



ANALYSIS

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1978, No. 90

An Act to amend the Construction Act 1959

[20 October 1978]

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 1978, and shall be read together with and deemed part of the Construction Act 1959 (hereinafter referred to as the principal Act).

2. Construction Safety Engineers and Inspectors—
(1) Section 2 of the principal Act is hereby amended by inserting, before the definition of the term “construction work”, the following definition:

“‘Construction Safety Inspector’ or ‘Inspector’ means a Construction Safety Inspector appointed under this Act; and, notwithstanding section 5 of this Act, includes, in respect of construction work carried on in or about—

“(a) Any coal mine, an Inspector of Coal Mines within the meaning of the Coal Mines Act 1925:

“(b) Any mine, an Inspector of Mines within the meaning of the Mining Act 1971:

“(c) Any mining operations within the meaning of the Petroleum Act 1937, an Inspector within the meaning of that Act:”.

(2) The said section 2 is hereby further amended by repealing the definition of the term “Safety Inspector” (as substituted by section 2 (2) of the Construction Amendment Act 1969).

(3) Section 2 (2) of the Construction Amendment Act 1969 is hereby consequentially repealed.

(4) Section 4 of the principal Act is hereby amended by inserting in subsection (1), and also in subsection (2), after the word “Chief”, the word “Construction”.

(5) The said section 4 is hereby further amended by repealing subsection (3), and substituting the following subsections:

“(3) There may also from time to time be appointed as officers of the Department fit persons with suitable engineering experience and qualifications comparable with the standard required for registration under the Engineers Registration Act 1924 to be Construction Safety Engineers.

“(4) The Chief Construction Safety Engineer and every Construction Safety Engineer shall have all the powers and functions of a Construction Safety Inspector.”

(6) Section 4A of the principal Act (as inserted by section 2 of the Construction Amendment Act 1973) is hereby amended—

(a) By inserting, after the word “Chief” wherever it occurs, the word “Construction”:

(b) By omitting from subsection (1) the words “such officer or officers of the Department (possessing suitable engineering experience and qualifications comparable with the standard required for registration under the Engineers Registration Act 1924) as he thinks fit”, and substituting the words “any Construction Safety Engineer”:

(c) By repealing subsection (7).

(7) Section 5 (1) of the principal Act is hereby amended by inserting, after the words “persons to be”, the word “Construction”.

(8) Section 5 (4) of the principal Act is hereby amended by omitting the words “Every Inspector”, and substituting the words “The Chief Construction Safety Engineer, every Construction Safety Engineer, and every Inspector”.

- (9) Section 5 (5) of the principal Act is hereby amended—
- (a) By inserting, before the word “Inspector” where it first occurs, the words “Construction Safety Engineer or”;
 - (b) By inserting, before the words “an Inspector”, the words “a Construction Safety Engineer or”.

3. Powers and duties of Inspectors—(1) Section 7 (1) (d) of the principal Act is hereby amended by omitting the words “examination and inquiry as he deems”, and substituting the words “examinations, inquiries, and tests, and take such photographs, as are”.

(2) The said section 7 is hereby further amended by repealing subsection (3), and substituting the following subsection:

“(3) Except for the purposes of this Act and of the exercise of his functions under this Act, or with the consent of the Minister, an Inspector shall not disclose to any person any information that he acquires in the exercise of those functions:

“Provided that if so requested by a Coroner, an Inspector shall provide him with a written report relating to the circumstances of any fatal accident.”

This Act is administered in the Department of Labour.
