



ANALYSIS

Title
1. Short Title

2. Excavations dangerous to children
3. Liability of employers

1976, No. 81

An Act to amend the Construction Act 1959

[10 December 1976]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Construction Amendment Act 1976, and shall be read together with and deemed part of the Construction Act 1959 (hereinafter referred to as the principal Act).

2. Excavations dangerous to children—(1) The principal Act is hereby amended by inserting, after section 12, the following section:

“12A. (1) Where in the course of construction work any excavation is made that is likely to collect or retain water of such a depth as will constitute a hazard to children, the excavation shall be covered or otherwise fenced off during times when workmen are not in the immediate vicinity in order to prevent ready access to the excavation by children.

“(2) No employer, on the completion of any construction work, shall leave uncovered, unfenced, or unfilled any hole or excavation made during the course of the construction work if the hole or excavation is likely to collect or retain water of such a depth as will constitute a hazard to children.”

(2) Section 24 of the principal Act (as substituted by section 3 of the Construction Amendment Act 1967) is hereby amended by repealing the proviso.

(3) Regulation 28A of the Construction Regulations 1961 is hereby revoked.

(4) Regulation 2 of the Construction Regulations 1961, Amendment No. 3, is hereby consequentially revoked.

3. Liability of employers—Section 22 of the principal Act is hereby amended by inserting, after the word “Act” where it first occurs, the words “or under any regulations for the time being in force under this Act”.

This Act is administered in the Department of Labour.
