

**REITERATION CLAUSE OF EXCELLENCE SECTION 5 OF HSE ACT 1992
POSSIBLY TO GO IN IMMEDIATELY AFTER NEW SECTION 3 OF 2015**

This is draft new section

(3) In furthering subsection (1) (a) there are objectives that are paramount to promote in the prevention of harm to all persons at work and other persons in, or in the vicinity of, a place of work by –

- (a) promoting excellence in health and safety management, in particular through promoting the systematic management of health and safety; and
- (b) 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; and
- (c) imposing various duties on persons who are responsible for work and those who do the work; and
- (d) setting requirements that—
 - (i) relate to taking all practicable steps to ensure health and safety; and
 - (ii) are flexible to cover different circumstances; and
- (d) recognising that successful management of health and safety issues is best achieved through good faith co-operation in the place of work and, in particular, through the input of the persons doing the work.
- (f) encouraging all workplaces to give recognition to the international standards that advocate and regulate the ways in which health and safety at work are to be administered and managed and controlled. For example ISO 45001, ISO 19600, ISO 31001, ISO 19011, ISO 17021 & 17024.



Summit Manager Name _____

Telephone/Email _____

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Rev 13.7 KJV And it was given unto him to make war with the saints, and to overcome them: and power was given him over all kindreds, and tongues, and nations.

NZ HEAD OFFICE ADDRESS, 77 Tarewa Road, Morningside, Whangarei NZ0110
TEL 09 438 7555/7550/7554, MOB 021 070 9141 CEO gpcarson40@yahoo.com
EMAIL safetynz@xtra.co.nz web www.summitsystems.co.nz Skype Andrews_herb
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**MAJOR LAW CHANGES PROPOSED AT EW SELECT COMMITTEE
EDITION THREE WILL CONCLUDE – CONTINUATION FROM IP15**

**45 (i) CHANGES TO BE ACHIEVED BY INJURY PREVENTION
TRAINING FOR WORKERS ALSO BY BEST TOOLS,
PROCEDURES OR METHODOLOGY**

- IP16 No building maintenance person or plumber may operate on a roof near power lines when using a steel tape for measurement of materials.
- IP17 All workers have the right to a list of emergency numbers that may be needed in the event of an emergency or situation where human life is or might be at risk.
- IP18 All workers have the right to a list of the names and phone numbers of qualified Safety Officers, Fire Wardens, First Aiders and Rescue Team for their place of work.
- IP19 All workers must take due care to prevent explosions at the place of work. They must not fail to adequately purge fuel tanks to be welded, they must not allow or create volatile cocktails of chemicals. They must not place or allow any volatiles or explosives near flames or welding or gas cutting in progress or where such work well may happen.
- IP20 All workers must contribute their knowledge, experience and skills to the discussion and discovery of ways and means for the control of dangers, hazards and risks that could cause death or harm at the place of work.
- IP21 The requirement to contribute will be satisfied when workers engage in due diligence together with Management to compile a long list of things that could cause death or serious harm for their site. One way to achieve this will be to select from the Approved Code of Practice provided by the Minister with many thousands of real proven or potential harms in workplace New Zealand.

2.

IP22 All workers must be willing to issue a copy of their ACC claims history to a prospective employer to help ensure that diligent and careful workers do not become the follow through victims of a multiple or frequent claims person.

IP23 All workers have the right to standards of excellence in Health and Safety as defined in the 1992 Act. Whilst this does not mean the most expensive equipment, machinery and facilities it does mean standards of supervision and care of workers and the quality of their training and the standard of operations.

WORKSAFE INSPECTOR MAY ISSUE INSTANT FINE ON WORKER INSERT AT SECTION 49(4)

49 (4) Despite subsection (2) if the duty or obligation of a worker is imposed under a provision of subpart 2 or 3 an inspector may issue an instant fine of upto \$3,000 as an alternative where the inspector is certain that the worker could have reasonably acted in time to prevent or control the force of an accident or could easily have acted as a Safety Observer to warn other worker/s present.



3.

SECTIONS FROM CRIMES ACT 1961 POSSIBLY TO GO IMMEDIATELY AFTER SECTION 48

156 Duty of persons in charge of dangerous things

Every one who has in his or her charge or under his or her control anything whatever, whether animate or inanimate, or who erects, makes, operates, or maintains anything whatever, which, in the absence of precaution or care, may endanger human life is under a legal duty to take reasonable precautions against and to use reasonable care to avoid such danger, and is criminally responsible for the consequences of omitting without lawful excuse to discharge that duty.

157 Duty to avoid omissions dangerous to life

Every one who undertakes to do any act the omission to do which is or may be dangerous to life is under a legal duty to do that act, and is criminally responsible for the consequences of omitting without lawful excuse to discharge that duty.

NEW SECTION 222 (8) NEW MINISTERIALLY APPROVED CODE OF PRACTICE. IMMEDIATELY AFTER SUBSECTION (7) OF SECTION 222

The Minister will require the Regulator to consult widely and to compile a proposed Code of Practice to create and provide a compendium or encyclopaedia or mammoth list of serious harms that could happen at workplace New Zealand.

The list will be compiled in such a manner and in such great detail that it can be used as a select and collect tool for the average place of work to introduce to workers in a manner that will clearly and sufficiently educate them in things that have happened at similar places of work or that might happen at their place of work with no early warning.

The list will be made available online and will have the facility for it to be sorted into selective categories that will assist the average workplace to create its own list of potential serious harms that could occur.

Officials will review the lists at annual intervals and will highlight the annual changes by colour coding to help all workplaces quickly and easily identify the latest or progressive changes or policies that are becoming more important.

The document must be a formally approved COP to ensure that it has legal status. It will be lodged for annual review by the Minister and approval to ensure continuity of status.