

Construction Safety Bill

EXPLANATORY NOTES

This Bill consolidates with amendments the law relating to safety in the building and construction industries now contained in the *Scaffolding Act 1971* and the *Labour and Industry Act 1958* and adds broad regulation-making powers over the safety aspects of building and construction work.

Clause 1 contains the usual provisions in relation to citation, commencement and division of the Act into Parts.

Clause 2 repeals the Acts in Schedule 1 and gives continuity to instruments in force under the repealed Acts.

Clause 3 gives the interpretations. "Building and construction work" is given the same broad definition as is contained in the *Building Industry Long Service Leave Act 1975*. The clause also provides that the Act does not apply in respect of certain kinds of scaffolding, and in respect of matters for which the Acts in Schedule 3 make express provision.

Clause 4 states that the Act shall bind the Crown.

Clause 5 provides for a Chief Inspector of Construction Safety and other inspecting officers. Municipal scaffolding inspectors will continue to exercise the existing powers now exercised by them under the *Scaffolding Act 1971*.

Clause 6 provides for delegations.

Clause 7 provides for the appointment of a Construction Safety Advisory Committee. The functions of the Committee are set out in the Clause, and include the giving of advice to the Minister in relation to all matters connected with the safety of building and construction work.

Clause 8 provides for annual reports by the Supervisor of Scaffolding Inspection and the Chief Inspector of Construction Safety.

Clause 9 restates the existing powers of municipal councils in relation to the inspection of scaffolding, except that in sub-clause (5) power is given to the Minister to direct that the powers vested in municipal councils in relation to alpine resorts are to be exercised by the public statutory corporation controlling the resorts.

Clause 10 requires the erection of scaffolding or some other apparatus where persons are engaged in certain building and construction work.

Clause 11 provides for the payment of permit fees.

Clause 12 provides for refunds of permit fee in appropriate cases.

Clause 13 creates an offence where scaffolding does not comply with the provisions of the Act and the regulations.

Clause 14 gives inspectors power to issue directions to ensure the safety of persons engaged in work in connexion with scaffolding.

Clause 15 provides for appeals against directions given under clause 14.

Clauses 16 and 17 provide for a Board of Examiners whose functions are to conduct examinations for scaffolders and scaffolding inspectors, and to issue or cancel certificates and permits.

Clause 18 requires a person who erects, alters or dismantles scaffolding to have a certificate of competency as a scaffolder.

Clause 19 re-enacts section 175 of the *Labour and Industry Act 1958* in relation to the guarding of power driven saws used in connexion with building and construction work.

Clause 20 provides for the guarding of dangerous parts of machinery used on building sites.

Clause 21 gives powers to an inspector to prohibit the use of certain machinery until adequate guards or other safety devices are provided as directed by an inspector. Provision is made for appeals.

Clause 22 makes a consequential amendment to the *Labour and Industry Act 1958*.

Clause 23 gives continuity to things done under section 176 of the *Labour and Industry Act 1958*. Regulations made for the purposes of section 176 of that Act shall continue in force until revoked.

Clause 24 creates offences of obstructing inspectors and for failure to comply with the Act or the regulations. Penalties up to \$2000 are provided for, together with a further penalty for continuing offences of \$100 per day. Sub-clause (3) provides that a director, officer or agent of a corporation shall be deemed to have also committed an offence unless he is able to prove that the act or omission constituting the offence took place without his consent and knowledge.

Clause 25 provides for the prosecution of an occupier of premises where an offence against the Act is committed, in circumstances where the actual offender cannot be found.

Clause 26 relates to onus of proof in certain instances.

Clause 27 provides for the reporting of accidents occurring in the performance of building and construction work.

Clause 28 amends section 189 of the *Labour and Industry Act 1958* which relates to the reporting of accidents.

Clause 29 deals with the powers of inspectors.

Clause 30 requires assistance to be given to inspectors in the exercise of their powers under the Act. The clause also provides that a person who delays or otherwise interferes with the performance by an inspector of his duties under the Act, is deemed to be obstructing the inspector.

Clause 31 provides for certificates of appointment of inspectors.

Clause 32 gives the regulation-making powers. These cover a wide range of activities within the building and construction industry. Sub-clause (4) gives the Minister power to exempt persons from compliance with regulations.

Clause 33 provides for proceedings to be brought in a Magistrates' Court.

Clause 34 repeals paragraph (e) of section 206 of the *Labour and Industry Act 1958*.

Schedule 1 sets out the Acts and enactments which are repealed by this Act.

Schedule 2 lists the municipal districts in relation to which certain councils have special powers to enforce the provisions of Part II, of the Act.

Schedule 3 sets out the Act and enactments in relation to which the provisions of this Act do not apply.