds and Veterinary Medicines Act 1997

The Act controls the agricultural compounds and veterinary medicines used in association with animals and plants.

Meat Act 1981

The Act relates to the slaughtering, processing, packing, inspection, distribution, and export of certain animals and any products or by-products derived from them and applies to those with Meat Act licences and approvals. It is to be repealed on 1 July 2006.

Health Act 1956

This Act contains provisions relating to the powers and duties of local authorities including the appointment of inspectors and food hygiene regimes.

Fair Trading Act 1986

The Fair Trading Act 1986 prohibits false or misleading representation of goods or services. The Commerce Commission publishes a guide on food labelling. Copies are available from the Wellington Office (04 924 3600) or from their [web site](#).

Delegated Legislation

The following are summaries of some of the delegated legislation made under the above legislation:

Australia New Zealand Food Standards Code

The Food Standards Code is a joint set of food labelling and composition standards for New Zealand and Australia. The health and safety of food consumers is one of the main reasons for the Code. The

Code effectively contains all the technical and detailed provisions of our food law, which help ensure food is safe to eat.

The Code is available [here](#).

New Zealand (Australia New Zealand Food Standards Code) Food Standards 2002

This Food standard is the legal instrument that incorporates the Australia New Zealand Food Standards Code into New Zealand law. Every time the Code gets updated (which happens a number of times each year), the Minister of Food Safety has to issue an amendment to this food standard to incorporate the updates to the Code into New Zealand law.

This standard and its amendments is available [here](#).

Food (Safety) Regulations 2002

The Food (Safety) Regulations 2002 contain regulations that generally fall outside of the Joint Food Standards System and so are not covered in the Food Standards Code.

Emergency Food Standards

The Food Act 1981 enables the Director-General of Health to issue an Emergency Food Standard if he or she considers that:

- This is necessary to alleviate or minimise any risk of death of, or serious harm to, any person: and
- It is not practicable in the circumstances of the particular case for the Minister to issue or amend a regular food standard.

The Act requires the Director-General consult with such persons or groups as the Director General considers appropriate.

Emergency food standards are only applicable for a maximum period of six months. However, such standards could become permanent if they go through the full standards development process set out in the Food Act 1981.

Dietary Supplements Regulations 1985

These regulations 1985 define “dietary supplements”, state the maximum daily doses for some nutrients, list food additive

permissions and labelling requirements. As with other foods, it is the manufacturer's/importer's responsibility to ensure their products are safe and comply with the legal requirements.

Dietary supplements may only be distributed for a therapeutic purpose, after receiving consent from the Minister of Health under the Medicines Act 1981.

Food Hygiene Regulations 1974

The 1974 regulations set out food handling requirements including registration of food premises. These regulations are enforced by local authorities. Food manufacturers may choose to voluntarily register an approved food safety programme with the New Zealand Food Safety Authority and be exempted from registration of premises under the Food Hygiene Regulations 1974. In the future a new food safety regime will replace the Food Hygiene Regulations 1974.

Weights and Measures Regulations 1999

These regulations have provisions to ensure packaged foods state the net contents on the label.

New Zealand (Prescribed Foods) Food Standards 2002

This standard lists prescribed foods (high risk foods) and their risks. The Food Act 1981 and the Food (Safety) Regulations 2002 require persons who import, manufacture, store, transport, prepare for sale, or sell any food to provide appropriate evidence that the risks associated with a prescribed food have been controlled, prior to it being sold.

This standard is available [here](#).

New Zealand (Maximum Residue Limits of Agricultural Compounds) Food Standard 2004

This standard sets the maximum limits for residues of agricultural compounds (e.g. pesticides or medicines used on animals) that are allowed in food.

This standard is available [here](#).

New Zealand (Milk and Milk Products Processing) Food Standards 2002

Milk and milk products are subject to the standards in the Australia New Zealand Food Standards Code. However, for New Zealand purposes, under the Code, the processing requirements for milk and milk products are provided in these standards.

This standard is available [here](#).

New Zealand (Bee Product Warning Statements – Dietary Supplements) Food Standards 2002

These standards require certain warning statements on products containing royal jelly, bee pollen and propolis when sold as food.

This standard is available [here](#).

Dairy Industry Regulations 1990

These regulations require all dairy products intended for sale for human consumption to be manufactured and stored in registered premises, and to be transported, manufactured, and stored in accordance with an approved Product Safety Programme.

B6. Sports Injuries

Some legislation covering particular sports has specific provisions enabling health and safety rules to be made. However, most sports do not have their own Act of Parliament.

Additionally, the focus of sports law is to promote and encourage participation in sport which will help peoples overall health and wellbeing through exercise.

Legislation

- Sport and Recreation New Zealand Act 2002
- New Zealand Sports Drug Agency Act 1994
- Racing Act 2003
- Boxing and Wrestling Act 1981

These Acts are summarised below.

Sport and Recreation New Zealand Act 2002

The Act establishes Sport and Recreation New Zealand (SPARC). SPARC's mandate is to promote, encourage and support physical activity and sport in New Zealand.

New Zealand Sports Drug Agency Act 1994

The Act establishes the New Zealand Sports Drug Agency to oversee sports drug testing of competitors within and outside New Zealand, implement sports drug sampling and testing measures, and provide education on the use of drugs and doping methods in sport.

While encouraging the practice of sport free from the use of drugs, one of the key factors the agency is to consider is protecting the health of competitors. One of its functions is also to develop and implement educational programmes to discourage the use of drugs in sport.

Racing Act 2003

While safety is not the main purpose of the Act, it does contain provisions enabling any racing rules of a racing code to provide

for the conduct and control of race meetings, including safety requirements.

Boxing and Wrestling Act 1981

This Act regulates the promotion and conduct of boxing and wrestling contests.

B7. Medical Misadventure

Medical misadventure is a personal injury resulting from treatment by a registered health professional.

Injury from medical misadventure can be covered by the Accident Compensation Scheme, which is run by the Accident Compensation Corporation.

New Zealand also has a range of Acts which regulate the activities of health professionals, which have protecting the public's health and safety as one of their goals.

Legislation

- Injury Prevention, Rehabilitation, and Compensation Act 2001
- Health Practitioners Competence Assurance Act 2003
- Medicines Act 1981

These Acts are summarised [here](#).

Legislation

Injury Prevention, Rehabilitation, and Compensation Act 2001

This Act aims to enhance the public good by providing for a fair and sustainable accident compensation scheme for managing personal injury – including personal injury resulting from medical misadventure.

Medical misadventure is a personal injury resulting from treatment by a registered health professional (or in limited circumstances an organisation). Such professionals include: doctors, clinical dental technicians, dental technicians, dentists, nurses, midwives, pharmacists, physiotherapists, chiropractors, podiatrists, occupational therapists, radiographers, laboratory technologists or optometrists.

All medical treatment carries some risk so not all risks are covered by the Act.

To be covered the injury must be caused by medical mishap or medical error. Both of these terms are defined under the Act and the [ACC](#) web site contains further information.

Proposed changes

In March 2003, the government announced proposed changes to the medical misadventure regime. Further information is available [here](#).

Further information about the Injury Prevention, Rehabilitation, and Compensation Act 2001 is contained in [Section D](#) of this report.

Health Practitioners Competence Assurance Act 2003

The principal purpose of this Act is to protect the health and safety of members of the public by providing mechanisms to ensure that health practitioners are competent and fit to practise in their professions.

The Act will cover a diverse range of health professional occupational groups when fully in force in September 2004, it will repeal 11 occupational statutes governing 13 professions. Previously, there has been separate Acts to regulate many types of health professionals (including, medical practitioners, nurses, pharmacists, dentists, Chiropractors, dietitians, medical laboratory technologists, occupational therapists, optometrists and opticians, physiotherapists, and psychologists).

This Act seeks to attain its principal purpose by providing, among other things:

- (a) For a consistent accountability regime for all health professions.
- (b) For the determination for each health practitioner of the scope of practice within which he or she is competent to practise.
- (c) For systems to ensure that no health practitioner practises in that capacity outside his or her scope of practice.
- (d) For power to restrict specified activities to particular classes of health practitioner to protect members of the public from the risk of serious or permanent harm.

- (e) For certain protections for health practitioners who take part in protected quality assurance activities.
- (f) For additional health professions to become subject to this Act.

More information about this Act can be accessed at the [Ministry of Health's](#) web site.

Medicines Act 1981

This Act sets out the law relating to the manufacture, sale, and supply of medicines. It contains provisions relating to the licensing, prescribing, dispensing, storage, import and export of medicines. The Act sets out a range of provision to ensure medicines are safe and used safely, including:

- Assessing the safety, quality and efficacy of medicines before they are marketed.
- Auditing manufacturers, packers and wholesalers of medicines to ensure their premises and practices meet an acceptable standard.
- Monitoring the safety of medicines on the market.

Establishment of a Joint Scheme for the Regulation of Therapeutic Products

The Medicines Act is likely to be replaced soon. The Governments of New Zealand and Australia have signed a Treaty to develop a joint medicines regulatory regime. The Treaty is called: The Agreement for the Establishment of a Joint Scheme for the Regulation of Therapeutic Products. It is available [here](#).

Subject to the passage of implementing legislation in both countries, a joint agency to regulate therapeutic products (medicines, medical devices, and complementary medicines/dietary supplements that have therapeutic uses) in both countries should commence operation in mid 2005.

More information about our medicines law is available [here](#).

B8: Disease And Illness

Some law aims to protect the public and individuals from harm associated from disease and illness.

Legislation

- Health Act 1956
- Medicines Act 1981
- Cancer Registry Act 1993
- Tuberculosis Act 1948
- Education Act 1989

These Acts are summarised [here](#).

[Section C](#) also includes other legislation regarding the provision of health and disability services in New Zealand.

Regulations

A range of [regulations](#) have also been made under the above legislation.

Legislation

Health Act 1956

Part 3 of the Act concerns infectious and notifiable diseases and conditions. It contains provisions designed to contain the spread of such diseases and conditions. For example, there is a legal requirement to notify certain diseases to the authorities.

The Act also contains quarantine provisions for when people are entering New Zealand on aircraft and boats.

The Act also contains provisions regarding New Zealand's cervical screening programme which aims to help reduce the incidence and mortality rate of cervical cancer.

More detail on the Health Act is contained [here](#).

Medicines Act 1981

This Act sets out the law relating to the manufacture, sale, and supply of medicines. The Act contains provisions relating to the licensing, prescribing, dispensing, storage, import and export of medicines. The Act sets out a range of provision to ensure medicines are safe and used safely, including:

- Assessing the safety, quality and efficacy of medicines before they are marketed;
- Auditing manufacturers, packers and wholesalers of medicines to ensure their premises and practices meet an acceptable standard
- Monitoring the safety of medicines on the market.

Establishment of a Joint Scheme for the Regulation of Therapeutic Products

The medicines Act is, however, likely to be replaced soon. The Governments of New Zealand and Australia have signed a Treaty to develop a joint medicines regulatory regime. The Treaty is called: The Agreement for the Establishment of a Joint Scheme for the Regulation of Therapeutic Products. It is available [here](#).

Subject to the passage of implementing legislation in both countries, a joint agency to regulate therapeutic products (medicines, medical devices, and complementary medicines/dietary supplements that have therapeutic uses) in both countries should commence operation in mid 2005.

More information about our medicines law are available [here](#).

Cancer Registry Act 1993

This Act provides for the compilation of a statistical record of the incidence of cancer in its various forms. This will help provide a basis for the better direction of programmes for research and for cancer prevention.

Tuberculosis Act 1948

This Act provides for the treatment, care, and assistance of persons suffering or having suffered from tuberculosis, and for preventing the spread of tuberculosis.

Some Acts have disease or illness provisions, even though these provisions are not the primary focus of the law. An example includes:

Education Act 1989

Principals may exclude students who are not clean enough to attend school or who they believe on reasonable grounds may have communicable disease (according to the Health Act 1956) (see section 19). If this is done then the Act sets out who the principal must notify about this.

Regulations

Regulations made under the Health Act 1956

A number of regulations have been made under the Health Act to help prevent the spread of diseases.

Health (Immunisation) Regulations 1995

These regulations impose a duty on a child's caregiver to provide a certificate relating to the immunisation status of the child when the child is enrolled at an early childhood centre or a primary school. A duty to record the information is imposed on early childhood centres and primary schools. The regulations do not impose on caregivers any obligation to immunise their children. The regulations apply only in respect of children born on or after 1 January 1995.

Health (Infectious and Notifiable Diseases)

Regulations 1966

These regulations set out a range of requirements regarding the control of infectious diseases. For instance, isolating patients, contacts and carriers, excluding children suspected of having certain diseases from school, etc.

Health (Needles and Syringes) Regulations 1998

These regulations set out the legal requirements of the Needle and Syringe Exchange Programme. The programme aims to minimise the risk of the spread of blood-borne infection through the shared use of needles and syringes principally among intravenous drug users. These regulations provide for the sale of new (and therefore clean) needles and syringes by pharmacists, pharmacy employees,

approved medical practitioners, and authorised representatives, as well as providing for the safe disposal of used needles and syringes.

Health (Quarantine) Regulations 1983

These regulations set out quarantine measures in respect of incoming aircraft and ships.

Health (Cervical Screening (Kaitiaki) Regulations 1995

These regulations prohibit the disclosure, use, and publication of information that is contained on the National Cervical Screening Register that relates to Maori women without the approval of a National Kaitiaki Group, which is appointed by the Minister of Health.

Tuberculosis Regulations 1951

The regulations contain notification, examination and vaccination of people.

B9: Building Safety

Building Act 1991

Building work in New Zealand is governed by the Building Act 1991. This Act established a three-part framework of building controls:

The Building Act 1991 describes what is covered by building controls and sets down the law for building work in New Zealand.

The Building Regulations contain the mandatory New Zealand Building Code and details about the processing of building approvals.

The Approved Documents are (non-mandatory) documents written by the Building Industry Authority (BIA) to assist people to comply with the Building Code

The Building Act applies to the construction, alteration, demolition and maintenance of new and existing buildings throughout New Zealand. It includes Government building work.

Building Code

The New Zealand Building Code is the First Schedule to the Building Regulations 1992. All building work must comply with the Building Code.

It is a performance-based code, setting out objectives to be achieved rather than prescribing construction methods. The emphasis is on how a building and its components must perform as opposed to how the building must be designed and constructed.

The Building Code is divided into 35 clauses. Each clause begins with an objective. For example, one objective is to “safeguard people from injury caused by falling”, another one is to “safeguard people from illness caused by infection from contaminated water or food ...”. Specific performance criteria for each clause describe the extent that buildings must meet those objectives. Each clause sets out performance standards that buildings must meet. These cover things like durability, fire safety, energy efficiency and access.

Approved documents

Approved Documents provide a prescriptive means of complying with the clauses of the Building Code. That is, buildings built to the method described in an Approved Document are automatically deemed to comply with the Code.

Each Approved Document contains building methods called Acceptable Solutions (for example, what insulation is needed to comply with energy efficiency requirements or what level of treatment is required for timber to meet durability requirements), and Verification Methods (calculations, tests) that can be used to demonstrate compliance with the Building Code (for example, calculations of the size of beams).

The Act is not involved with planning and resource management, the finish and appearance of a building, or protection of capital investment. These are the owner's responsibility. Gas and electrical work also are not covered by the Act.

The code can be viewed on the [Building Industry Authority's](#) web site.

Building Bill

New Zealand's building law is in the process of change. A new Building bill has been introduced to Parliament. Information on the Bill is available at the [Building Industry Authority's](#) web site.

Building Industry Authority

The Authority is a Crown agency established by the Building Act to manage the building control system. The aim of the Authority is to promote effective and efficient building controls throughout New Zealand. These functions are funded by a levy on building consents:

- To advise the Minister of Commerce on matters relating to building control.
- To administer and review the New Zealand Building Code.
- To produce Approved Documents that specify detailed methods of complying with the New Zealand Building Code.
- To provide information and advice on building controls to all sectors of the building industry and public.

Additionally, the Authority offers specific services on a user-pays basis. These are:

1. **Determinations:** technical rulings on matters of interpretation or dispute relating to compliance with the building code or the issuing of consents and certificates.
2. **Accreditations:** approving specific products, systems or methods as complying with the building code.
3. **Building certifier approvals:** registration of individuals and firms approved by the Authority to check building plans and specifications and building work during and after construction

B10: Product Safety

There are a range of acts which aim to protect the public and individuals from harm associated with unsafe products.

Legislation

Consumer Guarantees Act 1993
Fair Trading Act 1986

These Acts are summarised [here](#)

Regulations

A range of [regulations](#) and other instruments have also been made under the above legislation.

The [Ministry of Consumer Affairs](#) web site provides further information about product safety in New Zealand.

Legislation

Consumer Guarantees Act 1993

The Act applies to goods and services supplied in trade for ordinary household or domestic use. It deals with the guarantees given (or deemed to be given) to consumers upon the supply of goods or services. It also has provisions about the rights of redress against suppliers and manufacturers in respect of any failure of goods or services to comply with any such guarantees.

The relevant guarantee in the Act as to product safety is that goods supplied will be of “acceptable quality”. This means they will be safe, durable and free from minor defects, unless these defects have been drawn to the consumers attention and have been accepted by the consumer.

If the goods do not meet the guarantee of acceptable quality, consumers are entitled to have the goods repaired, replaced or to cancel the contract if the breach of guarantee is substantial.

The Sale of Goods Act 1908 also contains guarantees in relation to products/goods as to their quality and fitness for purpose. However, that Act is intended to cover commercial as opposed to domestic transactions.

Fair Trading Act 1986

This Act prohibits certain conduct and practices in trade, provides for the disclosure of consumer information relating to the supply of goods and services and promotes product safety. **Part 3** of the Act covers product safety.

Product Safety Standards

The Act provides for the making of Product Safety Standards for goods. Their purpose is to prevent or reduce the risk of injury to any person. A product safety standard may cover the:

- Nature of the product and its performance – e.g., composition, contents, manufacture, processing, design, construction, finish or packaging.
- Tests that the product should go through during or after manufacture.
- Form and content of any markings, warnings or instructions on the product.

If they are implemented as regulations, Product Safety Standards are enforced by the Commerce Commission, which also deals with complaints.

It is an offence to supply, offer, or advertise to supply any goods that do not comply with the requirements set out in the Product Safety Standard.

Currently there are six [Product Safety Standards](#) under the [Fair Trading Act](#).

Unsafe Goods Notices

Section 31 of the Fair Trading Act 1986 gives the Minister of Consumer Affairs the power to ban products by declaring them to be “unsafe goods” by a notice published in the New Zealand Gazette. This action can be taken where it appears to the Minister that goods of any

description or any class or classes of goods **will or may cause injury** to any person.

An Unsafe Goods Notice remains in force for up to 18 months and in effect bans the goods from being imported or supplied. At the end of the 18-month period a further order may be made prohibiting the supply of the goods indefinitely or for a specified period.

It is an offence to supply or offer or advertise to supply any goods that are subject to an Unsafe Goods Notice. The Commerce Commission deals with enforcement and complaints.

There are currently five [Unsafe Goods Notices](#).

Recall of Goods

Under the Act, if goods do not comply with a Product Safety Standard and are likely to cause injury to any person, and the supplier has not recalled the goods themselves, the Minister may order a supplier to recall the goods. Alternatively, the Minister could disclose to the public the unsafe characteristics of the goods or the circumstances in which use of the goods is unsafe, or order the supplier to repair or replace the goods or provide a refund for the goods.

Services Safety Standards

In addition, Services Safety Standards can be made in respect of the maintenance, repair, treatment, processing, installation, assembly, cleaning, alteration or transportation of goods for the purpose of preventing or reducing the risk of injury to any person.

These must be complied with, and are enforced in a similar manner to, Product Safety Standards.

Regulations

Product Safety Standards (Children's Nightwear & Limited Daywear Having Reduced Fire Hazard)

Regulations 1999

These regulations apply to all children's nightwear and to some daywear. The standard creates four categories of acceptable garments for nightwear and establishes burn tests for each category.

Category 1: garments made from fabrics with low flame propagation properties.

Category 2: garments, which because of their design, are less likely to catch alight and if they do, the spread of flames is reduced because of the design features.

Category 3: all-in-one style garments made predominantly from knitted fabrics, in sizes 00 to 2.

Category 4: garments that are assigned a high flammability rating.

Garments that do not meet the requirements of any of these categories are considered to have a very high flammability rating and are therefore unacceptable for supply as nightwear.

The regulations also set out design, dimension, and labelling specifications.

Product Safety Standards (Baby Walkers)

Regulations 2001

These regulations apply to both new and second-hand baby walkers. The standard sets out requirements that address the stability of the walker, its performance over steps, and the provision of safety warnings.

Product Safety Standards (Children's Toys)

Regulations 1992

These regulations deal with all toys that are intended or suitable for use by the under three age group. They require that these toys do not have small parts that can be pulled apart from, or break off the toy. The regulations establish an acceptable size for toys for the under threes (approximately the size of a ping pong ball or film canister). They also set up a range of tests that the product must be able to pass, such as a bite test and drop test, without small parts breaking off.

Product Safety Standards (Cigarette Lighters)

Regulations 1998

These regulations apply to all disposable cigarette lighters and to refillable cigarette lighters that have an ex Customs value of less than NZ\$3.50. The standard sets out safety performance requirements in relation to flame height, extinguishing of flame, etc.

Product Safety Standards (Household Cots)

Regulations 2000

These regulations apply to new and second hand free-standing cots designed for normal household use. This includes those cots of similar design that may be used in day-care centres or crèches. Some cots, such as portable cots, are excluded from the regulations.

The regulations set out measurements for gaps and projections. It addresses such features as the depth of the cot, allowable base heights, safe sizes for holes and openings in the cot, protrusions, and the integrity of the fastening device. The regulations also set out durability, information labelling, and packaging requirements for new cots.

Product Safety Standards (Pedal Bicycles)

Regulations 2000

The regulations apply to new pedal bicycles, partially assembled pedal bicycles and sub-assemblies of pedal bicycles having a wheel base of 640mm or greater. It does not apply to a number of other bikes, nor to children's bicycles which are considered toys and are NOT fit for use on the road.

They also do not apply to second-hand bicycles. When sold in trade, however, second-hand bicycles must be at least roadworthy unless otherwise agreed at point of sale.

The regulations set out minimum conditions for the design, assembly and performance of pedal bicycles (in relation to handlebars, seats, brakes etc) and require that an owner's manual must be provided which must contain instructions on use, maintenance, and, where relevant, assembly.

Unsafe Goods Notices

There are currently five Unsafe Goods Notices in place, which ban certain products. These include:

- Pistol crossbows without safety catches.
- Toy pistol liquids with pH factors less than pH3 or greater than pH10.
- Glitter bangles.

- Disappearing ink with pH factors less than pH3 or greater than pH10.
- Candles with lead in the wicks and candlewicks containing lead.

More information is available [here](#).

Gas Regulations 1993

These regulations specify that gas needs to be supplied at safe pressure (so as not to present a hazard to any person) and that gas distribution systems need to be designed, constructed, maintained, and operated in a safe manner.

Additionally, everyone who manufactures, imports, sells or offers for sale, hires out, leases out, or installs any gas fitting, gas appliance, or gas installation must take all reasonable steps to ensure that those items are safe in all reasonably foreseeable circumstances. For instance, that they conform to the appropriate safety standard, and do not leak gas.

Repairers need to ensure an item is returned to service in a safe condition. Those who hire out fittings or appliances must provide safety instructions prior to the hiring.

The safety onus also extends to anyone who owns, operates, or uses any fittings or appliance – to ensure that it is in a safe condition, is operated in a safe manner, and is maintained in a safe condition.

Electricity Regulations 1997

These regulations require electrical works, electrical installations, fittings, electrical appliances, and associated equipment to be designed, constructed, maintained, installed, and used so that they are electrically safe – i.e. pose no significant risk of injury or death. Regulations 69A – 69C set out the NZ Safety Standards that must be complied with in this regard.

Plastic Wrapping Regulations 1979

This regulation prohibits plastic/polythene bags less than 0.025mm thick being used for the packing of customer goods unless a prominent label is displayed warning that the plastic bag could cause suffocation and should be kept away from children.

Microwave Ovens Regulations 1982

This regulation applies to every person who manufactures or imports a fully assembled, or assembles a partially assembled, microwave oven, or who services microwave ovens. It sets out standards of construction which must be met to ensure that;

- microwaves do not emit harmful levels of radiation and
- that the microwave generator will not operate when the door is open.

B11: Environment Law

This section summarises some of New Zealand's legislation relating to safety in the physical environment, which is not covered in the other sections.

Legislation

- Dog Control Act 1996
- The Conservation Act 1987
- National Parks Act 1980
- New Zealand Walkways Act 1990
- Reserves Act 1977
- Resource Management Act 1991
- Ozone Layer Protection Act 1996

These Acts are summarised [here](#)

Legislation

Dog Control Act 1996

This Act's objectives include making better provision for the care and control of dogs by:

- Requiring the registration of dogs.
- Making special provision in relation to dangerous dogs; and menacing dogs.
- Imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person.
- Imposing on owners of dogs obligations designed to ensure that dogs do not injure, endanger, or cause distress to certain other animals.

The Conservation Act 1987; National Parks Act 1980; Walkways Act 1990; Reserves Act 1977

These Acts contain provisions regarding the safety of the public in conservation areas and national parks and other areas. For example:

- The Minister of Conservation can close conservation areas to the public for reasons of public safety and emergency.

- The Minister of Conservation can make bylaws for the safety and protection of the public using any national park.
- Authorities can close public walkways for safety reasons.
- Authorities can cut down trees in reserves if public safety is threatened.

Resource Management Act 1991

The purpose of this Act is to promote the sustainable management of natural and physical resources. By bringing together laws governing land, air and water resources and concentrating on the environmental effects of human activities, the Resource Management Act introduced a new approach to environmental management.

While injury prevention or safety is not the primary purpose of the Act, its definition of “sustainable management” covers health and safety considerations:

“Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing **and for their health and safety** while—

- Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”

More information on this Act is available [here](#).

Ozone Layer Protection Act 1996

The purpose of this Act is to:

- Help protect human health and the environment from adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer.
- Phase out ozone depleting substances as soon as possible except for essential uses.

- Give effect to New Zealand's obligations under the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer.

More information is available [here](#).

SECTION C:

Provision of Health and Disability Services in New Zealand

There are a range of acts relating to the provision of health and disability services in New Zealand.

Because these have general relevance to health and safety of the public, they have been grouped into a separate section. However, this section is not intended to cover all of the legislation relating to the New Zealand health sector.

Legislation

- Health Act 1956
- Health and Disability Commissioner Act 1994
- Health and Disability Services (Safety) Act 2001
- New Zealand Public Health and Disability Act 2000
- Health Practitioners Competence Assurance Act 2003
- Medicines Act 1981

These Acts are summarised [here](#).

Regulations

A range of [regulations](#) have also been made under the above legislation.

Legislation

Health Act 1956

This Act sets out the function and powers of the Ministry of Health in improving, promoting, and protecting public health. The Act also provides a role for City and District Councils in identifying and abating all conditions that are offensive or likely to be injurious to health. This role is stated context of their duty to improve, promote and protect public health.

The Ministry of Health is currently reviewing this Act to with a view to developing an updated public health legislation.

Health and Disability Commissioner Act 1994

This Act's purpose is to promote and protect the rights of health consumers and disability services consumers. It provides for the appointment of a Health and Disability Commissioner to investigate complaints against persons or bodies that provide health care or disability services.

It also establishes a Health and Disability Services Consumer Advocacy Service and provides for the promulgation of a Code of Health and Disability Services Consumer's Rights.

Health and Disability Services (Safety) Act 2001

The purposes of this Act are to:

- Promote the safe provision of health and disability services to the public.
- Enable the establishment of consistent and reasonable standards for providing health and disability services to the public safely.
- Encourage providers of health and disability services to take responsibility for providing those services to the public safely.
- Encourage providers of health and disability services to the public to improve continuously the quality of those services.

The Act replaced the old system whereby hospitals and rest homes had to be licensed and residential care homes had to be registered, with a system of certification of people or organisations that provide those kinds of services.

Facilities that in the past were licensed as hospitals or rest homes or are registered as a disabled persons community welfare home, will have to meet the requirements of the Act from October 2004.

Service providers seeking certification under the Act have to demonstrate that their service complies with all relevant approved standards.

All hospitals, rest homes and homes for people with disabilities will need to meet the following standards:

- Health and Disability Sector Standards NZS8134: 2001
- Infection Control NZS8142: 2000
- Restraint Minimisation and Safe Practice: NZS8141: 2001.

Hospitals, rest homes and homes for people with disabilities that provide mental health services will also need to meet the National Mental Health Sector Standard NZS8143: 2001.

Copies of the relevant Standards and/or workbooks may be purchased from Standards New Zealand, free phone 0800 735 656 – ask for Customer Services, or tel 64-4-498 5991.

New Zealand Public Health and Disability Act 2000

In summary, this Act provides for the public funding and provision of personal health services, public health services, and disability support services. It establishes New Zealand’s publicly-owned health and disability organisations in order to:

- Improve, promote, and protect of the health of New Zealanders.
- Promote the inclusion and participation in society and independence of people with disabilities.
- Help ensure the best care or support for those in need of services.

Health and disability organisations established by the Act include:

- **District health boards (DHBs)**, The Act sets out the functions, responsibilities and powers of DHBs, which include providing health and disability services to their populations.
- **Pharmaceutical Management Agency (PHARMAC)**, which is responsible for securing for eligible people in need of pharmaceuticals, the best health outcomes that are reasonably achievable from pharmaceutical treatment and from within the amount of funding provided.
- **New Zealand Blood Service**, which manages the donation, collection, processing, and supply of blood and controlled human substances.

Information on the structure of the New Zealand health and disability sector under this Act is available on the [Ministry of Health’s](#) web site.

Health Practitioners Competence Assurance Act 2003

The principal purpose of this Act is to protect the health and safety of members of the public by providing for mechanisms to ensure that health practitioners are competent and fit to practise their professions.

The Act will cover a diverse range of health professional occupational groups and when fully in force in September 2004, the Act will repeal 11 occupational statutes governing 13 professions. Previously, there has been separate Acts to regulate many types of health professionals (e.g. medical practitioners, nurses, pharmacists, dentists, Chiropractors, dietitians, medical laboratory technologists, occupational therapists, optometrists and opticians, physiotherapists, and psychologists).

This Act seeks to attain its principal purpose by providing for among other things:

- A consistent accountability regime for all health professions.
- The determination for each health practitioner of the scope of practice within which he or she is competent to practise.
- Systems to ensure that no health practitioner practises in that capacity outside his or her scope of practice.
- For power to restrict specified activities to particular classes of health practitioner to protect members of the public from the risk of serious or permanent harm.
- For certain protections for health practitioners who take part in protected quality assurance activities.
- For additional health professions to become subject to this Act.

More information about this Act can be accessed at the [Ministry of Health's](#) web site.

Medicines Act 1981

This Act sets out the law relating to the manufacture, sale, and supply of medicines. The Act contains provisions relating to the licensing, prescribing, dispensing, storage, import and export of medicines. The Act sets out a range of provision to ensure medicines are safe and used safely, including:

- Assessing the safety, quality and efficacy of medicines before they are marketed.

- Auditing manufacturers, packers and wholesalers of medicines to ensure their premises and practices meet an acceptable standard.
- Monitoring the safety of medicines on the market.

Establishment of a Joint Scheme for the Regulation of Therapeutic Products

The Medicines Act is, however, likely to be replaced soon.

The Governments of New Zealand and Australia have signed a Treaty to develop a joint medicines regulatory regime. The Treaty is called: The Agreement for the Establishment of a Joint Scheme for the Regulation of Therapeutic Products. It is available [here](#).

Subject to the passage of implementing legislation in both countries, a joint agency to regulate therapeutic products (medicines, medical devices, and complementary medicines/dietary supplements that have therapeutic uses) in both countries should commence operation in mid 2005.

More information about our medicines are available [here](#).

Regulations

Some of the relevant regulations made under the Health and Disability Services (Safety) Act 2001 include:

Health and Disability Services (Safety) Exemption Order 2002

This order exempts the following hospital premises and residential schools from the Health and Disability Services (Safety) Act 2001:

- all New Zealand Defence Force hospital premises, except the Navy Hospital:
- the residential schools listed in the Schedule to the Order.

Health and disability Services (Safety) Hospital Care, Residential Disability Care and Rest Home Care Standards Notice 2002

This notice approves standards for providing hospital care, residential disability care, rest home care, and some mental health services.

Health and Disability Commissioner (Code of Health and Disability Services Consumers Rights) Regulations 1996

These regulations prescribe a Code of Health and Disability Services Consumers' Rights for the purposes of the Health and Disability Commissioner Act 1994. The Code contains a range of consumer rights such as the right to give to make and informed choice and to give informed consent.

SECTION D

Injury Prevention, Rehabilitation, And Compensation Act 2001

The purpose of the Injury Prevention, Rehabilitation, and Compensation Act 2001 is to enhance the public good by providing for a fair and sustainable accident compensation scheme for managing personal injury.

The accident compensation scheme provides no fault personal injury cover for all New Zealand citizens, residents and temporary visitors to New Zealand. In return, people do not have the right to sue for personal injury, other than for exemplary damages.

The Scheme's overriding goals include:

- Minimising the overall incidence of injury in the community, and
- Minimising the impact of injury on the community (including economic, social, and personal costs).

The scheme is administered by the Accident Compensation Corporation.

Some of the main components of the Act include:

Accident Compensation Corporation

The Act contains provisions which establish ACC and govern its operations. In summary, ACC's statutory functions are to:

- (a) Carry out the duties required by the Act, which include:
 - Determining cover for claimants
 - Providing entitlements in accordance with the Act
 - Manage the Accounts required by the Act
 - Collecting levies under the Act
 - Administering dispute resolution service under the Act
 - Carrying out other functions and duties under the Act.
- (b) Promote measures to reduce the incidence and severity of personal injury.

- (c) Manage assets, liabilities, and risks in relation to ACC Accounts, including risk management by means of reinsurance or other means.
- (d) Carry out such other functions as are conferred on it by the Act, or are ancillary to and consistent with those functions.

Injury prevention

One of the primary functions of ACC is to promote measures to reduce the incidence and severity of personal injury.

Rehabilitation

The Act seeks to ensure that where injuries occur, ACC's primary focus should be on rehabilitation with the goal of achieving an appropriate quality of life through the provision of entitlements that restores to the maximum practicable extent a claimant's health, independence, and participation.

Claims and compensation

The Act aims to ensure that, during their rehabilitation, claimants receive fair compensation for loss from injury. This includes a fair determination of weekly compensation and, where appropriate, lump sums for permanent impairment.

The Act has provisions prescribing how a person can make a claim for cover and/or entitlements, and the process ACC must follow in deciding claims. It also sets out the entitlements and provides for the resolution of disputes about decisions.

Code of ACC Claimants' Rights

The Act provides for the development and operation of a Code of ACC Claimants' Rights. The Code came into force in 2003. It can be accessed [here](#).

Injury information

The Act establishes a framework for the collection, co-ordination, and analysis of injury-related information.

Funding

The Act contains provisions for the setting and collection of levies to fund ACC's services. More detail about levies are contained in a set of regulations made under the Act.

Further information

More information about the ACC Act is available [here](#).

Regulations

A range of regulations have been made under the Act. They generally cover the following areas:

- Claimants' Rights
- Levies
- Compensation
- Treatment

Code of ACC Claimants' Rights

Injury Prevention, Rehabilitation, and Compensation (Code of ACC Claimants' Rights) Notice 2002

The above notice ratifies the Code of ACC Claimants' Rights. It can be accessed [here](#).

Levies

There are a number of regulations which prescribe a range of different levies, which ACC collects to fund rehabilitation, treatment and compensation provided to claimants. These include:

- Injury Prevention, Rehabilitation, and Compensation (Earners' Levy and Earners' Account Residual Levy) Regulations 2003
- Injury Prevention, Rehabilitation, and Compensation (Employer Levy) Regulations 2004
- Injury Prevention, Rehabilitation, and Compensation (Interest Rate for Late Payment of Levies) Regulations 2002
- Injury Prevention, Rehabilitation, and Compensation (Motor Vehicle Levy and Motor Vehicle Account Residual Levy) Regulations (No 2) 2003
- Injury Prevention, Rehabilitation, and Compensation (Refund of Fuel Levy) Regulations 2003
- Injury Prevention, Rehabilitation, and Compensation (Residual Claims Levy) Regulations 2004

- Injury Prevention, Rehabilitation, and Compensation (Self-Employed Work Account Levies) Regulations 2004

Compensation

Some regulations have also been made to adjust compensation rates and set minimum and maximum rates payable to people, including:

- Injury Prevention, Rehabilitation, and Compensation (Indexation of Maximum Weekly Compensation) Regulations 2002
- Injury Prevention, Rehabilitation, and Compensation (Indexation of Maximum Weekly Compensation) Regulations 2003
- Injury Prevention, Rehabilitation, and Compensation (Lump Sum and Independence Allowance) Regulations 2002
- Injury Prevention, Rehabilitation, and Compensation (Minimum Weekly Earnings) Regulations 2003

Treatment

Some regulations prescribe the amounts the ACC is liable to pay or contribute to treatment.

- Injury Prevention, Rehabilitation, and Compensation (Liability to Pay or Contribute to Cost of Treatment) Regulations 2003
- Injury Prevention, Rehabilitation, and Compensation (Ancillary Services) Regulations 2002

SECTION E

Local Government Legislation

Local Government is responsible for performing the duties and exercising the rights under the Local Government Acts 1974 and 2002. This includes overseeing and regulating various aspects of health and safety in their respective communities.

Many of these responsibilities are more akin to the need to manage issues of public health as opposed to personal injury prevention.

There are two empowering Acts in regard to Local Government, along with a range of regulations and other delegated law. For instance, councils are empowered by these pieces of legislation to make bylaws relevant to their own communities.

Local Government legislation

- Local Government Act 2002
- Local Government Act 1974

Local Government Act 2002

Community wellbeing

Under the Local Government Act 2002, territorial authorities (city and district councils) have responsibilities regarding the wellbeing and environmental health and safety and of the communities they serve.

The responsibility for social, economic, and cultural wellbeing of communities is one of the key principles underlying the Act. This is supported by the requirement that authorities be involved in sustainable development; that they consult with communities in all decision-making, and operate open and transparent governance.

Specific safety responsibilities

In order to carry out their responsibilities, territorial authorities oversee building control, civil defence, and environmental health matters as well as roading and transport, sewerage, water/storm water.

They are responsible for: ensuring that they have in place a waste management plan and that such a plan is not injurious to health; assessing the quality and quantity of drinking water and systems of sewerage storm water and wastewater disposal.

Territorial authorities have powers to order the removal of objects in water ways, roads and drains that may cause, or are intended to cause, injury or pose a threat to life or safety.

Liquor control

Territorial authorities have the responsibility for liquor control and are able to make bylaws to deal with this.

Bylaws

A territorial authority may make bylaws in order to:

- Protect the public from nuisance.
- Protect, promote, and maintain public health and safety.
- Minimise the potential for offensive behaviour in public places.

The specific bylaw-making powers of territorial authorities include managing waste water disposal, trade waste, waste management, solid waste, the keeping of animals, bees and poultry, trading in public places, the upkeep of facilities related to water supplies and water ways/races, drainage and sanitation, cemeteries and reserves.

Regional Councils

The functions of regional councils are:

- Management of the effects of use of freshwater, coastal waters, air and land.
- Biosecurity control of regional plant and animal pests.
- River management, flood control and mitigation of erosion.
- Regional land transport planning and contracting of passenger services.
- Harbour navigation and safety, marine pollution and oil spills.
- Regional civil defence preparedness.

Local Government Act 1974

The majority of this Act was superseded by the 2002 Act, but some specific areas of territorial authority responsibility, which relate to

safety and injury prevention are still encompassed within this Act, including:

Transport: repairs to roads, safe passage of disabled persons using footpaths, pedestrian safety areas and facilities for the safety, health, or convenience of the public, or control and enforcement of traffic.

Harbours: navigational safety matters within harbours.

Fire hydrants and pipes: provision of fire hydrants with responsibility to keep them charged with water.

SECTION F

Legislation relating to government agencies involved in injury prevention

New Zealand has a range of legislation which establishes and governs various public sector organisations. These include departments, ministries, and other types of organisations, such as Crown entities.

Some agencies are given statutory safety-related or injury prevention mandates, although they usually have other objectives or purposes than “safety”. Their legislation also contains a range of provisions regarding their governance, management, and operations.

Government ministries or departments are responsible for administering particular safety-related legislation, much of which is covered in **sections A to E** of this document.

Core government Ministries or Departments

- [Child, Youth and Family](#)
- [Department of Corrections](#)
- [Department of Labour](#)
- [Ministry of Civil Defence & Emergency Management](#)
- [Ministry of Consumer Affairs](#)
- [Ministry of Health](#)
- [Ministry of Justice](#)
- [Ministry of Pacific Island Affairs](#)
- [Ministry of Social Development](#)
- [Ministry of Transport](#)
- [New Zealand Police](#)
- [Te Puni Kokiri](#)
- [Statistics New Zealand](#)

Other agencies

- [Accident Compensation Corporation](#)
- [Alcohol Advisory Council of New Zealand](#)
- [Building Industry Authority](#)

- [Civil Aviation Authority and the New Zealand Aviation Security Service](#)
- [Environmental Risk Management Authority](#)
- [Health Research Council](#)
- [Land Transport Safety Authority of New Zealand](#)
- [Maritime Safety Authority](#)
- [Office of Children’s Commissioner](#)
- [New Zealand Fire Service](#)
- [Sport & Recreation New Zealand](#)
- [Standards New Zealand](#)
- [District Health Boards](#)

Note: there are many other organisations involved in injury prevention that are not created by legislation – for example non government organisations. More information about such key players is available [here](#).

Legislation

Core Government Ministries Or Departments

Child, Youth and Family

Child, Youth and Family is the government agency that has legal powers to intervene to protect and help children who are being abused, neglected or who have problem behaviour.

Child, Youth and Family’s statutory role is defined by the following legislation:

- Children, Young Persons, and Their Families Act 1989
- Adoption Act 1955
- Adult Adoption Information Act 1985
- Adoption (Inter-country) Act 1997
- Guardianship Act 1968

More information is available at www.cyf.govt.nz

Department of Corrections

The Department’s core business is the management of custodial sentences (imprisonment and home detention) and non-custodial

sentences and orders (e.g. supervision, community work and parole) imposed by the courts.

The Department is responsible for safety in its facilities. It also undertakes work to prevent re-offending, which can contribute to the health and safety of the public.

The main Corrections-related law include the following.

Penal Institutions Act 1954 (and Penal Institutions Regulations 2000)

This Act provides the legal framework for the management and operation of prisons and inmates. The regulations require penal institutions to be operated in a manner that provides for the fair, safe, secure, orderly, and humane management of its inmates so as to facilitate their rehabilitation and eventual reintegration into the community.

Sentencing Act 2002

The purposes of this Act are to:

- Set out the purposes for which offenders may be sentenced or otherwise dealt with.
- To promote those purposes, and aid in the public's understanding of sentencing practices, by providing principles and guidelines to be applied by courts in sentencing or otherwise dealing with offenders.
- To provide a sufficient range of sentences and other means of dealing with offenders.
- To provide for the interests of victims of crime.

Under the Act, the safety of the community is one of a range of factors that are considered when offenders are sentenced (e.g. to imprisonment, preventative detention, etc).

Parole Act 2002

This Act sets out the law relating to the release of offenders from detention serving sentences of imprisonment. Under the Act when the parole board makes decisions about, or in any way relating to, the release of an offender, their paramount consideration in every case is the safety of the community.

More detailed information about these laws is available [here](#).

More information is available at www.corrections.govt.nz

Department of Labour

The Occupational Safety and Health Service (OSH) works to ensure the health and safety of people at work. OSH is part of the Department of Labour and provides information and guidance to assist New Zealand businesses. OSH also inspects workplaces to check on safety and health arrangements, investigates accidents at work, and makes sure employers and employees comply with health and safety legislation. OSH regulates the storage and use of hazardous substances, explosives and dangerous goods, and for the safety of amusement devices.

The Department of Labour is a lead agency for the NZIPS “Workplace injuries (and occupational diseases)” national injury prevention priority area. Information on workplace safety and applicable legislation is available [here](#).

More information is available at www.dol.govt.nz and www.osh.govt.nz

Ministry of Civil Defence and Emergency Management

The Ministry of Civil Defence and Emergency Management works to make New Zealand and its communities resilient to hazards and disasters. Its role is to:

- Provide strategic policy advice on New Zealand’s capability to manage and be resilient to the social and economic costs of disasters.
- Ensure the establishment of structures to provide the capability to manage and respond to disasters in New Zealand.
- Provide support to sector stakeholders in their delivery of civil defence emergency management.
- Ensure a co-ordinated approach, at both national and community level to planning for reduction, readiness, response, and recovery.
- Manage central government response and recovery functions for large scale events that are beyond the capacity of local authorities.

The Ministry administers the **Civil Defence Emergency Management Act 2002**. The Act improves and promotes:

- The reduction of risks through partnerships with communities.
- The reduction of community disruption from avoidable hazards and risks.
- The reduction of fiscal risks from the costs of disruption.
- more effective and efficient emergency readiness, response and recovery through the integrated activities of responsible agencies and relevant disciplines.
- A culture, processes and structures that encourage and enable people and communities to: – undertake risk management, build operational capabilities for response and recover from emergencies.

Information explaining what the Act means for central and local government, emergency services, lifeline utilities, and the wider community is available [here](#).

More information is available at www.mcdem.govt.nz

Ministry of Consumer Affairs

The Ministry of Consumer Affairs' work covers the:

- Development of consumer policy including consumer protection, product safety and weights and measures.
- Provision of appropriate, accurate and accessible information, education and advice for consumers and businesses on consumer laws and issues.
- Investigation of unsafe consumer products.
- Provision of advice on consumer representation, including a consumer representation nomination service to government departments and agencies.
- Administration of consumer legislation.

Information about product safety legislation administered by the Ministry is available [here](#).

More information is available at www.consumeraffairs.govt.nz

Ministry of Health

The Ministry of Health is the Government’s principal agent and advisor on health and disability. It develops policy advice for the Government on health and disability issues, administers health regulations and legislation, funds health and disability support services, plans and maintains nationwide frameworks and specifications of services, monitors sector performance and provides information to the wider health and disability sector and the public.

The Ministry of Health is a co-lead agency (with the Ministry of Youth Development) for the NZIPS “Suicide and deliberate self-harm” national injury prevention priority area.

Key legislation about the wider health sector is outlined [here](#).

More information is available at www.moh.govt.nz

Ministry of Justice

The Ministry exists to create a fairer and safer New Zealand. It contributes to the shared justice sector outcomes:

- **Safer communities**, being communities in which there is reduced crime and in which safety and well-being is enhanced through partnerships;
- **A fairer, more credible and more effective justice system**, being a system in which people’s interactions are underpinned by the rule of law and justice services are more equitable, credible and accessible.

As the lead Justice sector agency the Ministry works collaboratively with the Department of Corrections and New Zealand Police to achieve these two key outcomes for New Zealand communities.

The Ministry’s primary role is to provide advice to the Minister and Associate Ministers of Justice and government. This advice contributes to the strategic direction of government and changes to justice legislation.

The Ministry of Justice is a co-lead agency (with the Ministry of Social Development) for the NZIPS “Assault” national injury prevention priority area.

Some of the key legislation administered by the Ministry relating to assault and violence is outlined [here](#).

More information is available at www.justice.govt.nz

Ministry of Pacific Island Affairs

The Ministry of Pacific Island Affairs exists to promote the development of Pacific peoples in New Zealand.

The Ministry does this in a way that recognises and reflects Pacific cultural values and aspirations, so that Pacific peoples can participate in and contribute fully to New Zealand’s social, cultural and economic life.

More information is available at www.minpac.govt.nz

Ministry of Social Development

MSD provides government with advice on strategic social policy, sectoral policy and social research and evaluation in the areas of income support, child, youth and family as well as community. It is also responsible for providing policy advice and support for older people and people with disabilities through the Offices for Senior Citizens and Disability Issues.

MSD is a co-lead agency (with the Ministry of Justice) for the NZIPS “Assault” national injury prevention priority area. It is undertaking work to prevent family and community violence under strategic policies such as:

- Te Rito New Zealand Family Violence Prevention Strategy
- Care and Protection Blueprint 2003, which has a vision of: “Families, communities and government working together for the safety and wellbeing of children, young people and their families.”

Some of the legislation for which the Ministry is responsible is available [here](#).

More information is available at www.msd.govt.nz

Ministry of Transport

The Ministry provides transport policy advice to the Government and administers a wide range of transport-related legislation.

The Ministry works with a number of transport agencies to give effect to the government's vision of an affordable, integrated, **safe**, responsive and sustainable transport system. These agencies include:

- [Civil Aviation Authority, including the Aviation Security Service \(AvSec\)](#)
- [Land Transport Safety Authority](#)
- [Maritime Safety Authority](#)
- [Road Safety Trust](#)
- [Transit New Zealand](#)
- [Transfund New Zealand](#)
- [Transport Accident Investigation Commission](#)

These agencies are responsible for the day-to-day management of our daily traffic, aviation, rail and maritime activities. The roles they play, and the composition of their Boards, are set out in legislation.

The Ministry provides policy advice to the Minister of Transport, in conjunction with the safety Crown entities, on the making of safety and environment rules.

Key legislation administered by the Ministry is outlined [here](#).

More information is available at www.mot.govt.nz

Ministry of Youth Development

The Ministry aims to promote the direct participation of young people aged between 12 and 25 years in the social, educational, economic and cultural development of New Zealand, both locally and nationally.

The Ministry is a co-lead agency (with the Ministry of Health) for the '[Suicide and deliberate self-harm](#)' NZIPS national injury prevention priority area.

More information is available at www.myd.govt.nz

New Zealand Police

New Zealand Police is the lead agency responsible for reducing crime and enhancing community safety.

New Zealand Police aims to work in partnerships to build safer communities by:

- Empowering communities to deal with issues of community safety and creating more effective community partnerships.
- Reducing the fear of crime by reducing actual crime.
- Helping to support and rehabilitate victims.
- Maintaining order and keeping the peace.
- Keeping people free from intimidation, civil disturbance and unreasonable annoyance.
- Helping to keep traffic flowing easily.
- Increasing people's personal safety.
- Reducing the risk of property theft, loss or damage.

More information is available at www.police.govt.nz

Statistics New Zealand

Statistics New Zealand is New Zealand's national statistical office. It administers the Statistics Act 1975, and is the country's major source of official statistics. Its chief executive has the title of Government Statistician.

Statistics New Zealand is also New Zealand's Injury Information Manager. Its aim is to combine all the available injury information so that a more comprehensive system of monitoring and preventing injuries can be put in place.

Statistics New Zealand will develop a system to manage injury information over the next three years and progressively produce and publish injury statistics and provide information services. The functions of the Injury Information Manager are described in part 8 of the Injury Prevention, Rehabilitation and Compensation Act 2001.

More information is available at: www.stats.govt.nz

Te Puni Kokiri

As the Government's principal adviser on Maori issues, Te Puni Kokiri aims to improve outcomes for Maori and to ensure the quality of government services delivered to Maori.

More information, including legislation administered by Te Puni Kokiri, is available at www.tpk.govt.nz

Crown Entities

Accident Compensation Corporation

ACC administers New Zealand's accident compensation scheme, which provides personal injury cover for all New Zealand citizens, residents and temporary visitors to New Zealand. ACC is a Crown entity responsible for:

- Preventing injury.
- Collecting personal injury cover levies.
- Determining whether claims for injury are covered by the scheme and providing entitlements to those who are eligible.
- Paying compensation.
- Buying health and disability support services to treat, care for and rehabilitate injured people.
- Advising the government.

ACC provides accident insurance cover, injury prevention services, case management, medical and other care and rehabilitation services.

ACC is established and governed under the [Injury Prevention, Rehabilitation, And Compensation Act 2001](#)

ACC is the lead agency for the '[Falls](#)' and '[Drowning and near drowning](#)' national injury prevention priority areas, although other agencies administer some of the legislation discussed in these sections.

More information is available at www.acc.co.nz

Alcohol Advisory Council of New Zealand

ALAC is a Crown entity working to minimise alcohol-related harm. ALAC recently developed an outcome statement for its work for the coming 4-5 years: “New Zealanders experience less harm from alcohol use, their own and others”.

ALAC is established and governed under the [Alcohol Advisory Council Act 1976](#).

More information is available at www.alac.org.nz

Building Industry Authority

The BIA is the New Zealand Crown agency that manages the building control system. Safety is a key factor in our building law.

The BIA is established and governed under the Building Act 1991. More detailed information about the BIA and New Zealand’s building law is available [here](#).

More information is available at www.bia.govt.nz

Civil Aviation Authority

The Civil Aviation Authority (CAA):

- Develops civil aviation safety and security standards, and monitors adherence to those standards.
- Conducts accident and incident investigations and collates this material to establish an industry-wide safety picture.
- Develops and implements safety initiatives.

The CAA is also a designated agency to administer the WSE Act for the aviation sector.

The CAA is established and governed under the [Civil Aviation Act 1990](#)

More information is available at www.caa.govt.nz

New Zealand Aviation Security Service

AvSec is a government agency working to protect air travellers from terrorism – and from unthinking acts of other passengers which could

endanger the aircraft. AvSec is responsible for undertaking a set of duties listed in section 80 of the Civil Aviation Act 1990, including:

- Screening of departing international passengers and domestic passengers on 90+ seat aircraft (and their baggage) for dangerous items.
- Access controls.
- Patrolling of security designated areas.
- Searching of aircraft locations.

More information is available at www.avsec.govt.nz

Environmental Risk Management Authority (ERMA)

ERMA makes decisions on applications to introduce hazardous substances or new organisms including genetically modified organisms (GMOs). It is established under the [Hazardous Substances and New Organisms Act 1996](#).

Health Research Council

The Health Research Council of New Zealand (HRC) is responsible for the management of the Government's investment in public good health research.

HRC is established under the Health Research Council Act 1990, and its statutory functions include:

- Advising the Minister and administering funds in relation to national health research policy.
- Fostering the recruitment, education, training, and retention of those engaged in health research in New Zealand.
- Initiating and supporting health research.
- Undertaking consultation to establish priorities in health research.
- Promoting and disseminating the results of health research to encourage their contribution to health science, policy and delivery.
- Ensuring the development and application of appropriate assessment standards by committees or subcommittees that assess health research proposals.

More information is available at www.hrc.govt.nz

Land Transport Safety Authority of New Zealand

The LTSA is charged with promoting land transport safety at reasonable cost, and manages the government's interests in the safety of:

- a road network valued at about \$23 billion.
- a national vehicle fleet estimated to be worth \$15-20 billion.
- a rail network valued at about \$800 million (excluding the value of the land the track is on).

The LTSA is governed under the Land Transport Act 1998. The LTSA is the lead agency for the '[Motor vehicle traffic crashes](#)' NZIPS national injury prevention priority area.

More information is available at www.ltsa.govt.nz

Maritime Safety Authority of New Zealand

The MSA's principal objective is to undertake activities that promote a safe maritime environment and provide effective marine pollution prevention and an effective marine oil pollution response system, at reasonable cost.

The MSA is also a designated agency to administer the WSE Act in the marine sector.

The MSA is governed under the [Maritime Transport Act 1994](#).

More information is available at www.msa.govt.nz

Other transport crown entities

Transit New Zealand

Transit New Zealand's vision is to plan, develop and maintain the state highway system in a way that contributes to an integrated, safe, responsive and sustainable land transport system for New Zealand.

Transit New Zealand is the body corporate established by the Transit New Zealand Act 1989 and continued under the [Land Transport Management Act 2003](#).

More information is available at www.transit.govt.nz

Transfund

Transfund New Zealand is a Crown entity governed by the [Land Transport Management Act 2003](#).

Its statutory mandate is to allocate resources in a way that contribute to an integrated, safe, responsive and sustainable land transport system.

More information is available at www.transfund.govt.nz

Transport Accident Investigation Commission

TAIC was established under the Transport Accident Investigation Commission Act 1990.

It investigates all aviation, rail or marine accidents and incidents within New Zealand the circumstances of which, in TAIC's opinion, have or are likely to have significant implications for transport safety. The investigation is known as a safety investigation.

The sole purpose of every TAIC investigation is to determine the causes and circumstances of the accident or incident with a view to avoiding similar occurrences in future, rather than to ascribe blame to any person,

More information is available at www.taic.org.nz

Office of Children's Commissioner

The Children's Commissioner Act 2003 sets out the Commissioner's functions and powers. The Commissioner's functions include:

- Monitor and review policy and practice under the Children, Young Persons and Their Families Act.
- Promote the welfare of children and young people and ensure that their rights are recognised.

The Commissioner can inquire into any matter affecting children and young people in any service or organisation. The Commissioner has special responsibilities to investigate matters of child abuse and neglect, youth offending and the actions of Child, Youth and Family Services.

More information is available at: www.occ.org.nz

New Zealand Fire Service

The New Zealand Fire Service's mission is to reduce the incidence and consequence of fire and to provide a professional response to other emergencies.

The Fire Service is established and governed under the [Fire Service Act 1975](#)

More information is available at www.fire.org.nz

Sport & Recreation New Zealand

SPARC's role is to ensure New Zealand remains a thriving, healthy, and dynamic country that can compete with the best in the world and promote itself with confidence.

SPARC is established and governed under the [Sport and Recreation New Zealand Act 2002](#)

More information is available at www.sparc.govt.nz

Standards New Zealand

Standards New Zealand is the trading arm of the Standards Council, a Crown entity operating under the Standards Act 1988. The Standards Council is an appointed body with representatives from all sectors of the community. It oversees the development and adoption of standards and standards-related products.

Part of Standards New Zealand's role is to help improve public or occupational safety, health and welfare through the development and application of standards.

More information is available at www.standards.co.nz

District Health Boards

DHBs are publicly owned organisations responsible for the health of their local populations and for ensuring the needs of individuals and communities are represented at the local level. They fund primary health care services and provide hospital services for their communities.

There are 21 DHBs in New Zealand. The statutory objectives of DHBs are:

- To improve, promote and protect the health of communities
- To promote the integration of health services, especially primary and secondary care services
- To promote effective care or support of those in need of personal health services or disability support

They are established under the [New Zealand Public Health and Disability Act 2000](#).

Local government

Local authorities also have a role in safety and injury prevention among their communities. This is explained more [here](#).

APPENDIX 1

Legislation and Delegated Legislation Covered by the Database

The following legislation and delegated legislation is summarised in this report. NB: some relevant departmental guidelines have also been noted)

Section A:

National injury prevention priority areas

A1: Motor Vehicle Traffic Crashes

Acts

- Land Transport Act 1998
- Land Transport Management Act 2003
- Transport Act 1962
- Transport (Vehicle and Driver Registration and Licensing) Act 1986
- Transport Services Licensing Act 1989
- Transport Accident Investigation Commission Act 1990
- Road User Charges Act 1977

Regulations and other delegated legislation

- Heavy Motor Vehicle Regulations 1974
- Traffic Regulations 1976
- Transport (Vehicle Registration and Licensing) Regulations 1994
- Transport (Vehicle Standards) Regulations 1990
- Land Transport (Offences and Penalties) Regulations 1999
- Land Transport (Certification and Other Fees) Regulations 1999.
- Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999.
- Land Transport (Infringement and Reminder Notices) Regulations 1998.
- Transport (Vehicle Registration and Licensing) Regulations 1994.
- Notices made under transport legislation
- A range of Land Transport Rules

A2: Assault

Acts

- Arms Act 1983
- Bail Act 2000
- Crimes Act 1961
- Crimes of Torture Act 1989
- Domestic Violence Act 1995
- Evidence Act 1908
- Guardianship Act 1968
- Harassment Act 1997
- Health and Safety in Employment Act 1992
- Summary Offences Act 1981
- Victims Rights Act 2002

Regulations and other delegated legislation

- Arms Regulations 1992 (Arms Act 1983 s74)
- Domestic Violence (Programmes) Regulations 1996 (Domestic Violence Act 1995 s127)
- Domestic Violence Rules 1996

Guidelines

- Armed Robbery – Guidelines for the Safety of Staff from the Threat of (OSH)
- Violence at Work – A Guide for Employers and Employees on Dealing with (OSH)

A3: Suicide & Deliberate Self- harm

Acts

- Crimes Act 1961
- Mental Health (Compulsory Assessment and Treatment) Act 1992
- Bill of Rights Act 1990

Regulations and other delegated legislation

- Health and Disability Commissioner (Code of Health and Disability Services Consumers' Rights) Regulation 1996

A4: Falls

Acts

- Health and Safety in Employment Act 1992
- Injury Prevention, Rehabilitation and Compensation Act 2001

Regulations and other delegated legislation

- Building Regulations 1992

A5: Workplace Injuries (& Occupational Diseases)

Acts

- Health and Safety in Employment Act 1992
- Injury Prevention, Rehabilitation, and Compensation Act 2001
- Hazardous Substances and New Organisms Act 1996

Regulations and other delegated legislation

- Health and Safety in Employment Regulations 1995
- Factories and Commercial Premises (First Aid) Regulations 1985
- Health and Safety in Employment (Prescribed Matters) Regulations 2003
- Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999
- Amusement Devices Regulations 1978
- Health and Safety in Employment (Pipelines) Regulations 1999
- Health and Safety in Employment (Mining-Underground) Regulations 1999
- Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 1999
- Health and Safety in Employment (Mining Administration) Regulations 1996
- Geothermal Energy regulations 1961
- Abrasive Blasting Regulations 1958
- Electroplating Regulations 1950
- Health and Safety in Employment (Asbestos) Regulations 1998
- Lead Process Regulations 1950
- Spray Coating Regulations 1962
- Links to approved codes of practices and guidelines on the OSH web site

A6: Drowning & Near Drowning

Acts

- Fencing of Swimming Pools Act 1987
- Links to Maritime safety law in section B2

Regulations and other delegated legislation

- Building Regulations 1992 (The Building Code)
- Maritime safety rules

Section B:

Other causes of injury (or contributing factors)

B1: Fire & Burns

Acts

- Fire Service Act 1975
- Forest and Rural Fires Act 1977

Regulations and other delegated legislation

- Building Regulations 1992
- Fire Safety and Evacuation of Buildings Regulations 1992
- Fireguards Regulations 1958
- Fire Extinguishers Regulations 1958
- Fire Service Levy Order 1993
- Forest and Rural Fires Regulations 1979
- Fire Service Regulations 2003

B2: Other Transport-related injuries

Acts

- Air Transport safety
 - Airport Authorities Act 1966
 - Aviation Crimes Act 1972
 - Civil Aviation Act 1990
- Maritime Transport safety
 - Maritime Transport act 1994
 - Local Government Act 1974
- Rail safety
 - Railway Safety and Corridor Management Act 1992
 - Transport Services Licensing Act 1989

Regulations and other delegated legislation

- Air Transport safety
 - Civil Aviation (Offences) Regulations 1997
 - Civil Aviation (Safety) Levies Order 2002
 - Civil Aviation Rules
- Maritime Transport safety
 - Marine Safety Charges Regulations 2000
 - Maritime (Offences) Regulations 1998
 - Maritime Rules

B3: Hazardous substances

Acts

- Hazardous Substances and New Organisms Act 1996
- Legislation closely related to HSNO
 - Food safety law
 - Environmental law
 - Substance use/abuse law
 - Building safety law Transport
 - Workplace injuries
 - The Gas Act
- Radiation Protection Act 1965
- Chemical Weapons (prohibition) Act 1996
- Anti-Personnel Mines Prohibition Act 1998

Regulations and other delegated legislation

- Hazardous Substances and New Organisms regulations
- Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001
- Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001
- Hazardous Substances (Classification) Regulations 2001
- Hazardous Substances (Compressed Gases) Regulations 2004
- Hazardous Substances (Disposal) Regulations 2001
- Hazardous Substances (Emergency Management) Regulations 2001
- Hazardous Substances (Fireworks) Regulations 2001
- Hazardous Substances (Fireworks, Safety Ammunition, and Other Explosives Transfer) Regulations 2003
- Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001
- Hazardous Substances (Packaging) Regulations 2001
- Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004
- Hazardous Substances (Tracking) Regulations 2001
- Hazardous Substances and New Organisms (Low-Risk Genetic Modification) Regulations 2003
- Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001
- Radiation Protection Regulations 1982
- Fumigation Regulations 1967 (made under the Health Act 1951)

B4: Substance use/abuse

Acts

- Alcohol Advisory Council Act 1976
- Alcoholism and Drug Addiction Act 1966
- Sale of Liquor Act 1989
- Smoke-free Environments Act 1990
- Misuse of Drugs Act 1975
- Medicines Act 1981
- New Zealand Sports Drug Agency Act 1994

Regulations and other delegated legislation

- Alcohol Advisory Council Regulations 1978
- Alcoholism and Drug Addiction (Medical Fees) Regulations 1992 and the
- Alcoholism and Drug Addiction (Forms) Regulations 1968
- Sale of Liquor Regulations 1989
- Sale of Liquor (Evidence of Age Document) Notice 1999
- Misuse of Drugs Regulations 1977
- Misuse of Drugs (Prohibition of Cannabis Utensils and Methamphetamine Utensils) Notice 2003
- Misuse of Drugs Orders
- Medicines Regulations 1984
- Medicines (Designated Prescriber: Nurses Practising in Aged Care and Child Family Health) Regulations 2001
- Medicines (Database of Medical Devices) Regulations 2003
- Medicines (Standing Order) Regulations 2002

B5: Food Safety

Acts

- Food Act 1981
- Animal Products Act 1999
- Animal Products (Ancillary and Transitional Provisions) Act 1999
- Dairy Industry Act 1952
- Agricultural Compounds and Veterinary Medicines Act 1997
- Health Act 1956
- Meat Act 1981
- Fair Trading Act 1986

Regulations and other delegated legislation

- Australia New Zealand Food Standards Code
- The New Zealand (Australia New Zealand Food Standards Code) Food Standards 2002
- Food (Safety) Regulations 2002
- Emergency Food Standards
- Dietary Supplements Regulations 1985
- The Food Hygiene Regulations 1974
- Weights and Measures Regulations 1999
- New Zealand (Prescribed Foods) Food Standards 2002
- New Zealand (Maximum Residue Limits of Agricultural Compounds) Food Standard 2004
- New Zealand (Milk and Milk Products Processing) Food Standards 2002
- New Zealand (Bee Product Warning Statements – Dietary Supplements) Food Standards 2002
- Dairy Industry Regulations 1990

B6: Sports injuries

Acts

- Sport and Recreation New Zealand Act 2002
- New Zealand Sports Drug Agency Act 1994
- Racing Act 2003
- Boxing and Wrestling Act 1981

B7: Medical misadventure

Acts

- Injury Prevention, Rehabilitation, and Compensation Act 2001
- Health Practitioners Competence Assurance Act 2003
- Medicines Act 1981

B8: Disease & illness

Acts

- Health Act 1956
- Medicines Act 1981
- Tuberculosis Act 1948
- Cancer Registry Act 1993
- The Education Act 1989

Regulations and other delegated legislation

- Regulations made under the Health Act 1956
- Health (Immunisation) Regulations 1995
- Health (Infectious and Notifiable Diseases) Regulations 1966
- Health (Needles and Syringes) Regulations 1998
- Health (Quarantine) Regulations 1983
- Health (Cervical Screening (Kaitiaki) Regulations 1995
- Tuberculosis Regulations 1951

B9: Building safety

Acts

- Building Act 1991

Regulations and other delegated legislation

- Building Regulations 1992 including the Building Code

B10: Product safety

Acts

- Consumer Guarantees Act 1993
- Fair Trading Act 1986

Regulations and other delegated legislation

- Product Safety Standards (Children's Nightwear & Limited Daywear Having Reduced Fire Hazard) Regulations 1999
- Product Safety Standards (Baby Walkers) Regulations 2001
- Product Safety Standards (Children's Toys) Regulations 1992
- Product Safety Standards (Cigarette Lighters) Regulations 1998
- Product Safety Standards (Household Cots) Regulations 2000
- Product Safety Standards (Pedal Bicycles) Regulations 2000
- Unsafe Goods Notices
- Gas Regulations 1993
- Electricity Regulations 1997
- Plastic Wrapping Regulations 1979
- Microwave Ovens Regulations 1982

B11: General environmental law

Acts

- Dog Control Act 1996
- Conservation Act 1987
- National Parks Act 1980

- New Zealand Walkways Act 1990
- Reserves Act 1977
- Resource management Act 1991
- Ozone Layer Protection Act 1996

Section C: Provision of health services

C1: Provision of health services

Acts

- Health Act 1956
- Health and Disability Commissioner Act 1994
- Health and Disability Services (Safety) Act 2001
- New Zealand Public Health and Disability Act 2000
- Health Practitioners Competence Assurance Act 2003
- The Medicines Act 1981

Regulations and other delegated legislation

- Health and Disability Services (Safety) Exemption Order 2002
- Health and disability Services (Safety) Hospital Care, Residential Disability Care and Rest Home Care Standards Notice 2002
- Health and Disability Commissioner (Code of Health and Disability Services Consumers Rights) Regulations 1996

Section D: ACC law

D1: ACC

Acts

- Injury Prevention, Rehabilitation, And Compensation Act 2001

Regulations and other delegated legislation

- Injury Prevention, Rehabilitation, and Compensation (Code of ACC Claimants' Rights) Notice 2002
- Injury Prevention, Rehabilitation, and Compensation (Earners' Levy and Earners' Account Residual Levy) Regulations 2003
- Injury Prevention, Rehabilitation, and Compensation (Employer Levy) Regulations 2004
- Injury Prevention, Rehabilitation, and Compensation (Interest Rate for Late Payment of Levies) Regulations 2002

- Injury Prevention, Rehabilitation, and Compensation (Motor Vehicle Levy and Motor Vehicle Account Residual Levy) Regulations (No 2) 2003
- Injury Prevention, Rehabilitation, and Compensation (Refund of Fuel Levy) Regulations 2003
- Injury Prevention, Rehabilitation, and Compensation (Residual Claims Levy) Regulations 2004
- Injury Prevention, Rehabilitation, and Compensation (Self-Employed Work Account Levies) Regulations 2004
- Injury Prevention, Rehabilitation, and Compensation (Interim Indexation of Weekly Abatement Amounts) Regulations 2002
- Injury Prevention, Rehabilitation, and Compensation (Indexation of Maximum Weekly Compensation) Regulations 2002
- Injury Prevention, Rehabilitation, and Compensation (Indexation of Maximum Weekly Compensation) Regulations 2003
- Injury Prevention, Rehabilitation, and Compensation (Lump Sum and Independence Allowance) Regulations 2002
- Injury Prevention, Rehabilitation, and Compensation (Minimum Weekly Earnings) Regulations 2003
- Injury Prevention, Rehabilitation, and Compensation (Liability to Pay or Contribute to Cost of Treatment) Regulations 2003
- Injury Prevention, Rehabilitation, and Compensation (Ancillary Services) Regulations 2002

Section E: Local Government Acts

E1: Local Government

Acts

- Local Government Act 1974
- Local Government Act 2002

Regulations and other delegated legislation

- Bylaws

Section F: Legislation relating to government agencies involved in injury prevention

NB: legislation only listed if not covered in the other sections)

E1: Core government agencies

Acts

- Children, Young Persons, and Their Families Act 1989
- Adoption Act 1955
- Adult Adoption Information Act 1985
- Adoption (Inter-country) Act 1997
- Guardianship Act 1968
- Penal Institutions Act 1954
- Sentencing Act 2002
- Parole Act 2002
- Civil Defence Emergency Management Act 2002
- Statistics Act 1975

Regulations and other delegated legislation

- Penal Institutions Regulations 2000

E2: Other agencies

Acts

- Health Research Council Act 1990
- Children's Commissioner Act 2003
- Standards Act 1988