



# Farming Bulletin



No. 9, March 1999

## Advice to Designers, Manufacturers and Suppliers of Plant to the Agricultural Industry

### Introduction

The purpose of this bulletin is to remind designers, manufacturers, and suppliers of their legal obligations under Regulations 66 and 67 of the Health and Safety in Employment Regulations 1995, by providing a checklist to ensure that plant is not likely to be the cause or source of harm to any person and the required level of information is made available when plant is hired or purchased.

The definition of plant includes: appliance; equipment; fitting; furniture; implement; machine; machinery; tool and vehicle, as well as the control of any plant and anything connected to any plant.

The Regulations require that all practicable steps are taken to ensure:

- The plant is designed in accordance with ergonomic principles.
- The plant is designed, manufactured, supplied and tested so that when it is installed, adjusted, used, cleaned, maintained, repaired and dismantled, there is no likelihood the plant will be the cause or source of harm to any person or that the likelihood is minimised as far as is practicable.
- That designers and manufacturers provide information and detailed instruction so that suppliers are able to provide the hirer or purchaser with information and detailed instruction on the use the plant has been designed for and other information the hirer or

purchaser needs to be able to carry out any duty they have under the Health and Safety in Employment Act 1992 and Regulations 1995.

### Checklist

Have ergonomic principles been applied to the plant design?	Yes No <input type="checkbox"/> <input type="checkbox"/>
Has the plant been designed and manufactured so there is no likelihood of harm to any person?	Yes No <input type="checkbox"/> <input type="checkbox"/>
Has the plant been tested by the manufacturer and supplier so there is no likelihood the plant will harm any person?	Yes No <input type="checkbox"/> <input type="checkbox"/>
Has the relevant information been provided to the supplier from the manufacturer for the hirer or purchaser?	Yes No <input type="checkbox"/> <input type="checkbox"/>

### References

- Health and Safety in Employment Regulations 1995 (applies to plant designed, manufactured and supplied on or after 2 October 1995)
- *Guidelines for the Provision of Safety, Health and Accommodation in Agriculture* (issued by OSH to meet the requirements of the Health and Safety in Employment Regulations 1995)
- Machinery Act 1950 (applies to plant designed, manufactured and supplied before 2 October 1995)

# Advice to Persons Hiring or Purchasing Plant (Farm Equipment or Machinery) in the Agricultural Industry

## Introduction

The purpose of this section of the bulletin is to provide purchasers or hirers of plant with advice on the type of detailed information and instructions they should receive from the supplier.

It is recommended that purchasers or hirers of plant read the reverse side of this bulletin to get an appreciation of the duties of the designers, manufacturers and suppliers so they are aware of what type of detailed information and instruction they can expect from the supplier.

## Checklist

The supplier of plant is required to take all practicable steps to ensure the purchaser or hirer of any plant receives comprehensive and comprehensible information and detailed instruction about:

The use for which the plant was designed	Yes No <input type="checkbox"/> <input type="checkbox"/>
How to install, adjust, use, clean, repair and dismantle the plant in accordance with the designer's instructions.	Yes No <input type="checkbox"/> <input type="checkbox"/>
Any other matter the hirer or purchaser needs information about to be able to carry out any duty of the purchaser or hirer under the HSE Act 1992 or HSE Regulations 1995.	Yes No <input type="checkbox"/> <input type="checkbox"/>

It is recommended that the purchaser or hirer of plant, check the plant to ensure they are satisfied that the plant meets the requirements of the Regulations. For example, have all practicable steps been taken to ensure the plant:

Can be used without being a cause or source of harm.	Yes No <input type="checkbox"/> <input type="checkbox"/>
Has adequate guards fitted to dangerous machinery.	Yes No <input type="checkbox"/> <input type="checkbox"/>
Has noise, fumes, dust, heat and hazards adequately controlled.	Yes No <input type="checkbox"/> <input type="checkbox"/>
Has been supplied with safe operating procedures.	Yes No <input type="checkbox"/> <input type="checkbox"/>
Supplier has identified the plant's safety and health hazards.	Yes No <input type="checkbox"/> <input type="checkbox"/>

**Important Note:** If you are not satisfied that the plant meets the requirements of the Regulations, please contact OSH for advice.

## Case Histories Involving Plant Supplied With Inadequate Guards

A worker's arm was amputated just above the elbow when it was caught in the cutters of a machine imported from the USA. In the prosecution that followed, the judge found that although the machine was supplied with guards and signage, the New Zealand employer did not specifically address whether the machine complied with New Zealand legislation. The employer was fined \$20,000.

A company which owned a harvesting machine with unguarded dangerous parts, hired out the machine to a partnership who then contracted another company to operate it. During harvesting, a young child was injured when caught in the dangerous parts. The company which owned the machine and hired it out to the partnership, was prosecuted and fined \$3,000. The partnership which hired the machine was prosecuted and fined a total of \$3,500.