



ANALYSIS

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1989, No. 83

An Act to amend the Construction Act 1959

[16 October 1989]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Construction Amendment Act 1989, and shall be read together with and deemed part of the Construction Act 1959 (hereinafter referred to as the principal Act).

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Chief Construction Safety Inspector’ means the Secretary:

“‘Secretary’ means the Secretary of Labour.”

(2) The said section 2 is hereby amended by inserting in the definition of the term “Construction Safety Inspector” (as inserted by section 2 (1) of the Construction Amendment Act 1978), after the word “Act” where it first appears, the words “; includes the Secretary”.

(3) The said section 2 is hereby amended by adding, as subsection (2), the following subsection:

“(2) References in this Act or any other enactment to the Chief Construction Safety Engineer or a Construction Safety Engineer shall be read, respectively, as references to the Chief

Construction Safety Inspector or a Construction Safety Inspector.”

3. New sections substituted—(1) The principal Act is hereby amended by repealing sections 4 to 5, and substituting the following sections:

“4A. Delegation of powers of Secretary as Chief Construction Safety Inspector—(1) Subject to subsection (2) of this section, the Secretary may delegate all or any of the Secretary’s powers as Chief Construction Safety Inspector as if they were powers of the Secretary as Secretary.

“(2) The Secretary shall not delegate any of the Secretary’s powers as Chief Construction Safety Inspector except—

“(a) To persons who are suitably qualified or experienced employees of the Department; or

“(b) If the powers concerned are to be exercised in respect of construction work carried on in or about a mine within the meaning of the Mining Act 1971, to the Chief Inspector of Mines for the time being under that Act; or

“(c) If the powers concerned are to be exercised in respect of construction work carried on in or about a coal mine within the meaning of the Coal Mines Act 1979, to the Chief Inspector of Coal Mines for the time being under that Act; or

“(d) If the powers concerned are to be exercised in respect of construction work carried on in or about any mining operations within the meaning of the Petroleum Act 1937, to the Chief Inspector for the time being under that Act.

“5. Construction Safety Inspectors—(1) There shall be appointed as Construction Safety Inspectors a number of employees of the Department sufficient for the purposes of this Act.

“(2) No person shall be appointed an Inspector unless the person has passed examinations, or acquired qualifications, prescribed for the purpose by regulations under this Act.

“(3) Notwithstanding subsection (2) of this section, an employee of the Department who—

“(a) Has neither passed the examinations nor acquired the qualifications prescribed for appointment as an Inspector; but

“(b) Has passed examinations or acquired qualifications prescribed by regulations under this Act for appointment as a trainee Inspector—
may be appointed a trainee Inspector.

“(4) While under the general supervision of an Inspector who is not a trainee Inspector, a trainee Inspector—

“(a) Shall be deemed to be an Inspector; and

“(b) Shall have all the powers of an Inspector.

“(5) Every Inspector and trainee Inspector shall be supplied with a warrant of appointment containing—

“(a) A reference to this section; and

“(b) The name of the Inspector or trainee Inspector; and

“(c) A statement that the appointee is (as the case may be) an Inspector or trainee Inspector; and

“(d) A statement of the appointee’s powers under section 7 (1) of this Act.

“(6) On entering any place or premises for the purposes of this Act, an Inspector shall, if required, produce to the employer or person in charge there the Inspector’s warrant under subsection (5) of this section.

“(7) Every person commits an offence against this Act, and shall be liable on summary conviction to imprisonment for a term not exceeding 3 months, a fine not exceeding \$2,000, or both, who—

“(a) Personates the person named in any warrant under subsection (5) of this section; or

“(b) Falsely pretends to be an Inspector or trainee Inspector.”

(2) The following enactments are hereby consequentially repealed:

(a) The Construction Amendment Act 1973:

(b) Subsections (4) to (7), and (9), of section 2 of the Construction Amendment Act 1978:

(c) The Construction Amendment Act 1987.