

New South Wales.



ANNO TERTIO DECIMO

GEORGI VI REGIS.

Act No. 38, 1948.

An Act to amend the Scaffolding and Lifts Act, 1912-1942, in certain respects; and for purposes connected therewith. [Assented to, 14th December, 1948.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Scaffolding and Lifts (Amendment) Act, 1948."

Short title, citation and commencement.

Scaffolding and Lifts (Amendment).

(2) The Scaffolding and Lifts Act, 1912, as amended by subsequent Acts and by a proclamation made in pursuance of section eight thereof on the seventeenth day of September, one thousand nine hundred and twenty-nine, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Scaffolding and Lifts Act, 1912-1948.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment
of Act
No. 38, 1912.
Sec. 3.
(Defini-
tions.)

2. The Principal Act is amended—

- (a) (i) by omitting from section three the definition of "Automatically controlled lift" and by inserting in lieu thereof the following definition:—

"Automatic lift" means any lift comprising a car or platform running between guides and capable of being operated from any landing, place or position outside the confines of such car or platform.

- (ii) by omitting from the definition of "Building work" in the same section the words "and includes work done in excavating for or preparing the foundations of a building or structure";

- (iii) by inserting in the same section next after the definition of "Chief Inspector" the following new definitions:—

"Compressed air work" includes any work done by any person in air the atmospheric pressure of which exceeds one atmosphere.

"Contractor" means a person, firm, partnership, company, or corporation employing any person to perform

Scaffolding and Lifts (Amendment).

perform any building work excavation work or compressed air work.

- (iv) (a) by omitting from the definition of "Crane" in the same section the words "hoist or hoisting appliance, sheerlegs, derrick pole";
- (b) by omitting from the same definition the words "a pile driver or tilter and also includes";
- (c) by inserting in the same definition after the word "lift" the words "or hoist";
- (v) by omitting from the same section the definition of "Engine";
- (vi) by inserting in the same section next before the definition of "Gear" the following new definition:—

"Excavation work" includes any work in connection with:—

- (a) excavating for or preparing foundations for a building or structure,
- (b) tunnelling,
- (c) the sinking or digging of any shaft or well, and
- (d) excavating for water, sewerage, drainage, gas or electricity supply;

but does not include an excavation less than five feet in depth measured from the top of the excavation.

- (vii) by omitting from the definition of "Gear" in the same section the words "or engine" and by inserting in lieu thereof the words "hoist, or plant, or building work, excavation work, or compressed air work;"

(viii)

Scaffolding and Lifts (Amendment).

- (viii) by inserting in the same section next after the definition of "Gear" the following new definition:—

"Hoist" means hoist or hoisting appliance, sheerlegs, derrick pole or other apparatus or contrivance used or capable of being used for raising, lowering, handling, or transporting loads in like manner, and includes a pile driver or tilter and the supporting structure and the gear used in connection with the hoist, but does not include crane or lift.

- (ix) by inserting in the same section at the end of the definition of "Lift" the words "but does not include crane or hoist";

- (x) by inserting in the same section next after the definition of "Lift" the following new definition:—

"Owner" when used in relation to any crane, gear, hoist, lift, plant, or scaffolding includes the owner, mortgagee in possession, lessee, hirer, or borrower thereof.

- (xi) by inserting in the same section next after the definition of "Passenger lift" the following new definition:—

"Plant" means—

(a) any machine or machinery driven by other than manual power; and

(b) any air lock and welding equipment,

used or intended for use in building work, excavation work, or compressed air work, and the gear used

in

Scaffolding and Lifts (Amendment).

in connection with and the supporting structure of any such plant, but does not include crane, hoist or lift.

- (xii) by inserting in the same section next after the definition of "Power crane" the following new definition:—

"Power hoist" means any hoist driven by other than manual power.

- (xiii) by omitting from the definition of "Supporting structure" in the same section the words "or engine" and by inserting in lieu thereof the words "hoist or plant";

- (b) by inserting next after section four the following new sections:—

New secs.
4A, 4B.

4A. This Act shall not apply to—

Act not to apply to certain cranes, lifts, building work, etc.

- (a) any crane, gear, hoist, lift, plant or scaffolding used wholly or principally at or in connection with any mine to which the Mining Act, 1906, the Mines Inspection Act, 1901, the Coal Mines Regulation Act, 1912, or any Act amending the said Acts, applies;

- (b) any building work, excavation work, or compressed air work carried out in or about any mine to which the Mining Act, 1906, the Mines Inspection Act, 1901, the Coal Mines Regulation Act, 1912, or any Act amending the said Acts, applies.

4B. This Act shall bind the Crown.

Act to bind Crown.

- (c) by inserting next after section five the following new section:—

New sec. 5A.

5A. (1) The Minister may, for the purposes of this Act, constitute such Boards of Reference as he may deem necessary.

Boards of Reference.

Scaffolding and Lifts (Amendment).

A Board of Reference may be constituted in respect of any industry, division of an industry, or combination, arrangement or group of industries.

(2) A Board of Reference shall exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.

(3) A Board of Reference shall consist of three members.

One of such members shall be the Chief Inspector who shall be the chairman of each Board of Reference.

Of the other members of each Board of Reference—

- (a) one shall be appointed by the Minister from a panel of four persons nominated by the employers in the industry, division of an industry, or combination, arrangement or group of industries in respect of which the Board of Reference is constituted;
- (b) one shall be appointed by the Minister from a panel of four persons nominated by the industrial union or unions representing the employees in the industry, division of an industry, or combination, arrangement or group of industries in respect of which the Board of Reference is constituted.

(4) Two members of a Board of Reference shall form a quorum.

(5) The members of a Board of Reference shall be entitled to receive travelling expenses at such rate as the Minister may determine.

Scaffolding and Lifts (Amendment).

3. The Principal Act is further amended—

Further amendment of Act No. 38, 1912.

- (a) by omitting the heading to Part II and by inserting in lieu thereof the following heading—

Heading.

“Cranes, Hoists, Plant and Scaffolding and Building, Excavation and Compressed Air Work.”

- (b) (i) by omitting subsections one and two of section six and by inserting in lieu thereof the following subsections:—

Sec. 6.

(Notices as to erection of scaffolding, etc., and commencement of building work, etc.)

- (1) Every person before commencing in any district—

(a) to carry out any building work, excavation work or compressed air work in which any crane, hoist, plant or scaffolding is to be used; or

(b) to set up or build or set or place in position in connection with any building work, excavation work or compressed air work any crane, hoist, plant or scaffolding which has not been previously used in any district in connection with any such work; or

(c) to set up or build or set or place in position any crane, hoist or scaffolding otherwise than as referred to in paragraphs (a) and (b) of this subsection,

shall serve on the Chief Inspector a notice in writing, under his hand, of his intention so to do by posting such notice to the Chief Inspector or leaving it at such address as the Minister may, by notice in the Gazette, direct, at least twenty-four hours before commencing to carry out such building work, excavation work or compressed air work,

Scaffolding and Lifts (Amendment).

work, or to set up or build or set or place in position any crane, hoist, plant or scaffolding as aforesaid.

(2) Any person who fails to comply with the provisions of subsection one of this section shall be liable to a penalty not exceeding twenty pounds.

(ii) (a) by omitting from paragraph (b) of subsection four of the same section the words "demolition work" and by inserting in lieu thereof the words "building work";

(b) by omitting from the same paragraph the word "twenty-five" wherever occurring and by inserting in lieu thereof the word "fifteen";

(iii) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraph:

(c) any building work in connection with a dwelling house where such work is carried out by the owner or occupier of such dwelling house without assistance from any other person.

Secs. 7, 8, 9.
(Regulations.)

(c) by omitting sections seven, eight and nine;

Sec. 10.
(Notice of erection of lift.)

(d) by omitting subsection two of section ten and by inserting in lieu thereof the following subsection:—

(2) Any person who fails to comply with the provisions of subsection one of this section shall be liable to a penalty not exceeding twenty pounds.

Sec. 11.
(Authorised attendant to be in charge of lift.)

(e) by omitting from section eleven the words "automatically controlled lift" and by inserting in lieu thereof the words "automatic lift."

*Scaffolding and Lifts (Amendment).***4.** The Principal Act is further amended—Further
amendment
of Act No.
38, 1912.

- (a) (i) by omitting from paragraph (a) of section thirteen the words “engine, crane” and by inserting in lieu thereof the words “crane, hoist, plant”;
- (ii) by inserting in the same paragraph after the words “building work” the words “excavation work or compressed air work”;
- (b) (i) by omitting from subsection one of section fifteen the words “engine or crane” wherever occurring and by inserting in lieu thereof the words “crane or hoist or plant”;
- (ii) by inserting in the same subsection after the words “building work” wherever occurring the words “excavation work or compressed air work”;
- (iii) by omitting from the same subsection the words “in the Second Schedule hereto” and by inserting in lieu thereof the words “made under this Act”;
- (iv) by inserting in the same subsection after the words “such lift or” the words “to the owner of or”;
- (v) by omitting from the same subsection the words “engine, crane” and by inserting in lieu thereof the words “crane, hoist, plant”;
- (vi) by inserting in the same subsection after the words “gear or” the words “to the owner, contractor, person in charge or apparently in charge”;
- (vii) by omitting subsections two, three and four of the same section and by inserting in lieu thereof the following subsections:—

Sec. 13.

(Powers of
inspectors.)

Sec. 15.

(Inspector
may give
directions
as to
scaffolding,
etc.)

(2) Where an inspector gives any directions under subsection one of this section for the reason set forth in paragraph (a) of

Scaffolding and Lifts (Amendment).

of that subsection he may at the time of giving such directions or subsequently thereto order—

- (a) the owner of or any persons using the lift in respect of which such directions are given forthwith to cease using the lift; or
- (b) order the owner of or any persons working or using any scaffolding, crane, hoist, plant or gear in respect of which such directions are given to cease working or using such scaffolding, crane, hoist, plant or gear; or
- (c) order the contractor or person in charge or apparently in charge of any building work, excavation work or compressed air work in respect of which such directions are given to discontinue such work.

Any order or variation thereof given under this subsection shall unless sooner revoked have effect until such directions have or any order on appeal therefrom has been complied with.

Any order given under this subsection may specify the measures to be taken by the person to whom it is given to implement such order.

(3) Any directions given under subsection one of this section or any order given under subsection two of this section may be varied from time to time or revoked.

(4) The person to whom any directions have been given under this section may within twenty-four hours after such directions have been given to him appeal against such directions to the Minister.

Notice

Scaffolding and Lifts (Amendment).

Notice of such appeal shall be given to the inspector.

The Minister shall refer the appeal to such Board of Reference, constituted under section 5A of this Act, as he considers appropriate to hear the appeal. Such Board of Reference shall hear the appeal with all reasonable despatch at such time and place as it causes to be notified to the appellant and the inspector. The Board of Reference shall report its findings to the Minister who may make such order as he thinks fit.

Every such order of the Minister shall be final and conclusive.

(5) Any person who fails to comply:—

(a) with any direction or order given to him by an inspector pursuant to this section; or

(b) with any order made by the Minister pursuant to this section,

shall be liable to a penalty not exceeding one hundred pounds.

5. The Principal Act is further amended by omitting Part V and by inserting in lieu thereof the following Part:—

Further
amendment
of Act No.
38, 1912.

PART V.

DRIVERS OF POWER CRANES AND HOISTS, RIGGERS,
DOG MEN, SCAFFOLDERS AND CRANE CHASERS.

17. (1) Any person who is not the holder of a certificate of competency as a power crane or power hoist driver and who in any district drives—

Power crane
and power
hoist
drivers.

(a) any power crane; or

(b) any power hoist used in building work or excavation work; or

(c) any other power hoist controlled or operated from a platform, seat, cage or cab attached to and moving with the hoist-unit;

shall be guilty of an offence against this Act.

(2)

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(2) Any person who is the holder of a certificate of competency as a power crane or power hoist driver and who in any district drives any power crane or power hoist of a type, motive power or for purposes other than those specified in the certificate of competency issued to him under this section, shall be guilty of an offence against this Act.

(3) Any person who employs, instructs or allows—

(a) any person who is not the holder of a certificate of competency as a power crane or power hoist driver to drive any power crane or power hoist referred to in subsection one of this section; or

(b) any person who is the holder of a certificate of competency as a power crane or power hoist driver to drive any power crane or power hoist of a type, motive power or for purposes other than those specified in the certificate of competency issued to such person;

shall be guilty of an offence against this Act.

(4) (a) Any person who possesses the prescribed qualifications and who, after inquiry and examination as prescribed, satisfies the Chief Inspector that he is trustworthy and competent to act as the driver of a power crane or power hoist shall be entitled to a certificate of competency as a power crane or power hoist driver, as the case may be.

(b) A certificate of competency under this section may specify the type and motive power of the power crane or power hoist in respect of which the holder may act as driver and the purposes for which the power crane or power hoist to which such certificate relates may be used.

(5) Applications for a certificate of competency under this section shall be made to the Chief Inspector in the manner and form prescribed.

(6)

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(6) Any person who is dissatisfied with the decision of the Chief Inspector in respect of the issue or refusal to issue to him a certificate of competency under this section may appeal to the Minister. The Minister shall refer the appeal to such Board of Reference, constituted under section 5A of this Act, as he considers appropriate to hear the appeal. Such Board of Reference shall hear the appeal with all reasonable despatch at such time and place as it causes to be notified to the appellant. The Board of Reference shall report its findings to the Minister who may affirm, rescind or vary the decision of the Chief Inspector.

The decision of the Minister shall be final and conclusive.

(7) Where, upon report by an inspector or otherwise, it appears to the Board of Reference constituted for the industry, division of an industry or combination, arrangement or group of industries, in which a holder of a certificate of competency issued under this section is employed that such holder has ceased to be trustworthy or competent to act as the driver of a power crane or power hoist of the type, motive power or for the purposes specified in the certificate of competency held by him, such Board of Reference may by notice in writing require such holder to appear before it to show cause why the certificate of competency issued to him should not be suspended or cancelled.

Such Board of Reference shall inquire into the matter and report its finding to the Minister. The Minister may order the suspension of such certificate of competency for such period as he may determine or the cancellation of such certificate of competency.

The order of the Minister shall be final and conclusive.

A person whose certificate of competency has been so suspended shall not during the period of such suspension be deemed to be the holder of a certificate of competency under this section.

(8)

Scaffolding and Lifts (Amendment).

(8) The Minister may—

- (a) by notification published in the Gazette exempt the driver of any type of power crane or power hoist specified in such notification from the operation of the provisions of subsections one and two of this section and other persons from the operation of the provisions of subsection three of this section in respect of any power crane or power hoist so specified; and
- (b) by notice in writing to the owner of any particular power crane or power hoist exempt the driver of such power crane or power hoist from the operation of the provisions of subsections one and two of this section and other persons from the operation of the provisions of subsection three of this section in respect of that particular power crane or power hoist.

Any exemption under this subsection may be granted subject to such conditions as the Minister may impose.

Any person who fails to comply with any such conditions shall be guilty of an offence against this Act.

(9) Any driver's certificate granted by the Minister under the section which this section replaces and in force at the commencement of the Scaffolding and Lifts (Amendment) Act, 1948, shall be deemed to be a certificate of competency issued under this section.

17A. (1) Any person who, in any district, acts as a rigger, dogman, scaffolder or crane chaser unless he is the holder of a certificate of competency as a rigger, dogman, scaffolder or crane chaser, as the case may be, shall be guilty of an offence against this Act.

(2) Any person who possesses the prescribed qualifications and who after inquiry and examination as prescribed satisfies the Chief Inspector that he

is

Riggers,
dogmen,
scaffolders
and crane
chasers.

Scaffolding and Lifts (Amendment).

is trustworthy and competent to act as a rigger, dogman, scaffolder or crane chaser shall be entitled to a certificate of competency as a rigger, dogman, scaffolder or crane chaser, as the case may be.

(3) Application for a certificate of competency under this section shall be made to the Chief Inspector in the manner and form prescribed.

(4) Any person who is dissatisfied with the decision of the Chief Inspector in respect of the issue or refusal to issue to him a certificate of competency under this section may appeal to the Minister. The Minister shall refer the appeal to such Board of Reference, constituted under section 5A of this Act, as he considers appropriate to hear the appeal. Such Board of Reference shall hear the appeal with all reasonable despatch at such time and place as it causes to be notified to the appellant. The Board of Reference shall report its findings to the Minister who may affirm, rescind or vary the decision of the Chief Inspector.

The decision of the Minister shall be final and conclusive.

(5) Where, upon report by an inspector or otherwise, it appears to the Board of Reference constituted for the industry, division of an industry or combination, arrangement or group of industries, in which a holder of a certificate of competency issued under this section is employed that such holder has ceased to be trustworthy or competent to act as a rigger, dogman, scaffolder or crane chaser, such Board of Reference may by notice in writing require such holder to appear before it to show cause why the certificate of competency issued to him should not be suspended or cancelled.

Such Board of Reference shall inquire into the matter and report its finding to the Minister. The Minister may order the suspension of such certificate of competency for such period as he may determine or the cancellation of such certificate of competency.

The order of the Minister shall be final and conclusive.

Scaffolding and Lifts (Amendment).

A person whose certificate of competency has been so suspended shall not during the period of such suspension be deemed to be the holder of a certificate of competency under this section.

(6) In this section—

“Rigger” means a person directly in charge of the initial work of erecting or placing in position the members of any type of structure, other than scaffolding, of dismantling or demolishing structures, other than scaffolding, or of setting up cranes and hoists.

“Dogman” means a person directly responsible for slinging and controlling the movement of loads by a crane used in building work or excavation work, or other work where the loads are not usually at all times in full view of the crane driver.

“Scaffolder” means a person engaged in the work of erecting, altering or demolishing scaffolding which is so placed that a person or object falling therefrom could fall a distance of ten feet or more.

“Crane chaser” means a person employed to attend and sling loads and to control the movement of such loads handled by a crane where the loads are usually at all times in full view of the crane driver.

Further amendment of Act No. 38, 1912.

6. (1) The Principal Act is further amended by omitting Part VI and by inserting in lieu thereof the following Part:—

Substituted Part VI.

PART VI.

MISCELLANEOUS.

Notice of accidents.

18. (1) Where an accident occurs in connection with any crane, hoist, lift, plant, scaffolding, gear, building work, excavation work, or compressed air work, and the accident—

(a) causes loss of life or serious personal injury;

or

(b)

Scaffolding and Lifts (Amendment).

- (b) is an accident involving any breakage, distortion, or damage to any load-bearing member or part of a crane, hoist, lift, plant, scaffolding, gear or supporting structure;

written notice of the accident in the prescribed form and accompanied by the prescribed particulars shall forthwith be given to the Chief Inspector by the owner or person in charge of such crane, hoist, lift, plant, scaffolding or gear or by the person in charge of or contractor for such building work, excavation work or compressed air work.

(2) No person shall move or in any manner interfere with any crane, hoist, lift, plant, scaffolding, gear, or supporting structure, or part thereof involved in any accident referred to in subsection one of this section, or any object, article, or thing whatsoever affected or damaged as a result of such accident, unless and until he has obtained the permission of the Chief Inspector or an inspector so to do.

This subsection shall not apply where any such movement or interference is necessary to aid or relieve any person involved in any such accident or to prevent further injury to person or property.

(3) Every person who commits a breach of the provisions of this section shall be liable to a penalty not exceeding fifty pounds.

19. Nothing in this Act or the regulations contained shall operate to prejudice or affect any right which, if this Act had not been enacted, a person would have had to recover damages, take any suit or proceeding, or receive any payment or compensation in respect of any injury sustained by him whilst—

Act not to affect rights of person to recover damages.

- (a) driving any power crane or power hoist to which section seventeen of this Act applies; or
- (b) acting as a rigger, dogman, scaffolder or crane chaser as defined by section 17A of this Act; or

B

(c)

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(c) engaged in any building work, compressed air work, excavation work or in work in connection with any crane, gear, hoist, lift, plant, scaffolding or supporting structure to which any of the provisions of this Act or the regulations apply.

Service of
notices,
etc.

20. Any direction, order, or notice to be served or given under this Act or the regulations may be served upon or given to any person—

(a) by delivering the same to such person; or

(b) by leaving the same at his usual or last known place of residence or business; or

(c) by forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of residence or business; and such service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Penalties
and
proceedings
for offences.

21. The penalty for any offence against this Act for which no penalty is otherwise expressly provided shall be a penalty not exceeding fifty pounds.

Any penalty imposed by or under this Act or the regulations may be recovered in a summary manner before a court of petty sessions or before an industrial magistrate appointed under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

The provisions of the Industrial Arbitration Act, 1940, and of any Act amending or replacing that Act and the regulations made thereunder relating to proceedings before an industrial magistrate and to appeals from an industrial magistrate to the Industrial Commission of New South Wales shall apply, *mutatis mutandis*, to proceedings before an industrial magistrate for the recovery of any penalty imposed by or under this Act or the regulations.

No proceedings for the recovery of any penalty imposed by or under this Act or the regulations shall be instituted without the authority of the Minister.

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22. (1) The Governor may make regulations not Regulations. inconsistent with this Act prescribing all matters which are required or authorised to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of the powers conferred by subsection one of this section the Governor may make regulations—

- (a) prescribing all matters necessary or convenient to be prescribed in relation to notices of intention to set up or build or set or place in position any crane, hoist, plant or scaffolding or to erect any lift or to carry out any building work, excavation work or compressed air work;
- (b) prohibiting the erection or alteration of any lift, crane, or hoist without the permission of the Chief Inspector, and prescribing all matters necessary or convenient to be prescribed in connection with applications for such permission, and the plans and descriptions and other particulars to be lodged with such applications;
- (c) requiring that, upon the constitution of any district under this Act, notice in the prescribed form shall be given to the Chief Inspector in respect of all lifts situated within such district on the day upon which it is so constituted a district;
- (d) requiring that notice shall be given to the Chief Inspector in cases where the ownership or right of control of a lift has been changed by sale, transfer or otherwise;
- (e) requiring that cranes, hoists and lifts shall be registered and prescribing all matters necessary or convenient to be prescribed in relation to such registration, including the particulars to be furnished, the forms of application for registration and the form of the register, and the fees to be paid upon application for registration and for inspection of the register;
- (f)

Scaffolding and Lifts (Amendment).

(f) prescribing the fees to be paid in respect of all or any of the following matters:—

- (i) applications for permits to erect lifts;
- (ii) reviewing the designs and descriptions of cranes, hoists, lifts, plant, scaffolding and gear and the inspection and testing of cranes, hoists, lifts, plant, scaffolding and gear;
- (iii) the examination of applicants for certificates of competency as power crane and power hoist drivers and certificates as authorised attendants and the issue of such certificates;
- (iv) the examination of applicants for certificates of competency as riggers, dogmen, scaffolders and crane chasers and the issue of such certificates;
- (v) the notification of intention to commence building work, excavation work, or compressed air work;

(g) relating to—

- (i) the proper design, construction, erection, use and maintenance of cranes, hoists, lifts, plant, scaffolding and gear;
- (ii) the certification, qualifications and duties of persons in charge of lifts, drivers of power cranes and power hoists and of riggers, dogmen, scaffolders and crane chasers;
- (iii) the qualifications and duties of persons in charge of or engaged in the erection, use, maintenance, or dismantling of cranes, hoists, lifts, plant or scaffolding;

(iv)

Scaffolding and Lifts (Amendment).

- (iv) the manner of carrying out building work, excavation work or compressed air work;
 - (v) safeguards and measures to be taken for securing the safety and health of persons engaged in building work, excavation work or compressed air work, or at or in connection with cranes, hoists, lifts, plant, scaffolding or gear;
 - (vi) the qualifications, powers and duties of the Chief Inspector and inspectors;
- (h) prescribing the precautions and measures to be taken for securing the safety of persons where the roof of any building or structure, whether constructed or in course of construction, is, or is intended to be, sheathed with asbestos cement or other brittle material.

(3) The regulations may adopt wholly or partially either specifically or by reference any of the standard rules, codes or specifications of the Standards Association of Australia, the British Standards Institution or other recognised authority relating to the design, construction, erection, use or maintenance of cranes, hoists, lifts, plant, scaffolding or gear.

(4) A regulation may impose a penalty not exceeding fifty pounds for any breach thereof.

(5) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in such regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If

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If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof such regulation or part shall thereupon cease to have effect.

(2) The Principal Act is further amended—

(a) by omitting from section one all the matter following the word “follows” and by inserting in lieu thereof the following matter:—

PART I.—PRELIMINARY.

PART II.—CRANES, HOISTS, PLANT AND
SCAFFOLDING, AND BUILDING, EXCAVATION
AND COMPRESSED AIR WORK.

PART III.—LIFTS.

PART IV.—INSPECTION.

PART V.—DRIVERS OF POWER CRANES AND
HOISTS, RIGGERS, DOGMEN, SCAFFOLDERS
AND CRANE CHASERS.

PART VI.—MISCELLANEOUS.

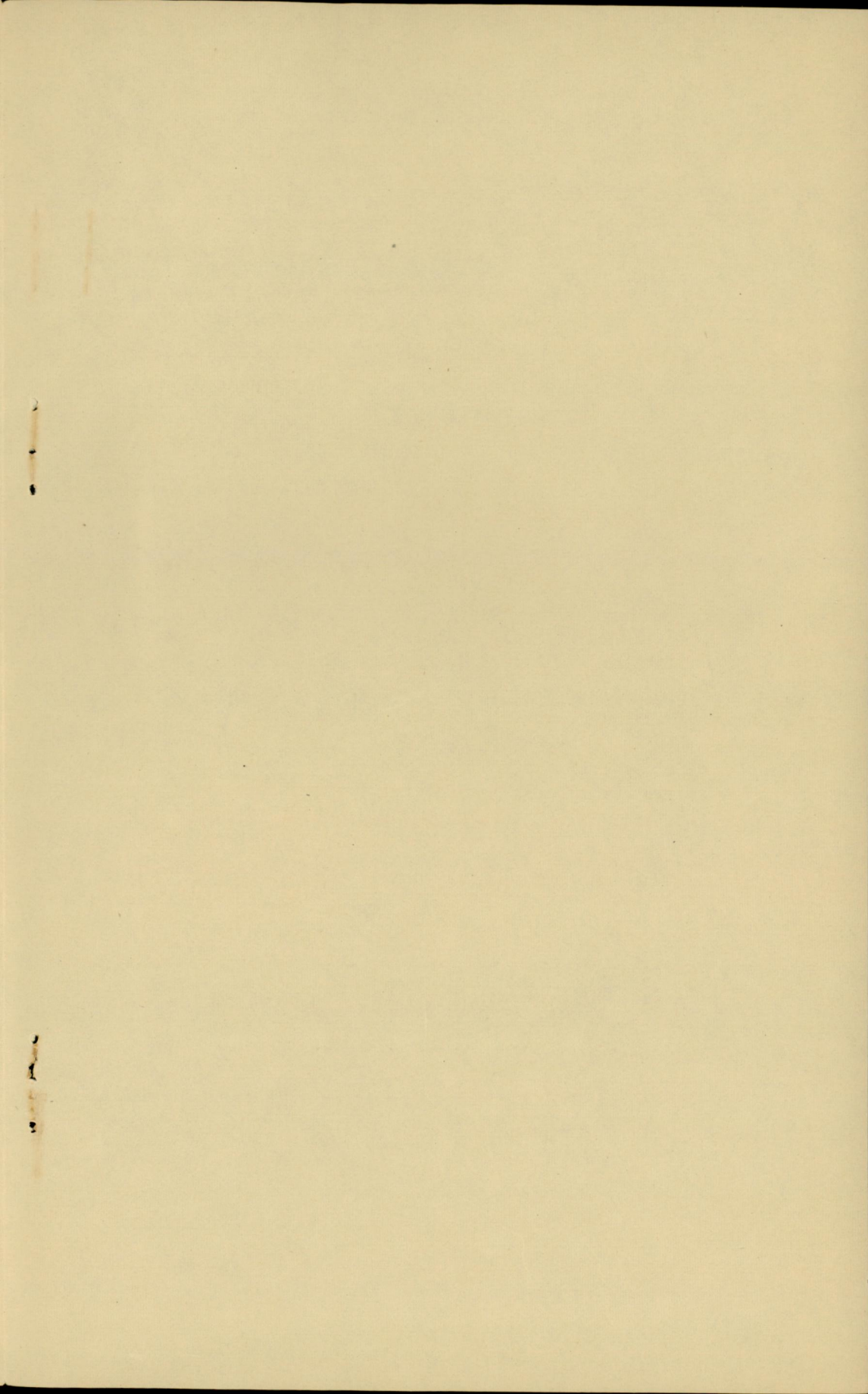
(b) by omitting the Second Schedule.

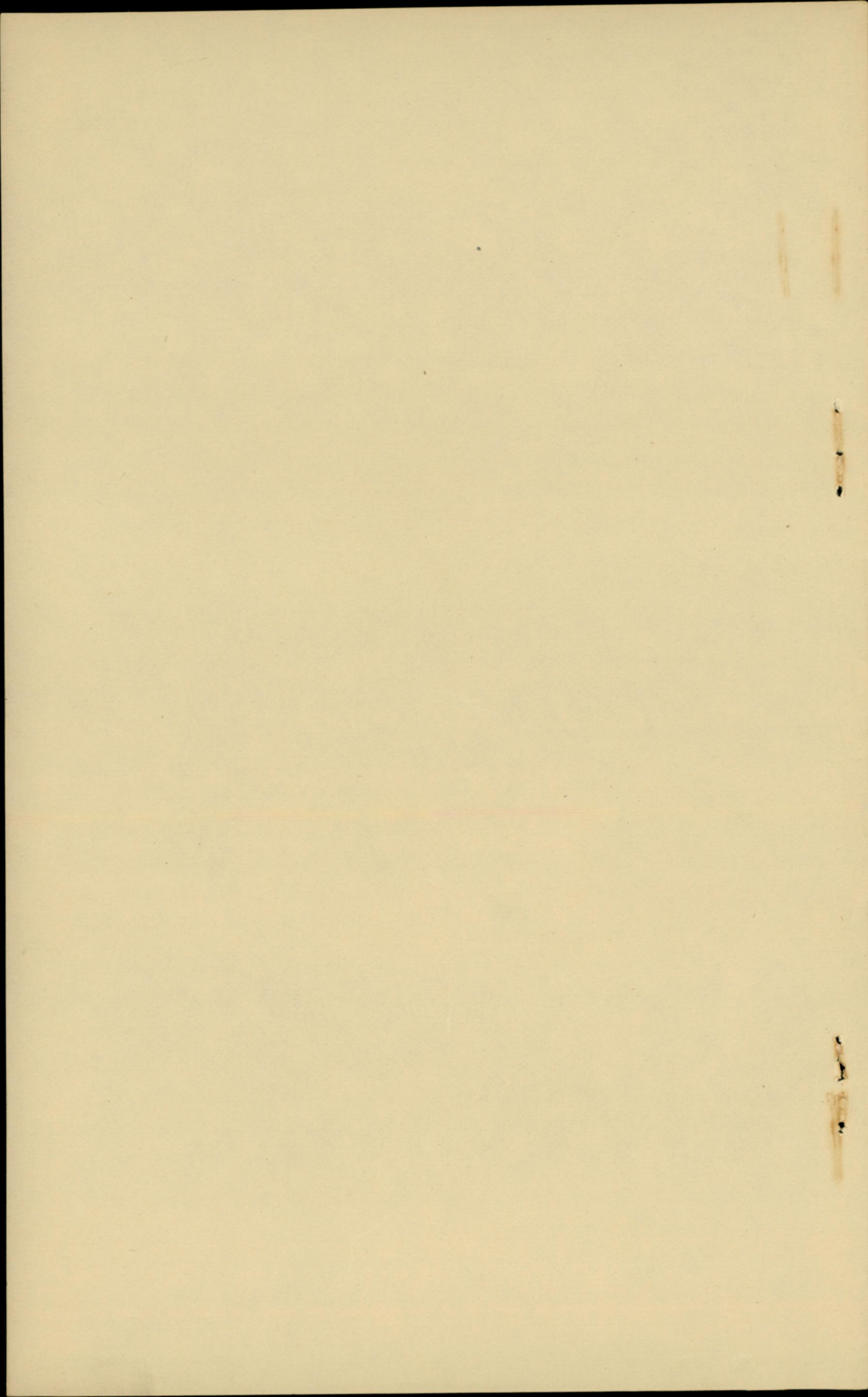
Further
amendment
of Act No.
38, 1912.
(Consequen-
tial.)

By Authority:

ALFRED HENRY PETTIFER, Government Printer, Sydney, 1949.

[9d.]





I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of New South WALES.

H. ROBBINS,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 2 December, 1948.

New South Wales.



ANNO TERTIO DECIMO

GEORGII VI REGIS.

Act No. 38, 1948.

An Act to amend the Scaffolding and Lifts Act, 1912-1942, in certain respects; and for purposes connected therewith. [Assented to, 14th December, 1948.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Scaffolding and Lifts (Amendment) Act, 1948."

Short title, citation and commencement.

(2)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Scaffolding and Lifts (Amendment).

(2) The Scaffolding and Lifts Act, 1912, as amended by subsequent Acts and by a proclamation made in pursuance of section eight thereof on the seventeenth day of September, one thousand nine hundred and twenty-nine, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Scaffolding and Lifts Act, 1912-1948.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment
of Act
No. 38, 1912.
Sec. 3.
(Defini-
tions.)

2. The Principal Act is amended—

- (a) (i) by omitting from section three the definition of "Automatically controlled lift" and by inserting in lieu thereof the following definition:—

"Automatic lift" means any lift comprising a car or platform running between guides and capable of being operated from any landing, place or position outside the confines of such car or platform.

- (ii) by omitting from the definition of "Building work" in the same section the words "and includes work done in excavating or preparing the foundations of a building or structure";

- (iii) by inserting in the same section next after the definition of "Chief Inspector" the following new definitions:—

"Compressed air work" includes any work done by any person in air the atmospheric pressure of which exceeds one atmosphere.

"Contractor" means a person, firm, partnership, company, or corporation employing any person to perform

Scaffolding and Lifts (Amendment).

perform any building work
excavation work or compressed
air work.

- (iv) (a) by omitting from the definition of "Crane" in the same section the words "hoist or hoisting appliance, sheerlegs, derrick pole";
- (b) by omitting from the same definition the words "a pile driver or tilter and also includes";
- (c) by inserting in the same definition after the word "lift" the words "or hoist";
- (v) by omitting from the same section the definition of "Engine";
- (vi) by inserting in the same section next before the definition of "Gear" the following new definition:—

"Excavation work" includes any work in connection with:—

- (a) excavating for or preparing foundations for a building or structure,
- (b) tunnelling,
- (c) the sinking or digging of any shaft or well, and
- (d) excavating for water, sewerage, drainage, gas or electricity supply;

but does not include an excavation less than five feet in depth measured from the top of the excavation.

- (vii) by omitting from the definition of "Gear" in the same section the words "or engine" and by inserting in lieu thereof the words "hoist, or plant, or building work, excavation work, or compressed air work;"

(viii)

Scaffolding and Lifts (Amendment).

- (viii) by inserting in the same section next after the definition of "Gear" the following new definition:—

"Hoist" means hoist or hoisting appliance, sheerlegs, derrick pole or other apparatus or contrivance used or capable of being used for raising, lowering, handling, or transporting loads in like manner, and includes a pile driver or tilter and the supporting structure and the gear used in connection with the hoist, but does not include crane or lift.

- (ix) by inserting in the same section at the end of the definition of "Lift" the words "but does not include crane or hoist";

- (x) by inserting in the same section next after the definition of "Lift" the following new definition:—

"Owner" when used in relation to any crane, gear, hoist, lift, plant, or scaffolding includes the owner, mortgagee in possession, lessee, hirer, or borrower thereof.

- (xi) by inserting in the same section next after the definition of "Passenger lift" the following new definition:—

"Plant" means—

(a) any machine or machinery driven by other than manual power; and

(b) any air lock and welding equipment,

used or intended for use in building work, excavation work, or compressed air work, and the gear used

in

Scaffolding and Lifts (Amendment).

in connection with and the supporting structure of any such plant, but does not include crane, hoist or lift.

- (xii) by inserting in the same section next after the definition of "Power crane" the following new definition:—

"Power hoist" means any hoist driven by other than manual power.

- (xiii) by omitting from the definition of "Supporting structure" in the same section the words "or engine" and by inserting in lieu thereof the words "hoist or plant";

- (b) by inserting next after section four the following new sections:—

New secs.
4A, 4B.

4A. This Act shall not apply to—

Act not to apply to certain cranes, lifts, building work, etc.

- (a) any crane, gear, hoist, lift, plant or scaffolding used wholly or principally at or in connection with any mine to which the Mining Act, 1906, the Mines Inspection Act, 1901, the Coal Mines Regulation Act, 1912, or any Act amending the said Acts, applies;

- (b) any building work, excavation work, or compressed air work carried out in or about any mine to which the Mining Act, 1906, the Mines Inspection Act, 1901, the Coal Mines Regulation Act, 1912, or any Act amending the said Acts, applies.

4B. This Act shall bind the Crown.

Act to bind Crown.

- (c) by inserting next after section five the following new section:—

New sec. 5A.

5A. (1) The Minister may, for the purposes of this Act, constitute such Boards of Reference as he may deem necessary.

Boards of Reference.

Scaffolding and Lifts (Amendment).

A Board of Reference may be constituted in respect of any industry, division of an industry, or combination, arrangement or group of industries.

(2) A Board of Reference shall exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.

(3) A Board of Reference shall consist of three members.

One of such members shall be the Chief Inspector who shall be the chairman of each Board of Reference.

Of the other members of each Board of Reference—

- (a) one shall be appointed by the Minister from a panel of four persons nominated by the employers in the industry, division of an industry, or combination, arrangement or group of industries in respect of which the Board of Reference is constituted;
- (b) one shall be appointed by the Minister from a panel of four persons nominated by the industrial union or unions representing the employees in the industry, division of an industry, or combination, arrangement or group of industries in respect of which the Board of Reference is constituted.

(4) Two members of a Board of Reference shall form a quorum.

(5) The members of a Board of Reference shall be entitled to receive travelling expenses at such rate as the Minister may determine.

Scaffolding and Lifts (Amendment).

3. The Principal Act is further amended—

Further amendment of Act No. 38, 1912.

- (a) by omitting the heading to Part II and by inserting in lieu thereof the following heading:—

Heading.

“Cranes, Hoists, Plant and Scaffolding and Building, Excavation and Compressed Air Work.”

- (b) (i) by omitting subsections one and two of section six and by inserting in lieu thereof the following subsections:—

Sec. 6.

(Notices as to erection of scaffolding, etc., and commencement of building work, etc.)

- (1) Every person before commencing in any district—

(a) to carry out any building work, excavation work or compressed air work in which any crane, hoist, plant or scaffolding is to be used; or

(b) to set up or build or set or place in position in connection with any building work, excavation work or compressed air work any crane, hoist, plant or scaffolding which has not been previously used in any district in connection with any such work; or

(c) to set up or build or set or place in position any crane, hoist or scaffolding otherwise than as referred to in paragraphs (a) and (b) of this subsection,

shall serve on the Chief Inspector a notice in writing, under his hand, of his intention so to do by posting such notice to the Chief Inspector or leaving it at such address as the Minister may, by notice in the Gazette, direct, at least twenty-four hours before commencing to carry out such building work, excavation work or compressed air work,

Scaffolding and Lifts (Amendment).

work, or to set up or build or set or place in position any crane, hoist, plant or scaffolding as aforesaid.

(2) Any person who fails to comply with the provisions of subsection one of this section shall be liable to a penalty not exceeding twenty pounds.

(ii) (a) by omitting from paragraph (b) of subsection four of the same section the words "demolition work" and by inserting in lieu thereof the words "building work";

(b) by omitting from the same paragraph the word "twenty-five" wherever occurring and by inserting in lieu thereof the word "fifteen";

(iii) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraph:

(c) any building work in connection with a dwelling house where such work is carried out by the owner or occupier of such dwelling house without assistance from any other person.

Secs. 7, 8, 9.
(Regulations.)

(c) by omitting sections seven, eight and nine;

Sec. 10.
(Notice of erection of lift.)

(d) by omitting subsection two of section ten and by inserting in lieu thereof the following subsection:—

(2) Any person who fails to comply with the provisions of subsection one of this section shall be liable to a penalty not exceeding twenty pounds.

Sec. 11.
(Authorised attendant to be in charge of lift.)

(e) by omitting from section eleven the words "automatically controlled lift" and by inserting in lieu thereof the words "automatic lift."

Scaffolding and Lifts (Amendment).

4. The Principal Act is further amended—

Further amendment of Act No. 38, 1912.

- (a) (i) by omitting from paragraph (a) of section thirteen the words "engine, crane" and by inserting in lieu thereof the words "crane, hoist, plant";
- (ii) by inserting in the same paragraph after the words "building work" the words "excavation work or compressed air work";
- (b) (i) by omitting from subsection one of section fifteen the words "engine or crane" wherever occurring and by inserting in lieu thereof the words "crane or hoist or plant";
- (ii) by inserting in the same subsection after the words "building work" wherever occurring the words "excavation work or compressed air work";
- (iii) by omitting from the same subsection the words "in the Second Schedule hereto" and by inserting in lieu thereof the words "made under this Act";
- (iv) by inserting in the same subsection after the words "such lift or" the words "to the owner of or";
- (v) by omitting from the same subsection the words "engine, crane" and by inserting in lieu thereof the words "crane, hoist, plant";
- (vi) by inserting in the same subsection after the words "gear or" the words "to the owner, contractor, person in charge or apparently in charge";
- (vii) by omitting subsections two, three and four of the same section and by inserting in lieu thereof the following subsections:—

Sec. 13.

(Powers of inspectors.)

Sec. 15.

(Inspector may give directions as to scaffolding, etc.)

(2) Where an inspector gives any directions under subsection one of this section for the reason set forth in paragraph (a) of

Scaffolding and Lifts (Amendment).

of that subsection he may at the time of giving such directions or subsequently thereto order—

- (a) the owner of or any persons using the lift in respect of which such directions are given forthwith to cease using the lift; or
- (b) order the owner of or any persons working or using any scaffolding, crane, hoist, plant or gear in respect of which such directions are given to cease working or using such scaffolding, crane, hoist, plant or gear; or
- (c) order the contractor or person in charge or apparently in charge of any building work, excavation work or compressed air work in respect of which such directions are given to discontinue such work.

Any order or variation thereof given under this subsection shall unless sooner revoked have effect until such directions have or any order on appeal therefrom has been complied with.

Any order given under this subsection may specify the measures to be taken by the person to whom it is given to implement such order.

(3) Any directions given under subsection one of this section or any order given under subsection two of this section may be varied from time to time or revoked.

(4) The person to whom any directions have been given under this section may within twenty-four hours after such directions have been given to him appeal against such directions to the Minister.

Notice

Scaffolding and Lifts (Amendment).

Notice of such appeal shall be given to the inspector.

The Minister shall refer the appeal to such Board of Reference, constituted under section 5A of this Act, as he considers appropriate to hear the appeal. Such Board of Reference shall hear the appeal with all reasonable despatch at such time and place as it causes to be notified to the appellant and the inspector. The Board of Reference shall report its findings to the Minister who may make such order as he thinks fit.

Every such order of the Minister shall be final and conclusive.

(5) Any person who fails to comply:—

- (a) with any direction or order given to him by an inspector pursuant to this section; or
- (b) with any order made by the Minister pursuant to this section,

shall be liable to a penalty not exceeding one hundred pounds.

5. The Principal Act is further amended by omitting Part V and by inserting in lieu thereof the following Part:—

Further amendment of Act No. 38, 1912.

PART V.

DRIVERS OF POWER CRANES AND HOISTS, RIGGERS,
DOG MEN, SCAFFOLDERS AND CRANE CHASERS.

17. (1) Any person who is not the holder of a certificate of competency as a power crane or power hoist driver and who in any district drives—

Power crane and power hoist drivers.

- (a) any power crane; or
- (b) any power hoist used in building work or excavation work; or
- (c) any other power hoist controlled or operated from a platform, seat, cage or cab attached to and moving with the hoist-unit;

shall be guilty of an offence against this Act.

(2)

Scaffolding and Lifts (Amendment).

(2) Any person who is the holder of a certificate of competency as a power crane or power hoist driver and who in any district drives any power crane or power hoist of a type, motive power or for purposes other than those specified in the certificate of competency issued to him under this section, shall be guilty of an offence against this Act.

(3) Any person who employs, instructs or allows—

(a) any person who is not the holder of a certificate of competency as a power crane or power hoist driver to drive any power crane or power hoist referred to in subsection one of this section; or

(b) any person who is the holder of a certificate of competency as a power crane or power hoist driver to drive any power crane or power hoist of a type, motive power or for purposes other than those specified in the certificate of competency issued to such person;

shall be guilty of an offence against this Act.

(4) (a) Any person who possesses the prescribed qualifications and who, after inquiry and examination as prescribed, satisfies the Chief Inspector that he is trustworthy and competent to act as the driver of a power crane or power hoist shall be entitled to a certificate of competency as a power crane or power hoist driver, as the case may be.

(b) A certificate of competency under this section may specify the type and motive power of the power crane or power hoist in respect of which the holder may act as driver and the purposes for which the power crane or power hoist to which such certificate relates may be used.

(5) Applications for a certificate of competency under this section shall be made to the Chief Inspector in the manner and form prescribed.

(6)

Scaffolding and Lifts (Amendment).

(6) Any person who is dissatisfied with the decision of the Chief Inspector in respect of the issue or refusal to issue to him a certificate of competency under this section may appeal to the Minister. The Minister shall refer the appeal to such Board of Reference, constituted under section 5A of this Act, as he considers appropriate to hear the appeal. Such Board of Reference shall hear the appeal with all reasonable despatch at such time and place as it causes to be notified to the appellant. The Board of Reference shall report its findings to the Minister who may affirm, rescind or vary the decision of the Chief Inspector.

The decision of the Minister shall be final and conclusive.

(7) Where, upon report by an inspector or otherwise, it appears to the Board of Reference constituted for the industry, division of an industry or combination, arrangement or group of industries, in which a holder of a certificate of competency issued under this section is employed that such holder has ceased to be trustworthy or competent to act as the driver of a power crane or power hoist of the type, motive power or for the purposes specified in the certificate of competency held by him, such Board of Reference may by notice in writing require such holder to appear before it to show cause why the certificate of competency issued to him should not be suspended or cancelled.

Such Board of Reference shall inquire into the matter and report its finding to the Minister. The Minister may order the suspension of such certificate of competency for such period as he may determine or the cancellation of such certificate of competency.

The order of the Minister shall be final and conclusive.

A person whose certificate of competency has been so suspended shall not during the period of such suspension be deemed to be the holder of a certificate of competency under this section.

(8).

Scaffolding and Lifts (Amendment).

(8) The Minister may—

- (a) by notification published in the Gazette exempt the driver of any type of power crane or power hoist specified in such notification from the operation of the provisions of subsections one and two of this section and other persons from the operation of the provisions of subsection three of this section in respect of any power crane or power hoist so specified; and
- (b) by notice in writing to the owner of any particular power crane or power hoist exempt the driver of such power crane or power hoist from the operation of the provisions of subsections one and two of this section and other persons from the operation of the provisions of subsection three of this section in respect of that particular power crane or power hoist.

Any exemption under this subsection may be granted subject to such conditions as the Minister may impose.

Any person who fails to comply with any such conditions shall be guilty of an offence against this Act.

(9) Any driver's certificate granted by the Minister under the section which this section replaces and in force at the commencement of the Scaffolding and Lifts (Amendment) Act, 1948, shall be deemed to be a certificate of competency issued under this section.

17A. (1) Any person who, in any district, acts as a rigger, dogman, scaffolder or crane chaser unless he is the holder of a certificate of competency as a rigger, dogman, scaffolder or crane chaser, as the case may be, shall be guilty of an offence against this Act.

(2) Any person who possesses the prescribed qualifications and who after inquiry and examination as prescribed satisfies the Chief Inspector that he

is

Riggers,
dogmen,
scaffolders
and crane
chasers.

Scaffolding and Lifts (Amendment).

is trustworthy and competent to act as a rigger, dogman, scaffolder or crane chaser shall be entitled to a certificate of competency as a rigger, dogman, scaffolder or crane chaser, as the case may be.

(3) Application for a certificate of competency under this section shall be made to the Chief Inspector in the manner and form prescribed.

(4) Any person who is dissatisfied with the decision of the Chief Inspector in respect of the issue or refusal to issue to him a certificate of competency under this section may appeal to the Minister. The Minister shall refer the appeal to such Board of Reference, constituted under section 5A of this Act, as he considers appropriate to hear the appeal. Such Board of Reference shall hear the appeal with all reasonable despatch at such time and place as it causes to be notified to the appellant. The Board of Reference shall report its findings to the Minister who may affirm, rescind or vary the decision of the Chief Inspector.

The decision of the Minister shall be final and conclusive.

(5) Where, upon report by an inspector or otherwise, it appears to the Board of Reference constituted for the industry, division of an industry or combination, arrangement or group of industries, in which a holder of a certificate of competency issued under this section is employed that such holder has ceased to be trustworthy or competent to act as a rigger, dogman, scaffolder or crane chaser, such Board of Reference may by notice in writing require such holder to appear before it to show cause why the certificate of competency issued to him should not be suspended or cancelled.

Such Board of Reference shall inquire into the matter and report its finding to the Minister. The Minister may order the suspension of such certificate of competency for such period as he may determine or the cancellation of such certificate of competency.

The order of the Minister shall be final and conclusive.

Scaffolding and Lifts (Amendment).

A person whose certificate of competency has been so suspended shall not during the period of such suspension be deemed to be the holder of a certificate of competency under this section.

(6) In this section—

“Rigger” means a person directly in charge of the initial work of erecting or placing in position the members of any type of structure, other than scaffolding, of dismantling or demolishing structures, other than scaffolding, or of setting up cranes and hoists.

“Dogman” means a person directly responsible for slinging and controlling the movement of loads by a crane used in building work or excavation work, or other work where the loads are not usually at all times in full view of the crane driver.

“Scaffolder” means a person engaged in the work of erecting, altering or demolishing scaffolding which is so placed that a person or object falling therefrom could fall a distance of ten feet or more.

“Crane chaser” means a person employed to attend and sling loads and to control the movement of such loads handled by a crane where the loads are usually at all times in full view of the crane driver.

Further amendment of Act No. 38, 1912.

Substituted Part VI.

Notice of accidents.

6. (1) The Principal Act is further amended by omitting Part VI and by inserting in lieu thereof the following Part:—

PART VI.

MISCELLANEOUS.

18. (1) Where an accident occurs in connection with any crane, hoist, lift, plant, scaffolding, gear, building work, excavation work, or compressed air work, and the accident—

(a) causes loss of life or serious personal injury;
or

(b)

Scaffolding and Lifts (Amendment).

- (b) is an accident involving any breakage, distortion, or damage to any load-bearing member or part of a crane, hoist, lift, plant, scaffolding, gear or supporting structure;

written notice of the accident in the prescribed form and accompanied by the prescribed particulars shall forthwith be given to the Chief Inspector by the owner or person in charge of such crane, hoist, lift, plant, scaffolding or gear or by the person in charge of or contractor for such building work, excavation work or compressed air work.

(2) No person shall move or in any manner interfere with any crane, hoist, lift, plant, scaffolding, gear, or supporting structure, or part thereof involved in any accident referred to in subsection one of this section, or any object, article, or thing whatsoever affected or damaged as a result of such accident, unless and until he has obtained the permission of the Chief Inspector or an inspector so to do.

This subsection shall not apply where any such movement or interference is necessary to aid or relieve any person involved in any such accident or to prevent further injury to person or property.

(3) Every person who commits a breach of the provisions of this section shall be liable to a penalty not exceeding fifty pounds.

19. Nothing in this Act or the regulations contained shall operate to prejudice or affect any right which, if this Act had not been enacted, a person would have had to recover damages, take any suit or proceeding, or receive any payment or compensation in respect of any injury sustained by him whilst—

Act not
to affect
rights of
person to
recover
damages.

- (a) driving any power crane or power hoist to which section seventeen of this Act applies;
or
(b) acting as a rigger, dogman, scaffolder or crane chaser as defined by section 17A of this Act; or

(c)

Scaffolding and Lifts (Amendment).

(c) engaged in any building work, compressed air work, excavation work or in work in connection with any crane, gear, hoist, lift, plant, scaffolding or supporting structure to which any of the provisions of this Act or the regulations apply.

Service of
notices,
etc.

20. Any direction, order, or notice to be served or given under this Act or the regulations may be served upon or given to any person—

- (a) by delivering the same to such person; or
- (b) by leaving the same at his usual or last known place of residence or business; or
- (c) by forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of residence or business; and such service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Penalties
and
proceedings
for offences.

21. The penalty for any offence against this Act for which no penalty is otherwise expressly provided shall be a penalty not exceeding fifty pounds.

Any penalty imposed by or under this Act or the regulations may be recovered in a summary manner before a court of petty sessions or before an industrial magistrate appointed under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

The provisions of the Industrial Arbitration Act, 1940, and of any Act amending or replacing that Act and the regulations made thereunder relating to proceedings before an industrial magistrate and to appeals from an industrial magistrate to the Industrial Commission of New South Wales shall apply, *mutatis mutandis*, to proceedings before an industrial magistrate for the recovery of any penalty imposed by or under this Act or the regulations.

No proceedings for the recovery of any penalty imposed by or under this Act or the regulations shall be instituted without the authority of the Minister.

Scaffolding and Lifts (Amendment).

22. (1) The Governor may make regulations not ^{Regulations.} inconsistent with this Act prescribing all matters which are required or authorised to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of the powers conferred by subsection one of this section the Governor may make regulations—

- (a) prescribing all matters necessary or convenient to be prescribed in relation to notices of intention to set up or build or set or place in position any crane, hoist, plant or scaffolding or to erect any lift or to carry out any building work, excavation work or compressed air work;
- (b) prohibiting the erection or alteration of any lift, crane, or hoist without the permission of the Chief Inspector, and prescribing all matters necessary or convenient to be prescribed in connection with applications for such permission, and the plans and descriptions and other particulars to be lodged with such applications;
- (c) requiring that, upon the constitution of any district under this Act, notice in the prescribed form shall be given to the Chief Inspector in respect of all lifts situated within such district on the day upon which it is so constituted a district;
- (d) requiring that notice shall be given to the Chief Inspector in cases where the ownership or right of control of a lift has been changed by sale, transfer or otherwise;
- (e) requiring that cranes, hoists and lifts shall be registered and prescribing all matters necessary or convenient to be prescribed in relation to such registration, including the particulars to be furnished, the forms of application for registration and the form of the register, and the fees to be paid upon application for registration and for inspection of the register;

(f)

Scaffolding and Lifts (Amendment).

(f) prescribing the fees to be paid in respect of all or any of the following matters:—

- (i) applications for permits to erect lifts;
- (ii) reviewing the designs and descriptions of cranes, hoists, lifts, plant, scaffolding and gear and the inspection and testing of cranes, hoists, lifts, plant, scaffolding and gear;
- (iii) the examination of applicants for certificates of competency as power crane and power hoist drivers and certificates as authorised attendants and the issue of such certificates;
- (iv) the examination of applicants for certificates of competency as riggers, dogmen, scaffolders and crane chasers and the issue of such certificates;
- (v) the notification of intention to commence building work, excavation work, or compressed air work;

(g) relating to—

- (i) the proper design, construction, erection, use and maintenance of cranes, hoists, lifts, plant, scaffolding and gear;
- (ii) the certification, qualifications and duties of persons in charge of lifts, drivers of power cranes and power hoists and of riggers, dogmen, scaffolders and crane chasers;
- (iii) the qualifications and duties of persons in charge of or engaged in the erection, use, maintenance, or dismantling of cranes, hoists, lifts, plant or scaffolding;
- (iv)

Scaffolding and Lifts (Amendment).

- (iv) the manner of carrying out building work, excavation work or compressed air work;
 - (v) safeguards and measures to be taken for securing the safety and health of persons engaged in building work, excavation work or compressed air work, or at or in connection with cranes, hoists, lifts, plant, scaffolding or gear;
 - (vi) the qualifications, powers and duties of the Chief Inspector and inspectors;
- (h) prescribing the precautions and measures to be taken for securing the safety of persons where the roof of any building or structure, whether constructed or in course of construction, is, or is intended to be, sheathed with asbestos cement or other brittle material.

(3) The regulations may adopt wholly or partially either specifically or by reference any of the standard rules, codes or specifications of the Standards Association of Australia, the British Standards Institution or other recognised authority relating to the design, construction, erection, use or maintenance of cranes, hoists, lifts, plant, scaffolding or gear.

(4) A regulation may impose a penalty not exceeding fifty pounds for any breach thereof.

(5) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in such regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If

Scaffolding and Lifts (Amendment).

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof such regulation or part shall thereupon cease to have effect.

Further
amendment
of Act No.
38, 1912.
(Consequen-
tial.)

(2) The Principal Act is further amended—

(a) by omitting from section one all the matter following the word "follows" and by inserting in lieu thereof the following matter:—

PART I.—PRELIMINARY.

PART II.—CRANES, HOISTS, PLANT AND
SCAFFOLDING, AND BUILDING, EXCAVATION
AND COMPRESSED AIR WORK.

PART III.—LIFTS.

PART IV.—INSPECTION.

PART V.—DRIVERS OF POWER CRANES AND
HOISTS, RIGGERS, DOGMEN, SCAFFOLDERS
AND CRANE CHASERS.

PART VI.—MISCELLANEOUS.

(b) by omitting the Second Schedule.

*In the name and on behalf of His Majesty I assent to
this Act.*

J. NORTHCOTT,
Governor.

*Government House,
Sydney, 14th December, 1948.*

SCAFFOLDING AND LIFTS (AMENDMENT) BILL.

*Schedule of the amendment referred to in Legislative Council's Message of
18th November, 1948.*

Page 3, clause 2, line 27. *Before the word "gas" insert the word "drainage,"*

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT
530 SOUTH EAST ASIAN AVENUE
CHICAGO, ILLINOIS 60607

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

H. ROBBINS,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 17 November, 1948.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

W. K. CHARLTON,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 18th November, 1948.

New South Wales.



ANNO DUODECIMO

GEORGII VI REGIS.

Act No. , 1948.

An Act to amend the Scaffolding and Lifts Act, 1912-1942, in certain respects; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. (1) This Act may be cited as the "Scaffolding and Lifts (Amendment) Act, 1948."

80929 290—A

(2)

Short title,
citation and
commence-
ment.

NOTE.—The word to be *inserted* is printed in black letter.

Scaffolding and Lifts (Amendment).

(2) The Scaffolding and Lifts Act, 1912, as amended by subsequent Acts and by a proclamation made in pursuance of section eight thereof on the seventeenth day of September, one thousand nine hundred and twenty-nine, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Scaffolding and Lifts Act, 1912-1948.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Principal Act is amended—

Amendment
of Act
No. 38, 1912.
Sec. 3.
(Defini-
tions.)

(a) (i) by omitting from section three the definition of "Automatically controlled lift" and by inserting in lieu thereof the following definition:—

"Automatic lift" means any lift comprising a car or platform running between guides and capable of being operated from any landing, place or position outside the confines of such car or platform.

(ii) by omitting from the definition of "Building work" in the same section the words "and includes work done in excavating for or preparing the foundations of a building or structure";

(iii) by inserting in the same section next after the definition of "Chief Inspector" the following new definitions:—

"Compressed air work" includes any work done by any person in air the atmospheric pressure of which exceeds one atmosphere.

"Contractor" means a person, firm, partnership, company, or corporation employing any person to perform

Scaffolding and Lifts (Amendment).

perform any building work
excavation work or compressed
air work.

- 5 (iv) (a) by omitting from the definition of
"Crane" in the same section the words
"hoist or hoisting appliance, sheerlegs,
derrick pole";
- 10 (b) by omitting from the same definition
the words "a pile driver or tilter and
also includes";
- (c) by inserting in the same definition after
the word "lift" the words "or hoist";
- 15 (v) by omitting from the same section the
definition of "Engine";
- (vi) by inserting in the same section next before
the definition of "Gear" the following new
definition:—
- 20 "Excavation work" includes any work
in connection with:—
- (a) excavating for or prepar-
ing foundations for a
building or structure,
- (b) tunnelling,
- 25 (c) the sinking or digging of any
shaft or well, and
- (d) excavating for water, sewer-
age, **drainage**, gas or elec-
tricity supply;
- 30 but does not include an excava-
tion less than five feet in depth
measured from the top of the
excavation.
- 35 (vii) by omitting from the definition of "Gear"
in the same section the words "or engine"
and by inserting in lieu thereof the words
"hoist, or plant, or building work, excava-
tion work, or compressed air work;"
- (viii)

Scaffolding and Lifts (Amendment).

(viii) by inserting in the same section next after the definition of "Gear" the following new definition:—

5 "Hoist" means hoist or hoisting
 appliance, sheerlegs, derrick pole
 or other apparatus or contrivance
 used or capable of being used for
 raising, lowering, handling, or
10 transporting loads in like manner,
 and includes a pile driver or tilter
 and the supporting structure and
 the gear used in connection with
 the hoist, but does not include
 crane or lift.

15 (ix) by inserting in the same section at the end
 of the definition of "Lift" the words "but
 does not include crane or hoist";

 (x) by inserting in the same section next after
 the definition of "Lift" the following new
20 definition:—

 "Owner" when used in relation to any
 crane, gear, hoist, lift, plant, or
 scaffolding includes the owner,
 mortgagee in possession, lessee,
25 hirer, or borrower thereof.

 (xi) by inserting in the same section next after
 the definition of "Passenger lift" the
 following new definition:—

 "Plant" means—
30 (a) any machine or machinery
 driven by other than manual
 power; and
 (b) any air lock and welding
 equipment,
35 used or intended for use in building
 work, excavation work, or com-
 pressed air work, and the gear used
 in

Scaffolding and Lifts (Amendment).

in connection with and the supporting structure of any such plant, but does not include crane, hoist or lift.

- 5 (xii) by inserting in the same section next after the definition of "Power crane" the following new definition:—
 "Power hoist" means any hoist driven by other than manual power.
- 10 (xiii) by omitting from the definition of "Supporting structure" in the same section the words "or engine" and by inserting in lieu thereof the words "hoist or plant";
- 15 (b) by inserting next after section four the following new sections:— New secs. 4A, 4B.
- 4A. This Act shall not apply to— Act not to apply to certain cranes, lifts, building work, etc.
- (a) any crane, gear, hoist, lift, plant or scaffolding used wholly or principally at or in connection with any mine to which the Mining Act, 1906, the Mines Inspection Act, 1901, the Coal Mines Regulation Act, 1912, or any Act amending the said Acts, applies;
- (b) any building work, excavation work, or compressed air work carried out in or about any mine to which the Mining Act, 1906, the Mines Inspection Act, 1901, the Coal Mines Regulation Act, 1912, or any Act amending the said Acts, applies.
- 4B. This Act shall bind the Crown. Act to bind Crown.
- (c) by inserting next after section five the following new section:— New sec. 5A.
- 35 5A. (1) The Minister may, for the purposes of this Act, constitute such Boards of Reference as he may deem necessary. Boards of Reference.

Scaffolding and Lifts (Amendment).

A Board of Reference may be constituted in respect of any industry, division of an industry, or combination, arrangement or group of industries.

5 (2) A Board of Reference shall exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.

10 (3) A Board of Reference shall consist of three members.

One of such members shall be the Chief Inspector who shall be the chairman of each Board of Reference.

15 Of the other members of each Board of Reference—

20 (a) one shall be appointed by the Minister from a panel of four persons nominated by the employers in the industry, division of an industry, or combination, arrangement or group of industries in respect of which the Board of Reference is constituted;

25 (b) one shall be appointed by the Minister from a panel of four persons nominated by the industrial union or unions representing the employees in the industry, division of an industry, or combination, arrangement or group of industries in respect of which the Board of Reference is constituted.

30

(4) Two members of a Board of Reference shall form a quorum.

35 (5) The members of a Board of Reference shall be entitled to receive travelling expenses at such rate as the Minister may determine.

*Scaffolding and Lifts (Amendment).***3.** The Principal Act is further amended—Further
amendment
of Act No.
38, 1912.

- (a) by omitting the heading to Part II and by inserting in lieu thereof the following heading:—

Heading.

5 “Cranes, Hoists, Plant and Scaffolding and
 Building, Excavation and Compressed
 Air Work.”

- (b) (i) by omitting subsections one and two of section six and by inserting in lieu thereof the following subsections:—

Sec. 6.
(Notices as
to erection
of scaffold-
ing, etc., and
commence-
ment of
building
work, etc.)

10 (1) Every person before commencing in
 any district—

15 (a) to carry out any building work,
 excavation work or compressed air
 work in which any crane, hoist,
 plant or scaffolding is to be used;
 or

20 (b) to set up or build or set or place
 in position in connection with any
 building work, excavation work or
 compressed air work any crane,
 hoist, plant or scaffolding which
 has not been previously used in
 any district in connection with
 any such work; or

25 (c) to set up or build or set or place
 in position any crane, hoist or
 scaffolding otherwise than as re-
 ferred to in paragraphs (a) and
 (b) of this subsection,

30 shall serve on the Chief Inspector a notice
 in writing, under his hand, of his intention
 so to do by posting such notice to the Chief
 Inspector or leaving it at such address as
 the Minister may, by notice in the Gazette,
35 direct, at least twenty-four hours before
 commencing to carry out such building
 work, excavation work or compressed air
 work,

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work, or to set up or build or set or place in position any crane, hoist, plant or scaffolding as aforesaid.

- 5 (2) Any person who fails to comply with the provisions of subsection one of this section shall be liable to a penalty not exceeding twenty pounds.
- 10 (ii) (a) by omitting from paragraph (b) of subsection four of the same section the words "demolition work" and by inserting in lieu thereof the words "building work";
- 15 (b) by omitting from the same paragraph the word "twenty-five" wherever occurring and by inserting in lieu thereof the word "fifteen";
- (iii) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraph:
- 20 (c) any building work in connection with a dwelling house where such work is carried out by the owner or occupier of such dwelling house without assistance from any other person.
- 25 (c) by omitting sections seven, eight and nine; Secs. 7, 8, 9.
(Regulations.)
- (d) by omitting subsection two of section ten and by inserting in lieu thereof the following subsection:— Sec. 10.
(Notice of erection of lift.)
- 30 (2) Any person who fails to comply with the provisions of subsection one of this section shall be liable to a penalty not exceeding twenty pounds.
- 35 (e) by omitting from section eleven the words "automatically controlled lift" and by inserting in lieu thereof the words "automatic lift." Sec. 11.
(Authorised attendant to be in charge of lift.)
- 4.**

Scaffolding and Lifts (Amendment).

4. The Principal Act is further amended—

Further amendment of Act No. 38, 1912.

- 5 (a) (i) by omitting from paragraph (a) of section thirteen the words "engine, crane" and by inserting in lieu thereof the words "crane, hoist, plant";
- (ii) by inserting in the same paragraph after the words "building work" the words "excavation work or compressed air work";
- 10 (b) (i) by omitting from subsection one of section fifteen the words "engine or crane" wherever occurring and by inserting in lieu thereof the words "crane or hoist or plant";
- 15 (ii) by inserting in the same subsection after the words "building work" wherever occurring the words "excavation work or compressed air work";
- 20 (iii) by omitting from the same subsection the words "in the Second Schedule hereto" and by inserting in lieu thereof the words "made under this Act";
- (iv) by inserting in the same subsection after the words "such lift or" the words "to the owner of or";
- 25 (v) by omitting from the same subsection the words "engine, crane" and by inserting in lieu thereof the words "crane, hoist, plant";
- 30 (vi) by inserting in the same subsection after the words "gear or" the words "to the owner, contractor, person in charge or apparently in charge";
- 35 (vii) by omitting subsections two, three and four of the same section and by inserting in lieu thereof the following subsections:—

Sec. 13. (Powers of inspectors.)

Sec. 15. (Inspector may give directions as to scaffolding, etc.)

(2) Where an inspector gives any directions under subsection one of this section for the reason set forth in paragraph (a) of

Scaffolding and Lifts (Amendment).

of that subsection he may at the time of giving such directions or subsequently thereto order—

- 5 (a) the owner of or any persons using the lift in respect of which such directions are given forthwith to cease using the lift; or
- 10 (b) order the owner of or any persons working or using any scaffolding, crane, hoist, plant or gear in respect of which such directions are given to cease working or using such scaffolding, crane, hoist, plant or gear; or
- 15 (c) order the contractor or person in charge or apparently in charge of any building work, excavation work or compressed air work in respect of which such directions
- 20 are given to discontinue such work.

Any order or variation thereof given under this subsection shall unless sooner revoked have effect until such directions have or any order on appeal therefrom has been complied with.

25

Any order given under this subsection may specify the measures to be taken by the person to whom it is given to implement such order.

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(3) Any directions given under subsection one of this section or any order given under subsection two of this section may be varied from time to time or revoked.

35

(4) The person to whom any directions have been given under this section may within twenty-four hours after such directions have been given to him appeal against such directions to the Minister.

40

Notice

Scaffolding and Lifts (Amendment).

Notice of such appeal shall be given to the inspector.

5 The Minister shall refer the appeal to such Board of Reference, constituted under section 5A of this Act, as he considers appropriate to hear the appeal. Such Board of Reference shall hear the appeal with all reasonable despatch at such time and place as it causes to be notified to the appellant and the inspector. The Board of Reference shall report its findings to the Minister who may make such order as he thinks fit.

10 Every such order of the Minister shall be final and conclusive.

15 (5) Any person who fails to comply:—
 (a) with any direction or order given to him by an inspector pursuant to this section; or
 20 (b) with any order made by the Minister pursuant to this section, shall be liable to a penalty not exceeding one hundred pounds.

25 5. The Principal Act is further amended by omitting Part V and by inserting in lieu thereof the following Part:—

Further amendment of Act No. 38, 1912.

PART V.

DRIVERS OF POWER CRANES AND HOISTS, RIGGERS,
DOG MEN, SCAFFOLDERS AND CRANE CHASERS.

30 17. (1) Any person who is not the holder of a certificate of competency as a power crane or power hoist driver and who in any district drives—

Power crane and power hoist drivers.

(a) any power crane; or
 (b) any power hoist used in building work or excavation work; or
 35 (c) any other power hoist controlled or operated from a platform, seat, cage or cab attached to and moving with the hoist-unit;

shall be guilty of an offence against this Act.

(2)

Scaffolding and Lifts (Amendment).

5 (2) Any person who is the holder of a certificate of competency as a power crane or power hoist driver and who in any district drives any power crane or power hoist of a type, motive power or for purposes other than those specified in the certificate of competency issued to him under this section, shall be guilty of an offence against this Act.

10 (3) Any person who employs, instructs or allows—

10 (a) any person who is not the holder of a certificate of competency as a power crane or power hoist driver to drive any power crane or power hoist referred to in subsection one of this section; or

15 (b) any person who is the holder of a certificate of competency as a power crane or power hoist driver to drive any power crane or power hoist of a type, motive power or for purposes other than those specified in the certificate of competency issued to such person;

20 shall be guilty of an offence against this Act.

25 (4) (a) Any person who possesses the prescribed qualifications and who, after inquiry and examination as prescribed, satisfies the Chief Inspector that he is trustworthy and competent to act as the driver of a power crane or power hoist shall be entitled to a certificate of competency as a power crane or power hoist driver, as the case may be.

30 (b) A certificate of competency under this section may specify the type and motive power of the power crane or power hoist in respect of which the holder may act as driver and the purposes for which the power crane or power hoist to which such certificate relates may be used.

35 (5) Applications for a certificate of competency under this section shall be made to the Chief Inspector in the manner and form prescribed.

(6)

Scaffolding and Lifts (Amendment).

5 (6) Any person who is dissatisfied with the
decision of the Chief Inspector in respect of the issue
or refusal to issue to him a certificate of competency
under this section may appeal to the Minister. The
Minister shall refer the appeal to such Board of
Reference, constituted under section 5A of this Act,
as he considers appropriate to hear the appeal. Such
Board of Reference shall hear the appeal with all
reasonable despatch at such time and place as it
10 causes to be notified to the appellant. The Board of
Reference shall report its findings to the Minister
who may affirm, rescind or vary the decision of the
Chief Inspector.

15 The decision of the Minister shall be final and
conclusive.

(7) Where, upon report by an inspector or
otherwise, it appears to the Board of Reference
constituted for the industry, division of an industry
or combination, arrangement or group of industries,
20 in which a holder of a certificate of competency issued
under this section is employed that such holder has
ceased to be trustworthy or competent to act as the
driver of a power crane or power hoist of the type,
motive power or for the purposes specified in the
25 certificate of competency held by him, such Board
of Reference may by notice in writing require such
holder to appear before it to show cause why the
certificate of competency issued to him should not
be suspended or cancelled.

30 Such Board of Reference shall inquire into the
matter and report its finding to the Minister. The
Minister may order the suspension of such certificate
of competency for such period as he may determine
or the cancellation of such certificate of competency.

35 The order of the Minister shall be final and
conclusive.

40 A person whose certificate of competency has been
so suspended shall not during the period of such
suspension be deemed to be the holder of a certificate
of competency under this section.

(8)

Scaffolding and Lifts (Amendment).

(8) The Minister may—

- 5 (a) by notification published in the Gazette exempt the driver of any type of power crane or power hoist specified in such notification from the operation of the provisions of subsections one and two of this section and other persons from the operation of the provisions of subsection three of this section in respect of any power crane or power hoist so specified; and
- 10 (b) by notice in writing to the owner of any particular power crane or power hoist exempt the driver of such power crane or power hoist from the operation of the provisions of subsections one and two of this section and other persons from the operation of the provisions of subsection three of this section in respect of that particular power crane or power hoist.

15 Any exemption under this subsection may be granted subject to such conditions as the Minister may impose.

20 Any person who fails to comply with any such conditions shall be guilty of an offence against this Act.

25 (9) Any driver's certificate granted by the Minister under the section which this section replaces and in force at the commencement of the Scaffolding and Lifts (Amendment) Act, 1948, shall be deemed to be a certificate of competency issued under this section.

30 17A. (1) Any person who, in any district, acts as a rigger, dogman, scaffolder or crane chaser unless he is the holder of a certificate of competency as a rigger, dogman, scaffolder or crane chaser, as the case may be, shall be guilty of an offence against this Act.

35 Riggers, dogmen, scaffolders and crane chasers.

40 (2) Any person who possesses the prescribed qualifications and who after inquiry and examination as prescribed satisfies the Chief Inspector that he is

Scaffolding and Lifts (Amendment).

is trustworthy and competent to act as a rigger, dogman, scaffolder or crane chaser shall be entitled to a certificate of competency as a rigger, dogman, scaffolder or crane chaser, as the case may be.

5 (3) Application for a certificate of competency under this section shall be made to the Chief Inspector in the manner and form prescribed.

10 (4) Any person who is dissatisfied with the decision of the Chief Inspector in respect of the issue or refusal to issue to him a certificate of competency under this section may appeal to the Minister. The Minister shall refer the appeal to such Board of Reference, constituted under section 5A of this Act, as he considers appropriate to hear the appeal. Such
15 Board of Reference shall hear the appeal with all reasonable despatch at such time and place as it causes to be notified to the appellant. The Board of Reference shall report its findings to the Minister who may affirm, rescind or vary the decision of the
20 Chief Inspector.

The decision of the Minister shall be final and conclusive.

25 (5) Where, upon report by an inspector or otherwise, it appears to the Board of Reference constituted for the industry, division of an industry or combination, arrangement or group of industries, in which a holder of a certificate of competency issued under this section is employed that such holder has
30 ceased to be trustworthy or competent to act as a rigger, dogman, scaffolder or crane chaser, such Board of Reference may by notice in writing require such holder to appear before it to show cause why the certificate of competency issued to him should not be suspended or cancelled.

35 Such Board of Reference shall inquire into the matter and report its finding to the Minister. The Minister may order the suspension of such certificate of competency for such period as he may determine or the cancellation of such certificate of competency.

40 The order of the Minister shall be final and conclusive.

Scaffolding and Lifts (Amendment).

A person whose certificate of competency has been so suspended shall not during the period of such suspension be deemed to be the holder of a certificate of competency under this section.

5

(6) In this section—

10

“Rigger” means a person directly in charge of the initial work of erecting or placing in position the members of any type of structure, other than scaffolding, of dismantling or demolishing structures, other than scaffolding, or of setting up cranes and hoists.

15

“Dogman” means a person directly responsible for slinging and controlling the movement of loads by a crane used in building work or excavation work, or other work where the loads are not usually at all times in full view of the crane driver.

20

“Scaffolder” means a person engaged in the work of erecting, altering or demolishing scaffolding which is so placed that a person or object falling therefrom could fall a distance of ten feet or more.

25

“Crane chaser” means a person employed to attend and sling loads and to control the movement of such loads handled by a crane where the loads are usually at all times in full view of the crane driver.

30 **6.** (1) The Principal Act is further amended by omitting Part VI and by inserting in lieu thereof the following Part:—

Further amendment of Act No. 38, 1912.

PART VI.

MISCELLANEOUS.

Substituted Part VI.

35

18. (1) Where an accident occurs in connection with any crane, hoist, lift, plant, scaffolding, gear, building work, excavation work, or compressed air work, and the accident—

Notice of accidents.

(a) causes loss of life or serious personal injury;
or

(b)

Scaffolding and Lifts (Amendment).

(b) is an accident involving any breakage, distortion, or damage to any load-bearing member or part of a crane, hoist, lift, plant, scaffolding, gear or supporting structure;

5 written notice of the accident in the prescribed form and accompanied by the prescribed particulars shall forthwith be given to the Chief Inspector by the owner or person in charge of such crane, hoist, lift, plant, scaffolding or gear or by the person in charge

10 of or contractor for such building work, excavation work or compressed air work.

(2) No person shall move or in any manner interfere with any crane, hoist, lift, plant, scaffolding, gear, or supporting structure, or part thereof

15 involved in any accident referred to in subsection one of this section, or any object, article, or thing whatsoever affected or damaged as a result of such accident, unless and until he has obtained the permission of the Chief Inspector or an inspector so to do.

20 This subsection shall not apply where any such movement or interference is necessary to aid or relieve any person involved in any such accident or to prevent further injury to person or property.

(3) Every person who commits a breach of the provisions of this section shall be liable to a penalty not exceeding fifty pounds.

25

19. Nothing in this Act or the regulations contained shall operate to prejudice or affect any right which, if this Act had not been enacted, a person would have had to recover damages, take any suit or proceeding, or receive any payment or compensation in respect of any injury sustained by him whilst—

30

- (a) driving any power crane or power hoist to which section seventeen of this Act applies;
- 35 or
- (b) acting as a rigger, dogman, scaffolder or crane chaser as defined by section 17A of this Act; or

Act not to affect rights of person to recover damages.

Scaffolding and Lifts (Amendment).

5 (c) engaged in any building work, compressed air work, excavation work or in work in connection with any crane, gear, hoist, lift, plant, scaffolding or supporting structure to which any of the provisions of this Act or the regulations apply.

20. Any direction, order, or notice to be served or given under this Act or the regulations may be served upon or given to any person— Service of notices, etc.

- 10 (a) by delivering the same to such person; or
 (b) by leaving the same at his usual or last known place of residence or business; or
 15 (c) by forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of residence or business; and such service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

20 21. The penalty for any offence against this Act for which no penalty is otherwise expressly provided shall be a penalty not exceeding fifty pounds. Penalties and proceedings for offences.

25 Any penalty imposed by or under this Act or the regulations may be recovered in a summary manner before a court of petty sessions or before an industrial magistrate appointed under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

30 The provisions of the Industrial Arbitration Act, 1940, and of any Act amending or replacing that Act and the regulations made thereunder relating to proceedings before an industrial magistrate and to appeals from an industrial magistrate to the Industrial Commission of New South Wales shall
 35 apply, mutatis mutandis, to proceedings before an industrial magistrate for the recovery of any penalty imposed by or under this Act or the regulations.

40 No proceedings for the recovery of any penalty imposed by or under this Act or the regulations shall be instituted without the authority of the Minister.

Scaffolding and Lifts (Amendment).

22. (1) The Governor may make regulations not **Regulations.**
inconsistent with this Act prescribing all matters
which are required or authorised to be prescribed
or which are necessary or convenient to be prescribed
for carrying out or giving effect to this Act.

(2) Without limiting the generality of the
powers conferred by subsection one of this section
the Governor may make regulations—

- 5
- 10
- 15
- 20
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- 40
- (a) prescribing all matters necessary or convenient to be prescribed in relation to notices of intention to set up or build or set or place in position any crane, hoist, plant or scaffolding or to erect any lift or to carry out any building work, excavation work or compressed air work;
 - (b) prohibiting the erection or alteration of any lift, crane, or hoist without the permission of the Chief Inspector, and prescribing all matters necessary or convenient to be prescribed in connection with applications for such permission, and the plans and descriptions and other particulars to be lodged with such applications;
 - (c) requiring that, upon the constitution of any district under this Act, notice in the prescribed form shall be given to the Chief Inspector in respect of all lifts situated within such district on the day upon which it is so constituted a district;
 - (d) requiring that notice shall be given to the Chief Inspector in cases where the ownership or right of control of a lift has been changed by sale, transfer or otherwise;
 - (e) requiring that cranes, hoists and lifts shall be registered and prescribing all matters necessary or convenient to be prescribed in relation to such registration, including the particulars to be furnished, the forms of application for registration and the form of the register, and the fees to be paid upon application for registration and for inspection of the register;

(f)

Scaffolding and Lifts (Amendment).

- (f) prescribing the fees to be paid in respect of all or any of the following matters:—
- (i) applications for permits to erect lifts;
 - 5 (ii) reviewing the designs and descriptions of cranes, hoists, lifts, plant, scaffolding and gear and the inspection and testing of cranes, hoists, lifts, plant, scaffolding and gear;
 - 10 (iii) the examination of applicants for certificates of competency as power crane and power hoist drivers and certificates as authorised attendants and the issue of such certificates;
 - 15 (iv) the examination of applicants for certificates of competency as riggers, dogmen, scaffolders and crane chasers and the issue of such certificates;
 - 20 (v) the notification of intention to commence building work, excavation work, or compressed air work;
 - 25 (g) relating to—
 - (i) the proper design, construction, erection, use and maintenance of cranes, hoists, lifts, plant, scaffolding and gear;
 - 30 (ii) the certification, qualifications and duties of persons in charge of lifts, drivers of power cranes and power hoists and of riggers, dogmen, scaffolders and crane chasers;
 - 35 (iii) the qualifications and duties of persons in charge of or engaged in the erection, use, maintenance, or dismantling of cranes, hoists, lifts, plant or scaffolding;
 - (iv)

Scaffolding and Lifts (Amendment).

- (iv) the manner of carrying out building work, excavation work or compressed air work;
- 5 (v) safeguards and measures to be taken for securing the safety and health of persons engaged in building work, excavation work or compressed air work, or at or in connection with cranes, hoists, lifts,
- 10 plant, scaffolding or gear;
- (vi) the qualifications, powers and duties of the Chief Inspector and inspectors;
- 15 (h) prescribing the precautions and measures to be taken for securing the safety of persons where the roof of any building or structure, whether constructed or in course of construction, is, or is intended to be, sheathed with asbestos cement or other
- 20 brittle material.
- (3) The regulations may adopt wholly or partially either specifically or by reference any of the standard rules, codes or specifications of the
- 25 Standards Association of Australia, the British Standards Institution or other recognised authority relating to the design, construction, erection, use or maintenance of cranes, hoists, lifts, plant, scaffolding or gear.
- (4) A regulation may impose a penalty not
- 30 exceeding fifty pounds for any breach thereof.
- (5) The regulations shall—
- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in such
- 35 regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.
- 40

If

Scaffolding and Lifts (Amendment).

5 If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof such regulation or part shall there-
upon cease to have effect.

(2) The Principal Act is further amended—

10 (a) by omitting from section one all the matter following the word "follows" and by inserting in lieu thereof the following matter:—

Further amendment of Act No. 38, 1912. (Consequential.)

PART I.—PRELIMINARY.

PART II.—CRANES, HOISTS, PLANT AND SCAFFOLDING, AND BUILDING, EXCAVATION AND COMPRESSED AIR WORK.

15 PART III.—LIFTS.

PART IV.—INSPECTION.

PART V.—DRIVERS OF POWER CRANES AND HOISTS, RIGGERS, DOGMEN, SCAFFOLDERS AND CRANE CHASERS.

20 PART VI.—MISCELLANEOUS.

(b) by omitting the Second Schedule.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

H. ROBBINS,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 17 November, 1948.

New South Wales.



ANNO DUODECIMO

GEORGII VI REGIS.

Act No. , 1948.

An Act to amend the Scaffolding and Lifts Act, 1912-1942, in certain respects; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. (1) This Act may be cited as the "Scaffolding and Lifts (Amendment) Act, 1948,"

Short title,
citation and
commence-
ment.

80929 290—A

(2)

Scaffolding and Lifts (Amendment).

(2) The Scaffolding and Lifts Act, 1912, as amended by subsequent Acts and by a proclamation made in pursuance of section eight thereof on the seventeenth day of September, one thousand nine hundred and twenty-nine, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Scaffolding and Lifts Act, 1912-1948.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Principal Act is amended—

(a) (i) by omitting from section three the definition of “Automatically controlled lift” and by inserting in lieu thereof the following definition:—

Amendment
of Act
No. 38, 1912.
Sec. 3.
(Defini-
tions.)

“Automatic lift” means any lift comprising a car or platform running between guides and capable of being operated from any landing, place or position outside the confines of such car or platform.

(ii) by omitting from the definition of “Building work” in the same section the words “and includes work done in excavating for or preparing the foundations of a building or structure”;

(iii) by inserting in the same section next after the definition of “Chief Inspector” the following new definitions:—

“Compressed air work” includes any work done by any person in air the atmospheric pressure of which exceeds one atmosphere.

“Contractor” means a person, firm, partnership, company, or corporation employing any person to perform

Scaffolding and Lifts (Amendment).

- perform any building work
excavation work or compressed
air work.
- 5 (iv) (a) by omitting from the definition of
"Crane" in the same section the words
"hoist or hoisting appliance, sheerlegs,
derrick pole";
- (b) by omitting from the same definition
the words "a pile driver or tilter and
10 also includes";
- (c) by inserting in the same definition after
the word "lift" the words "or hoist";
- (v) by omitting from the same section the
definition of "Engine";
- 15 (vi) by inserting in the same section next before
the definition of "Gear" the following new
definition:—
- "Excavation work" includes any work
in connection with:—
- 20 (a) excavating for or prepar-
ing foundations for a
building or structure,
(b) tunnelling,
(c) the sinking or digging of any
25 shaft or well, and
(d) excavating for water, sewer-
age, gas or electricity sup-
ply;
- 30 but does not include an excava-
tion less than five feet in depth
measured from the top of the
excavation.
- (vii) by omitting from the definition of "Gear"
35 in the same section the words "or engine"
and by inserting in lieu thereof the words
"hoist, or plant, or building work, excava-
tion work, or compressed air work;"
- (viii)

Scaffolding and Lifts (Amendment).

(viii) by inserting in the same section next after the definition of "Gear" the following new definition:—

5 "Hoist" means hoist or hoisting
 appliance, sheerlegs, derrick pole
 or other apparatus or contrivance
 used or capable of being used for
 raising, lowering, handling, or
10 transporting loads in like manner,
 and includes a pile driver or tilter
 and the supporting structure and
 the gear used in connection with
 the hoist, but does not include
 crane or lift.

15 (ix) by inserting in the same section at the end
 of the definition of "Lift" the words "but
 does not include crane or hoist";

 (x) by inserting in the same section next after
 the definition of "Lift" the following new
20 definition:—

 "Owner" when used in relation to any
 crane, gear, hoist, lift, plant, or
 scaffolding includes the owner,
 mortgagee in possession, lessee,
25 hirer, or borrower thereof.

(xi) by inserting in the same section next after
the definition of "Passenger lift" the
following new definition:—

 "Plant" means—
30 (a) any machine or machinery
 driven by other than manual
 power; and

 (b) any air lock and welding
 equipment,

35 used or intended for use in building
 work, excavation work, or com-
 pressed air work, and the gear used
 in

Scaffolding and Lifts (Amendment).

in connection with and the supporting structure of any such plant, but does not include crane, hoist or lift.

- 5 (xii) by inserting in the same section next after the definition of "Power crane" the following new definition:—
"Power hoist" means any hoist driven by other than manual power.
- 10 (xiii) by omitting from the definition of "Supporting structure" in the same section the words "or engine" and by inserting in lieu thereof the words "hoist or plant";
- 15 (b) by inserting next after section four the following new sections:—
4A. This Act shall not apply to—
(a) any crane, gear, hoist, lift, plant or scaffolding used wholly or principally at or in connection with any mine to which the Mining Act, 1906, the Mines Inspection Act, 1901, the Coal Mines Regulation Act, 1912, or any Act amending the said Acts, applies;
20
25 (b) any building work, excavation work, or compressed air work carried out in or about any mine to which the Mining Act, 1906, the Mines Inspection Act, 1901, the Coal Mines Regulation Act, 1912, or any Act amending the said
30 Acts, applies.
4B. This Act shall bind the Crown.
(c) by inserting next after section five the following new section:—
5A. (1) The Minister may, for the purposes of this Act, constitute such Boards of Reference as he may deem necessary.

New secs.
4A, 4B.

Act not to
apply to
certain
cranes, lifts,
building
work, etc.

Act to bind
Crown.

New sec. 5A.

Boards of
Reference.

Scaffolding and Lifts (Amendment).

A Board of Reference may be constituted in respect of any industry, division of an industry, or combination, arrangement or group of industries.

5 (2) A Board of Reference shall exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.

10 (3) A Board of Reference shall consist of three members.

One of such members shall be the Chief Inspector who shall be the chairman of each Board of Reference.

15 Of the other members of each Board of Reference—

20 (a) one shall be appointed by the Minister from a panel of four persons nominated by the employers in the industry, division of an industry, or combination, arrangement or group of industries in respect of which the Board of Reference is constituted;

25 (b) one shall be appointed by the Minister from a panel of four persons nominated by the industrial union or unions representing the employees in the industry, division of an industry, or combination, arrangement or group of industries in respect of which the Board of Reference is constituted.

30

(4) Two members of a Board of Reference shall form a quorum.

35 (5) The members of a Board of Reference shall be entitled to receive travelling expenses at such rate as the Minister may determine.

Scaffolding and Lifts (Amendment).

3. The Principal Act is further amended—

Further amendment of Act No. 38, 1912.

(a) by omitting the heading to Part II and by inserting in lieu thereof the following heading:—

Heading.

5

“Cranes, Hoists, Plant and Scaffolding and Building, Excavation and Compressed Air Work.”

(b) (i) by omitting subsections one and two of section six and by inserting in lieu thereof the following subsections:—

Sec. 6. (Notices as to erection of scaffolding, etc., and commencement of building work, etc.)

10

(1) Every person before commencing in any district—

15

(a) to carry out any building work, excavation work or compressed air work in which any crane, hoist, plant or scaffolding is to be used; or

20

(b) to set up or build or set or place in position in connection with any building work, excavation work or compressed air work any crane, hoist, plant or scaffolding which has not been previously used in any district in connection with any such work; or

25

(c) to set up or build or set or place in position any crane, hoist or scaffolding otherwise than as referred to in paragraphs (a) and (b) of this subsection,

30

shall serve on the Chief Inspector a notice in writing, under his hand, of his intention so to do by posting such notice to the Chief Inspector or leaving it at such address as the Minister may, by notice in the Gazette, direct, at least twenty-four hours before commencing to carry out such building work, excavation work or compressed air work,

35

Scaffolding and Lifts (Amendment).

work, or to set up or build or set or place in position any crane, hoist, plant or scaffolding as aforesaid.

5 (2) Any person who fails to comply with the provisions of subsection one of this section shall be liable to a penalty not exceeding twenty pounds.

10 (ii) (a) by omitting from paragraph (b) of subsection four of the same section the words "demolition work" and by inserting in lieu thereof the words "building work";

15 (b) by omitting from the same paragraph the word "twenty-five" wherever occurring and by inserting in lieu thereof the word "fifteen";

(iii) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraph:

20 (c) any building work in connection with a dwelling house where such work is carried out by the owner or occupier of such dwelling house without assistance from any other person.

25 (c) by omitting sections seven, eight and nine; Secs. 7, 8, 9.
(Regulations.)

(d) by omitting subsection two of section ten and by inserting in lieu thereof the following subsection:— Sec. 10.
(Notice of erection of lift.)

30 (2) Any person who fails to comply with the provisions of subsection one of this section shall be liable to a penalty not exceeding twenty pounds.

35 (e) by omitting from section eleven the words "automatically controlled lift" and by inserting in lieu thereof the words "automatic lift." Sec. 11.
(Authorised attendant to be in charge of lift.)

Scaffolding and Lifts (Amendment).

4. The Principal Act is further amended—

Further
amendment
of Act No.
38, 1912.

- 5 (a) (i) by omitting from paragraph (a) of section thirteen the words "engine, crane" and by inserting in lieu thereof the words "crane, hoist, plant";
- (ii) by inserting in the same paragraph after the words "building work" the words "excavation work or compressed air work";
- 10 (b) (i) by omitting from subsection one of section fifteen the words "engine or crane" wherever occurring and by inserting in lieu thereof the words "crane or hoist or plant";
- 15 (ii) by inserting in the same subsection after the words "building work" wherever occurring the words "excavation work or compressed air work";
- 20 (iii) by omitting from the same subsection the words "in the Second Schedule hereto" and by inserting in lieu thereof the words "made under this Act";
- (iv) by inserting in the same subsection after the words "such lift or" the words "to the owner of or";
- 25 (v) by omitting from the same subsection the words "engine, crane" and by inserting in lieu thereof the words "crane, hoist, plant";
- 30 (vi) by inserting in the same subsection after the words "gear or" the words "to the owner, contractor, person in charge or apparently in charge";
- 35 (vii) by omitting subsections two, three and four of the same section and by inserting in lieu thereof the following subsections:—

Sec. 13.
(Powers of
inspectors.)

Sec. 15.
(Inspector
may give
directions
as to
scaffolding,
etc.)

(2) Where an inspector gives any directions under subsection one of this section for the reason set forth in paragraph (a) of

Scaffolding and Lifts (Amendment).

of that subsection he may at the time of giving such directions or subsequently thereto order—

- 5 (a) the owner of or any persons using the lift in respect of which such directions are given forthwith to cease using the lift; or
- 10 (b) order the owner of or any persons working or using any scaffolding, crane, hoist, plant or gear in respect of which such directions are given to cease working or using such scaffolding, crane, hoist, plant or gear; or
- 15 (c) order the contractor or person in charge or apparently in charge of any building work, excavation work or compressed air work in respect of which such directions are given to discontinue such work.
- 20

25 Any order or variation thereof given under this subsection shall unless sooner revoked have effect until such directions have or any order on appeal therefrom has been complied with.

30 Any order given under this subsection may specify the measures to be taken by the person to whom it is given to implement such order.

35 (3) Any directions given under subsection one of this section or any order given under subsection two of this section may be varied from time to time or revoked.

40 (4) The person to whom any directions have been given under this section may within twenty-four hours after such directions have been given to him appeal against such directions to the Minister.

Notice

Scaffolding and Lifts (Amendment).

Notice of such appeal shall be given to the inspector.

5 The Minister shall refer the appeal to such Board of Reference, constituted under section 5A of this Act, as he considers appropriate to hear the appeal. Such Board of Reference shall hear the appeal with all reasonable despatch at such time and place as it causes to be notified to the appellant and the inspector. The Board of Reference shall report its findings to the Minister who may make such order as he thinks fit.

10 Every such order of the Minister shall be final and conclusive.

15 (5) Any person who fails to comply:—
 (a) with any direction or order given to him by an inspector pursuant to this section; or
 20 (b) with any order made by the Minister pursuant to this section,
 shall be liable to a penalty not exceeding one hundred pounds.

25 5. The Principal Act is further amended by omitting Part V and by inserting in lieu thereof the following Part:—

Further amendment of Act No. 38, 1912.

PART V.

DRIVERS OF POWER CRANES AND HOISTS, RIGGERS,
DOG MEN, SCAFFOLDERS AND CRANE CHASERS.

30 17. (1) Any person who is not the holder of a certificate of competency as a power crane or power hoist driver and who in any district drives—

a Power crane and power hoist drivers.

(a) any power crane; or
 (b) any power hoist used in building work or excavation work; or
 35 (c) any other power hoist controlled or operated from a platform, seat, cage or cab attached to and moving with the hoist-unit;
 shall be guilty of an offence against this Act.

(2)

Scaffolding and Lifts (Amendment).

5 (2) Any person who is the holder of a certificate of competency as a power crane or power hoist driver and who in any district drives any power crane or power hoist of a type, motive power or for purposes other than those specified in the certificate of competency issued to him under this section, shall be guilty of an offence against this Act.

10 (3) Any person who employs, instructs or allows—

(a) any person who is not the holder of a certificate of competency as a power crane or power hoist driver to drive any power crane or power hoist referred to in subsection one of this section; or

15 (b) any person who is the holder of a certificate of competency as a power crane or power hoist driver to drive any power crane or power hoist of a type, motive power or for purposes other than those specified in the certificate of competency issued to such person;

20 shall be guilty of an offence against this Act.

25 (4) (a) Any person who possesses the prescribed qualifications and who, after inquiry and examination as prescribed, satisfies the Chief Inspector that he is trustworthy and competent to act as the driver of a power crane or power hoist shall be entitled to a certificate of competency as a power crane or power hoist driver, as the case may be.

30 (b) A certificate of competency under this section may specify the type and motive power of the power crane or power hoist in respect of which the holder may act as driver and the purposes for which the power crane or power hoist to which such certificate relates may be used.

35 (5) Applications for a certificate of competency under this section shall be made to the Chief Inspector in the manner and form prescribed.

(6)

Scaffolding and Lifts (Amendment).

5 (6) Any person who is dissatisfied with the
decision of the Chief Inspector in respect of the issue
or refusal to issue to him a certificate of competency
under this section may appeal to the Minister. The
Minister shall refer the appeal to such Board of
Reference, constituted under section 5A of this Act,
as he considers appropriate to hear the appeal. Such
Board of Reference shall hear the appeal with all
reasonable despatch at such time and place as it
10 causes to be notified to the appellant. The Board of
Reference shall report its findings to the Minister
who may affirm, rescind or vary the decision of the
Chief Inspector.

15 The decision of the Minister shall be final and
conclusive.

(7) Where, upon report by an inspector or
otherwise, it appears to the Board of Reference
constituted for the industry, division of an industry
or combination, arrangement or group of industries,
20 in which a holder of a certificate of competency issued
under this section is employed that such holder has
ceased to be trustworthy or competent to act as the
driver of a power crane or power hoist of the type,
motive power or for the purposes specified in the
25 certificate of competency held by him, such Board
of Reference may by notice in writing require such
holder to appear before it to show cause why the
certificate of competency issued to him should not
be suspended or cancelled.

30 Such Board of Reference shall inquire into the
matter and report its finding to the Minister. The
Minister may order the suspension of such certificate
of competency for such period as he may determine
or the cancellation of such certificate of competency.

35 The order of the Minister shall be final and
conclusive.

40 A person whose certificate of competency has been
so suspended shall not during the period of such
suspension be deemed to be the holder of a certificate
of competency under this section.

(8)

Scaffolding and Lifts (Amendment).

(8) The Minister may—

5 (a) by notification published in the Gazette exempt the driver of any type of power crane or power hoist specified in such notification from the operation of the provisions of subsections one and two of this section and other persons from the operation of the provisions of subsection three of this section in respect of any power crane or power hoist so specified; and

10 (b) by notice in writing to the owner of any particular power crane or power hoist exempt the driver of such power crane or power hoist from the operation of the provisions of subsections one and two of this section and other persons from the operation of the provisions of subsection three of this section in respect of that particular power crane or power hoist.

20 Any exemption under this subsection may be granted subject to such conditions as the Minister may impose.

25 Any person who fails to comply with any such conditions shall be guilty of an offence against this Act.

30 (9) Any driver's certificate granted by the Minister under the section which this section replaces and in force at the commencement of the Scaffolding and Lifts (Amendment) Act, 1948, shall be deemed to be a certificate of competency issued under this section.

35 17A. (1) Any person who, in any district, acts as a rigger, dogman, scaffolder or crane chaser unless he is the holder of a certificate of competency as a rigger, dogman, scaffolder or crane chaser, as the case may be, shall be guilty of an offence against this Act.

Riggers,
dogmen,
scaffolders
and crane
chasers.

40 (2) Any person who possesses the prescribed qualifications and who after inquiry and examination as prescribed satisfies the Chief Inspector that he is

Scaffolding and Lifts (Amendment).

is trustworthy and competent to act as a rigger, dogman, scaffolder or crane chaser shall be entitled to a certificate of competency as a rigger, dogman, scaffolder or crane chaser, as the case may be.

5 (3) Application for a certificate of competency under this section shall be made to the Chief Inspector in the manner and form prescribed.

10 (4) Any person who is dissatisfied with the decision of the Chief Inspector in respect of the issue or refusal to issue to him a certificate of competency under this section may appeal to the Minister. The Minister shall refer the appeal to such Board of Reference, constituted under section 5A of this Act, as he considers appropriate to hear the appeal. Such
15 Board of Reference shall hear the appeal with all reasonable despatch at such time and place as it causes to be notified to the appellant. The Board of Reference shall report its findings to the Minister who may affirm, rescind or vary the decision of the
20 Chief Inspector.

The decision of the Minister shall be final and conclusive.

25 (5) Where, upon report by an inspector or otherwise, it appears to the Board of Reference constituted for the industry, division of an industry or combination, arrangement or group of industries, in which a holder of a certificate of competency issued under this section is employed that such holder has
30 ceased to be trustworthy or competent to act as a rigger, dogman, scaffolder or crane chaser, such Board of Reference may by notice in writing require such holder to appear before it to show cause why the certificate of competency issued to him should not be suspended or cancelled.

35 Such Board of Reference shall inquire into the matter and report its finding to the Minister. The Minister may order the suspension of such certificate of competency for such period as he may determine or the cancellation of such certificate of competency.

40 The order of the Minister shall be final and conclusive.

Scaffolding and Lifts (Amendment).

A person whose certificate of competency has been so suspended shall not during the period of such suspension be deemed to be the holder of a certificate of competency under this section.

5

(6) In this section—

10

“Rigger” means a person directly in charge of the initial work of erecting or placing in position the members of any type of structure, other than scaffolding, of dismantling or demolishing structures, other than scaffolding, or of setting up cranes and hoists.

15

“Dogman” means a person directly responsible for slinging and controlling the movement of loads by a crane used in building work or excavation work, or other work where the loads are not usually at all times in full view of the crane driver.

20

“Scaffolder” means a person engaged in the work of erecting, altering or demolishing scaffolding which is so placed that a person or object falling therefrom could fall a distance of ten feet or more.

25

“Crane chaser” means a person employed to attend and sling loads and to control the movement of such loads handled by a crane where the loads are usually at all times in full view of the crane driver.

30 6. (1) The Principal Act is further amended by omitting Part VI and by inserting in lieu thereof the following Part:—

PART VI.

MISCELLANEOUS.

35 18. (1) Where an accident occurs in connection with any crane, hoist, lift, plant, scaffolding, gear, building work, excavation work, or compressed air work, and the accident—

(a) causes loss of life or serious personal injury;

or

(b)

Further
amendment
of Act No.
38, 1912.

Substituted
Part VI.

Notice of
accidents.

Scaffolding and Lifts (Amendment).

(b) is an accident involving any breakage, distortion, or damage to any load-bearing member or part of a crane, hoist, lift, plant, scaffolding, gear or supporting structure;

5 written notice of the accident in the prescribed form and accompanied by the prescribed particulars shall forthwith be given to the Chief Inspector by the owner or person in charge of such crane, hoist, lift, plant, scaffolding or gear or by the person in charge
10 of or contractor for such building work, excavation work or compressed air work.

(2) No person shall move or in any manner interfere with any crane, hoist, lift, plant, scaffolding, gear, or supporting structure, or part thereof
15 involved in any accident referred to in subsection one of this section, or any object, article, or thing whatsoever affected or damaged as a result of such accident, unless and until he has obtained the permission of the Chief Inspector or an inspector so to do.

20 This subsection shall not apply where any such movement or interference is necessary to aid or relieve any person involved in any such accident or to prevent further injury to person or property.

(3) Every person who commits a breach of the
25 provisions of this section shall be liable to a penalty not exceeding fifty pounds.

30 19. Nothing in this Act or the regulations contained shall operate to prejudice or affect any right which, if this Act had not been enacted, a person would have had to recover damages, take any suit or proceeding, or receive any payment or compensation in respect of any injury sustained by him whilst—

Act not to affect rights of person to recover damages.

(a) driving any power crane or power hoist to which section seventeen of this Act applies;
35 or

(b) acting as a rigger, dogman, scaffolder or crane chaser as defined by section 17A of this Act; or

(c)

Scaffolding and Lifts (Amendment).

5 (c) engaged in any building work, compressed air work, excavation work or in work in connection with any crane, gear, hoist, lift, plant, scaffolding or supporting structure to which any of the provisions of this Act or the regulations apply.

20. Any direction, order, or notice to be served or given under this Act or the regulations may be served upon or given to any person— Service of notices, etc.

10 (a) by delivering the same to such person; or

(b) by leaving the same at his usual or last known place of residence or business; or

15 (c) by forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of residence or business; and such service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

20 21. The penalty for any offence against this Act for which no penalty is otherwise expressly provided shall be a penalty not exceeding fifty pounds. Penalties and proceedings for offences.

25 Any penalty imposed by or under this Act or the regulations may be recovered in a summary manner before a court of petty sessions or before an industrial magistrate appointed under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

30 The provisions of the Industrial Arbitration Act, 1940, and of any Act amending or replacing that Act and the regulations made thereunder relating to proceedings before an industrial magistrate and to appeals from an industrial magistrate to the Industrial Commission of New South Wales shall apply, mutatis mutandis, to proceedings before an industrial magistrate for the recovery of any penalty imposed by or under this Act or the regulations.

35 No proceedings for the recovery of any penalty imposed by or under this Act or the regulations shall be instituted without the authority of the Minister.

40

Scaffolding and Lifts (Amendment).

22. (1) The Governor may make regulations not Regulations.
inconsistent with this Act prescribing all matters
which are required or authorised to be prescribed
or which are necessary or convenient to be prescribed
5 for carrying out or giving effect to this Act.

(2) Without limiting the generality of the
powers conferred by subsection one of this section
the Governor may make regulations—

- 10 (a) prescribing all matters necessary or con-
venient to be prescribed in relation to
notices of intention to set up or build or
set or place in position any crane, hoist,
plant or scaffolding or to erect any lift or
15 to carry out any building work, excavation
work or compressed air work;
- (b) prohibiting the erection or alteration of any
lift, crane, or hoist without the permission
of the Chief Inspector, and prescribing all
20 matters necessary or convenient to be
prescribed in connection with applications
for such permission, and the plans and
descriptions and other particulars to be
lodged with such applications;
- 25 (c) requiring that, upon the constitution of any
district under this Act, notice in the pre-
scribed form shall be given to the Chief
Inspector in respect of all lifts situated
within such district on the day upon which
it is so constituted a district;
- 30 (d) requiring that notice shall be given to the
Chief Inspector in cases where the owner-
ship or right of control of a lift has been
changed by sale, transfer or otherwise;
- 35 (e) requiring that cranes, hoists and lifts shall
be registered and prescribing all matters
necessary or convenient to be prescribed in
relation to such registration, including the
particulars to be furnished, the forms of
40 application for registration and the form
of the register, and the fees to be paid upon
application for registration and for inspec-
tion of the register;

(f)

Scaffolding and Lifts (Amendment).

(f) prescribing the fees to be paid in respect of all or any of the following matters:—

- 5 (i) applications for permits to erect lifts;
- 10 (ii) reviewing the designs and descriptions of cranes, hoists, lifts, plant, scaffolding and gear and the inspection and testing of cranes, hoists, lifts, plant, scaffolding and gear;
- 15 (iii) the examination of applicants for certificates of competency as power crane and power hoist drivers and certificates as authorised attendants and the issue of such certificates;
- 20 (iv) the examination of applicants for certificates of competency as riggers, dogmen, scaffolders and crane chasers and the issue of such certificates;
- (v) the notification of intention to commence building work, excavation work, or compressed air work;

25 (g) relating to—

- (i) the proper design, construction, erection, use and maintenance of cranes, hoists, lifts, plant, scaffolding and gear;
- 30 (ii) the certification, qualifications and duties of persons in charge of lifts, drivers of power cranes and power hoists and of riggers, dogmen, scaffolders and crane chasers;
- 35 (iii) the qualifications and duties of persons in charge of or engaged in the erection, use, maintenance, or dismantling of cranes, hoists, lifts, plant or scaffolding;

(iv)

Scaffolding and Lifts (Amendment).

- (iv) the manner of carrying out building work, excavation work or compressed air work;
- 5 (v) safeguards and measures to be taken for securing the safety and health of persons engaged in building work, excavation work or compressed air work, or at or in connection with cranes, hoists, lifts,
- 10 plant, scaffolding or gear;
- (vi) the qualifications, powers and duties of the Chief Inspector and inspectors;
- 15 (h) prescribing the precautions and measures to be taken for securing the safety of persons where the roof of any building or structure, whether constructed or in course of construction, is, or is intended to be, sheathed with asbestos cement or other
- 20 brittle material.
- (3) The regulations may adopt wholly or partially either specifically or by reference any of the standard rules, codes or specifications of the
- 25 Standards Association of Australia, the British Standards Institution or other recognised authority relating to the design, construction, erection, use or maintenance of cranes, hoists, lifts, plant, scaffolding or gear.
- (4) A regulation may impose a penalty not
- 30 exceeding fifty pounds for any breach thereof.
- (5) The regulations shall—
- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in such
- 35 regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the
- 40 commencement of the next session.

If

Scaffolding and Lifts (Amendment).

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof such regulation or part shall there-
 upon cease to have effect.

5

(2) The Principal Act is further amended—

(a) by omitting from section one all the matter following the word “follows” and by inserting in lieu thereof the following matter:—

Further
 amendment
 of Act No.
 38, 1912.
 (Consequen-
 tial.)

10

PART I.—PRELIMINARY.

PART II.—CRANES, HOISTS, PLANT AND
 SCAFFOLDING, AND BUILDING, EXCAVATION
 AND COMPRESSED AIR WORK.

15

PART III.—LIFTS.

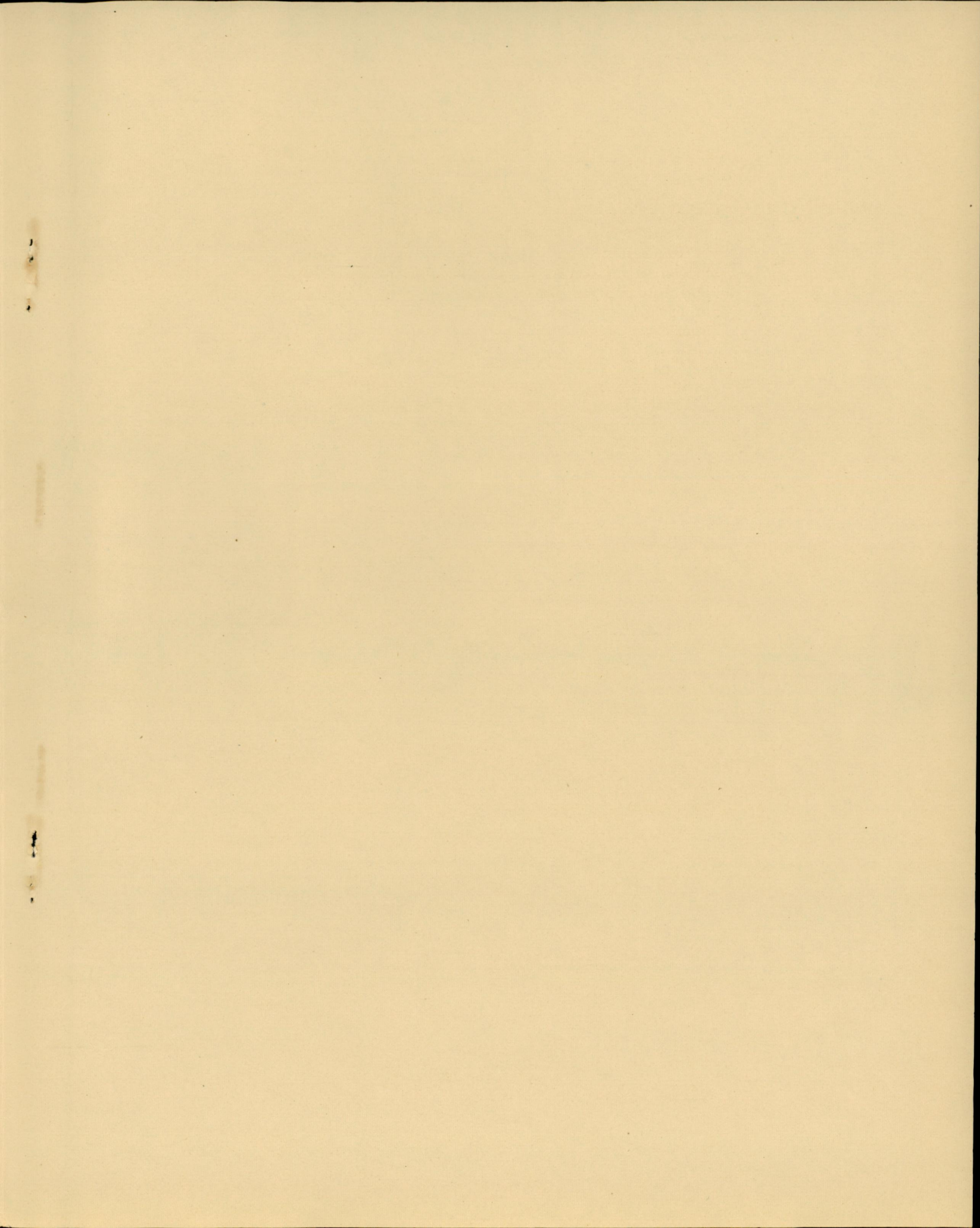
PART IV.—INSPECTION.

PART V.—DRIVERS OF POWER CRANES AND
 HOISTS, RIGGERS, DOGMEN, SCAFFOLDERS
 AND CRANE CHASERS.

20

PART VI.—MISCELLANEOUS.

(b) by omitting the Second Schedule.



Scaffolding and Lifts (Amendment) Bill, 1948.

EXPLANATORY NOTE.

THE main object of this Bill is to provide for more effective supervision of cranes, hoists, plant and scaffolding used in connection with building work, excavation work and compressed air work.

The Bill also makes provision for—

- (a) the certification of power crane and power hoist drivers, riggers, dogmen, scaffolders and crane chasers;
- (b) the appointment of Boards of Reference;
- (c) regulations under the Act to be made in respect of various subject matters including the mitigation of the risk of accidents in the use of asbestos roofing;
- (d) other matters of a machinery character.

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EXPERIMENTAL

The first part of the experiment was to determine the effect of the concentration of the solution on the rate of reaction.

The second part of the experiment was to determine the effect of the temperature on the rate of reaction.

The third part of the experiment was to determine the effect of the surface area of the reactants on the rate of reaction.

The fourth part of the experiment was to determine the effect of the catalyst on the rate of reaction.

No. , 1948.

A BILL

To amend the Scaffolding and Lifts Act, 1912-1942, in certain respects; and for purposes connected therewith.

[MR. FINNAN;—10 November, 1948.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. (1) This Act may be cited as the "Scaffolding and Lifts (Amendment) Act, 1948."

Short title,
citation and
commence-
ment.

Scaffolding and Lifts (Amendment).

(2) The Scaffolding and Lifts Act, 1912, as amended by subsequent Acts and by a proclamation made in pursuance of section eight thereof on the seventeenth day of September, one thousand nine hundred and twenty-nine, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Scaffolding and Lifts Act, 1912-1948.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Principal Act is amended—

(a) (i) by omitting from section three the definition of "Automatically controlled lift" and by inserting in lieu thereof the following definition:—

Amendment
of Act,
No. 38, 1912.
Sec. 3.
(Defini-
tions.)

"Automatic lift" means any lift comprising a car or platform running between guides and capable of being operated from any landing, place or position outside the confines of such car or platform.

(ii) by omitting from the definition of "Building work" in the same section the words "and includes work done in excavating for or preparing the foundations of a building or structure";

(iii) by inserting in the same section next after the definition of "Chief Inspector" the following new definitions:—

"Compressed air work" includes any work done by any person in air the atmospheric pressure of which exceeds one atmosphere.

"Contractor" means a person, firm, partnership, company, or corporation employing any person to perform

Scaffolding and Lifts (Amendment).

perform any building work
excavation work or compressed
air work.

- 5 (iv) (a) by omitting from the definition of
"Crane" in the same section the words
"hoist or hoisting appliance, sheerlegs,
derrick pole";
- (b) by omitting from the same definition
the words "a pile driver or tilter and
10 also includes";
- (c) by inserting in the same definition after
the word "lift" the words "or hoist";
- (v) by omitting from the same section the
definition of "Engine";
- 15 (vi) by inserting in the same section next before
the definition of "Gear" the following new
definition:—

"Excavation work" includes any work
in connection with:—

- 20 (a) excavating for or prepar-
ing foundations for a
building or structure,
- (b) tunnelling,
- 25 (c) the sinking or digging of any
shaft or well, and
- (d) excavating for water, sewer-
age, gas or electricity sup-
ply;

30 but does not include an excava-
tion less than five feet in depth
measured from the top of the
excavation.

- (vii) by omitting from the definition of "Gear"
in the same section the words "or engine"
and by inserting in lieu thereof the words
"hoist, or plant, or building work, excava-
tion work, or compressed air work;"

(viii)

Scaffolding and Lifts (Amendment).

(viii) by inserting in the same section next after the definition of "Gear" the following new definition:—

5 "Hoist" means hoist or hoisting
 appliance, sheerlegs, derrick pole
 or other apparatus or contrivance
 used or capable of being used for
 raising, lowering, handling, or
10 transporting loads in like manner,
 and includes a pile driver or tilter
 and the supporting structure and
 the gear used in connection with
 the hoist, but does not include
 crane or lift.

15 (ix) by inserting in the same section at the end
 of the definition of "Lift" the words "but
 does not include crane or hoist";

 (x) by inserting in the same section next after
 the definition of "Lift" the following new
20 definition:—

 "Owner" when used in relation to any
 crane, gear, hoist, lift, plant, or
 scaffolding includes the owner,
 mortgagee in possession, lessee,
25 hirer, or borrower thereof.

(xi) by inserting in the same section next after
the definition of "Passenger lift" the
following new definition:—

 "Plant" means—
30 (a) any machine or machinery
 driven by other than manual
 power; and

 (b) any air lock and welding
 equipment,
35 used or intended for use in building
 work, excavation work, or com-
 pressed air work, and the gear used
 in

Scaffolding and Lifts (Amendment).

in connection with and the supporting structure of any such plant, but does not include crane, hoist or lift.

5 (xii) by inserting in the same section next after the definition of "Power crane" the following new definition:—

"Power hoist" means any hoist driven by other than manual power.

10 (xiii) by omitting from the definition of "Supporting structure" in the same section the words "or engine" and by inserting in lieu thereof the words "hoist or plant";

15 (b) by inserting next after section four the following new sections:—

New secs. 4A, 4B.

4A. This Act shall not apply to—

20 (a) any crane, gear, hoist, lift, plant or scaffolding used wholly or principally at or in connection with any mine to which the Mining Act, 1906, the Mines Inspection Act, 1901, the Coal Mines Regulation Act, 1912, or any Act amending the said Acts, applies;

Act not to apply to certain cranes, lifts, building work, etc.

25 (b) any building work, excavation work, or compressed air work carried out in or about any mine to which the Mining Act, 1906, the Mines Inspection Act, 1901, the Coal Mines Regulation Act, 1912, or any Act amending the said Acts, applies.

30 4B. This Act shall bind the Crown.

(c) by inserting next after section five the following new section:—

Act to bind Crown. New sec. 5A.

35 5A. (1) The Minister may, for the purposes of this Act, constitute such Boards of Reference as he may deem necessary.

Boards of Reference.

Scaffolding and Lifts (Amendment).

A Board of Reference may be constituted in respect of any industry, division of an industry, or combination, arrangement or group of industries.

5 (2) A Board of Reference shall exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.

10 (3) A Board of Reference shall consist of three members.

One of such members shall be the Chief Inspector who shall be the chairman of each Board of Reference.

15 Of the other members of each Board of Reference—

20 (a) one shall be appointed by the Minister from a panel of four persons nominated by the employers in the industry, division of an industry, or combination, arrangement or group of industries in respect of which the Board of Reference is constituted;

25 (b) one shall be appointed by the Minister from a panel of four persons nominated by the industrial union or unions representing the employees in the industry, division of an industry, or combination, arrangement or group of industries in respect of which the Board of
30 Reference is constituted.

(4) Two members of a Board of Reference shall form a quorum.

35 (5) The members of a Board of Reference shall be entitled to receive travelling expenses at such rate as the Minister may determine.

Scaffolding and Lifts (Amendment).

3. The Principal Act is further amended—

Further amendment of Act No. 38, 1912.

(a) by omitting the heading to Part II and by inserting in lieu thereof the following heading:—

Heading.

5

“Cranes, Hoists, Plant and Scaffolding and Building, Excavation and Compressed Air Work.”

(b) (i) by omitting subsections one and two of section six and by inserting in lieu thereof the following subsections:—

Sec. 6. (Notices as to erection of scaffolding, etc., and commencement of building work, etc.)

10

(1) Every person before commencing in any district—

15

(a) to carry out any building work, excavation work or compressed air work in which any crane, hoist, plant or scaffolding is to be used; or

20

(b) to set up or build or set or place in position in connection with any building work, excavation work or compressed air work any crane, hoist, plant or scaffolding which has not been previously used in any district in connection with any such work; or

25

(c) to set up or build or set or place in position any crane, hoist or scaffolding otherwise than as referred to in paragraphs (a) and (b) of this subsection,

30

shall serve on the Chief Inspector a notice in writing, under his hand, of his intention so to do by posting such notice to the Chief Inspector or leaving it at such address as the Minister may, by notice in the Gazette, direct, at least twenty-four hours before commencing to carry out such building work, excavation work or compressed air work,

35

Scaffolding and Lifts (Amendment).

work, or to set up or build or set or place in position any crane, hoist, plant or scaffolding as aforesaid.

5

(2) Any person who fails to comply with the provisions of subsection one of this section shall be liable to a penalty not exceeding twenty pounds.

10

(ii) (a) by omitting from paragraph (b) of subsection four of the same section the words "demolition work" and by inserting in lieu thereof the words "building work";

15

(b) by omitting from the same paragraph the word "twenty-five" wherever occurring and by inserting in lieu thereof the word "fifteen";

(iii) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraph:

20

(c) any building work in connection with a dwelling house where such work is carried out by the owner or occupier of such dwelling house without assistance from any other person.

25

(c) by omitting sections seven, eight and nine;

Secs. 7, 8, 9.
(Regulations.)

(d) by omitting subsection two of section ten and by inserting in lieu thereof the following subsection:—

Sec. 10.
(Notice of erection of lift.)

30

(2) Any person who fails to comply with the provisions of subsection one of this section shall be liable to a penalty not exceeding twenty pounds.

35

(e) by omitting from section eleven the words "automatically controlled lift" and by inserting in lieu thereof the words "automatic lift."

Sec. 11.
(Authorised attendant to be in charge of lift.)

4.

Scaffolding and Lifts (Amendment).

4. The Principal Act is further amended—

Further amendment of Act No. 38, 1912.

- 5 (a) (i) by omitting from paragraph (a) of section thirteen the words "engine, crane" and by inserting in lieu thereof the words "crane, hoist, plant";
- (ii) by inserting in the same paragraph after the words "building work" the words "excavation work or compressed air work";
- 10 (b) (i) by omitting from subsection one of section fifteen the words "engine or crane" wherever occurring and by inserting in lieu thereof the words "crane or hoist or plant";
- 15 (ii) by inserting in the same subsection after the words "building work" wherever occurring the words "excavation work or compressed air work";
- 20 (iii) by omitting from the same subsection the words "in the Second Schedule hereto" and by inserting in lieu thereof the words "made under this Act";
- (iv) by inserting in the same subsection after the words "such lift or" the words "to the owner of or";
- 25 (v) by omitting from the same subsection the words "engine, crane" and by inserting in lieu thereof the words "crane, hoist, plant";
- 30 (vi) by inserting in the same subsection after the words "gear or" the words "to the owner, contractor, person in charge or apparently in charge";
- 35 (vii) by omitting subsections two, three and four of the same section and by inserting in lieu thereof the following subsections:—
- (2) Where an inspector gives any directions under subsection one of this section for the reason set forth in paragraph (a) of

Sec. 13. (Powers of inspectors.)

Sec. 15. (Inspector may give directions as to scaffolding, etc.)

Scaffolding and Lifts (Amendment).

of that subsection he may at the time of giving such directions or subsequently thereto order—

- 5 (a) the owner of or any persons using the lift in respect of which such directions are given forthwith to cease using the lift; or
- 10 (b) order the owner of or any persons working or using any scaffolding, crane, hoist, plant or gear in respect of which such directions are given to cease working or using such scaffolding, crane, hoist, plant or gear; or
- 15 (c) order the contractor or person in charge or apparently in charge of any building work, excavation work or compressed air work in respect of which such directions
- 20 are given to discontinue such work.

Any order or variation thereof given under this subsection shall unless sooner revoked have effect until such directions have or any order on appeal therefrom has been complied with.

25

Any order given under this subsection may specify the measures to be taken by the person to whom it is given to implement such order.

30

(3) Any directions given under subsection one of this section or any order given under subsection two of this section may be varied from time to time or revoked.

35

(4) The person to whom any directions have been given under this section may within twenty-four hours after such directions have been given to him appeal against such directions to the Minister.

40

Notice

Scaffolding and Lifts (Amendment).

Notice of such appeal shall be given to the inspector.

5 The Minister shall refer the appeal to such Board of Reference, constituted under section 5A of this Act, as he considers appropriate to hear the appeal. Such Board of Reference shall hear the appeal with all reasonable despatch at such time and place as it causes to be notified to the appellant and the inspector. The Board of Reference shall report its findings to the Minister who may make such order as he thinks fit.

10 Every such order of the Minister shall be final and conclusive.

15 (5) Any person who fails to comply:—
 (a) with any direction or order given to him by an inspector pursuant to this section; or
 20 (b) with any order made by the Minister pursuant to this section,
 shall be liable to a penalty not exceeding one hundred pounds.

5. The Principal Act is further amended by omitting Part V and by inserting in lieu thereof the following
 25 Part:—

Further amendment of Act No. 38, 1912.

PART V.

DRIVERS OF POWER CRANES AND HOISTS, RIGGERS,
DOG MEN, SCAFFOLDERS AND CRANE CHASERS.

30 17. (1) Any person who is not the holder of a certificate of competency as a power crane or power hoist driver and who in any district drives—

Power crane and power hoist drivers.

(a) any power crane; or
 (b) any power hoist used in building work or excavation work; or
 35 (c) any other power hoist controlled or operated from a platform, seat, cage or cab attached to and moving with the hoist-unit;
 shall be guilty of an offence against this Act.

(2)

Scaffolding and Lifts (Amendment).

5 (2) Any person who is the holder of a certificate of competency as a power crane or power hoist driver and who in any district drives any power crane or power hoist of a type, motive power or for purposes other than those specified in the certificate of competency issued to him under this section, shall be guilty of an offence against this Act.

(3) Any person who employs, instructs or allows—

10 (a) any person who is not the holder of a certificate of competency as a power crane or power hoist driver to drive any power crane or power hoist referred to in subsection one of this section; or

15 (b) any person who is the holder of a certificate of competency as a power crane or power hoist driver to drive any power crane or power hoist of a type, motive power or for purposes other than those specified in the certificate of competency issued to such person;

20 shall be guilty of an offence against this Act.

25 (4) (a) Any person who possesses the prescribed qualifications and who, after inquiry and examination as prescribed, satisfies the Chief Inspector that he is trustworthy and competent to act as the driver of a power crane or power hoist shall be entitled to a certificate of competency as a power crane or power hoist driver, as the case may be.

30 (b) A certificate of competency under this section may specify the type and motive power of the power crane or power hoist in respect of which the holder may act as driver and the purposes for which the power crane or power hoist to which such certificate relates may be used.

35 (5) Applications for a certificate of competency under this section shall be made to the Chief Inspector in the manner and form prescribed.

(6)

Scaffolding and Lifts (Amendment).

5 (6) Any person who is dissatisfied with the
decision of the Chief Inspector in respect of the issue
or refusal to issue to him a certificate of competency
under this section may appeal to the Minister. The
Minister shall refer the appeal to such Board of
Reference, constituted under section 5A of this Act,
as he considers appropriate to hear the appeal. Such
Board of Reference shall hear the appeal with all
reasonable despatch at such time and place as it
10 causes to be notified to the appellant. The Board of
Reference shall report its findings to the Minister
who may affirm, rescind or vary the decision of the
Chief Inspector.

15 The decision of the Minister shall be final and
conclusive.

20 (7) Where, upon report by an inspector or
otherwise, it appears to the Board of Reference
constituted for the industry, division of an industry
or combination, arrangement or group of industries,
in which a holder of a certificate of competency issued
under this section is employed that such holder has
ceased to be trustworthy or competent to act as the
driver of a power crane or power hoist of the type,
motive power or for the purposes specified in the
25 certificate of competency held by him, such Board
of Reference may by notice in writing require such
holder to appear before it to show cause why the
certificate of competency issued to him should not
be suspended or cancelled.

30 Such Board of Reference shall inquire into the
matter and report its finding to the Minister. The
Minister may order the suspension of such certificate
of competency for such period as he may determine
or the cancellation of such certificate of competency.

35 The order of the Minister shall be final and
conclusive.

40 A person whose certificate of competency has been
so suspended shall not during the period of such
suspension be deemed to be the holder of a certificate
of competency under this section. (8)

Scaffolding and Lifts (Amendment).

(8) The Minister may—

- 5 (a) by notification published in the Gazette exempt the driver of any type of power crane or power hoist specified in such notification from the operation of the provisions of subsections one and two of this section and other persons from the operation of the provisions of subsection three of this section in respect of any power crane or power hoist so specified; and
- 10 (b) by notice in writing to the owner of any particular power crane or power hoist exempt the driver of such power crane or power hoist from the operation of the provisions of subsections one and two of this section and other persons from the operation of the provisions of subsection three of this section in respect of that particular power crane or power hoist.

20 Any exemption under this subsection may be granted subject to such conditions as the Minister may impose.

25 Any person who fails to comply with any such conditions shall be guilty of an offence against this Act.

30 (9) Any driver's certificate granted by the Minister under the section which this section replaces and in force at the commencement of the Scaffolding and Lifts (Amendment) Act, 1948, shall be deemed to be a certificate of competency issued under this section.

35 17A. (1) Any person who, in any district, acts as a rigger, dogman, scaffolder or crane chaser unless he is the holder of a certificate of competency as a rigger, dogman, scaffolder or crane chaser, as the case may be, shall be guilty of an offence against this Act.

40 (2) Any person who possesses the prescribed qualifications and who after inquiry and examination as prescribed satisfies the Chief Inspector that he is

Riggers,
dogmen,
scaffolders
and crane
chasers.

Scaffolding and Lifts (Amendment).

is trustworthy and competent to act as a rigger, dogman, scaffolder or crane chaser shall be entitled to a certificate of competency as a rigger, dogman, scaffolder or crane chaser, as the case may be.

5 (3) Application for a certificate of competency under this section shall be made to the Chief Inspector in the manner and form prescribed.

10 (4) Any person who is dissatisfied with the decision of the Chief Inspector in respect of the issue or refusal to issue to him a certificate of competency under this section may appeal to the Minister. The Minister shall refer the appeal to such Board of Reference, constituted under section 5A of this Act, as he considers appropriate to hear the appeal. Such
15 Board of Reference shall hear the appeal with all reasonable despatch at such time and place as it causes to be notified to the appellant. The Board of Reference shall report its findings to the Minister who may affirm, rescind or vary the decision of the
20 Chief Inspector.

The decision of the Minister shall be final and conclusive.

25 (5) Where, upon report by an inspector or otherwise, it appears to the Board of Reference constituted for the industry, division of an industry or combination, arrangement or group of industries, in which a holder of a certificate of competency issued under this section is employed that such holder has
30 ceased to be trustworthy or competent to act as a rigger, dogman, scaffolder or crane chaser, such Board of Reference may by notice in writing require such holder to appear before it to show cause why the certificate of competency issued to him should not be suspended or cancelled.

35 Such Board of Reference shall inquire into the matter and report its finding to the Minister. The Minister may order the suspension of such certificate of competency for such period as he may determine or the cancellation of such certificate of competency.

40 The order of the Minister shall be final and conclusive. A

Scaffolding and Lifts (Amendment).

A person whose certificate of competency has been so suspended shall not during the period of such suspension be deemed to be the holder of a certificate of competency under this section.

5

(6) In this section—

10

“Rigger” means a person directly in charge of the initial work of erecting or placing in position the members of any type of structure, other than scaffolding, of dismantling or demolishing structures, other than scaffolding, or of setting up cranes and hoists.

15

“Dogman” means a person directly responsible for slinging and controlling the movement of loads by a crane used in building work or excavation work, or other work where the loads are not usually at all times in full view of the crane driver.

20

“Scaffolder” means a person engaged in the work of erecting, altering or demolishing scaffolding which is so placed that a person or object falling therefrom could fall a distance of ten feet or more.

25

“Crane chaser” means a person employed to attend and sling loads and to control the movement of such loads handled by a crane where the loads are usually at all times in full view of the crane driver.

30

6. (1) The Principal Act is further amended by omitting Part VI and by inserting in lieu thereof the following Part:—

Further amendment of Act No. 38, 1912.

PART VI.

Substituted Part VI.

MISCELLANEOUS.

35

18. (1) Where an accident occurs in connection with any crane, hoist, lift, plant, scaffolding, gear, building work, excavation work, or compressed air work, and the accident—

Notice of accidents.

(a) causes loss of life or serious personal injury ;
or

(b)

Scaffolding and Lifts (Amendment).

(b) is an accident involving any breakage, distortion, or damage to any load-bearing member or part of a crane, hoist, lift, plant, scaffolding, gear or supporting structure;

5 written notice of the accident in the prescribed form and accompanied by the prescribed particulars shall forthwith be given to the Chief Inspector by the owner or person in charge of such crane, hoist, lift, plant, scaffolding or gear or by the person in charge
10 of or contractor for such building work, excavation work or compressed air work.

(2) No person shall move or in any manner interfere with any crane, hoist, lift, plant, scaffolding, gear, or supporting structure, or part thereof
15 involved in any accident referred to in subsection one of this section, or any object, article, or thing whatsoever affected or damaged as a result of such accident, unless and until he has obtained the permission of the Chief Inspector or an inspector so to do.

20 This subsection shall not apply where any such movement or interference is necessary to aid or relieve any person involved in any such accident or to prevent further injury to person or property.

(3) Every person who commits a breach of the provisions of this section shall be liable to a penalty
25 not exceeding fifty pounds.

19. Any direction, order, or notice to be served or given under this Act or the regulations may be served upon or given to any person—

- 30 (a) by delivering the same to such person; or
(b) by leaving the same at his usual or last known place of residence or business; or
35 (c) by forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of residence or business; and such service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Service of notices, etc.

Scaffolding and Lifts (Amendment).

20. The penalty for any offence against this Act for which no penalty is otherwise expressly provided shall be a penalty not exceeding fifty pounds.

Penalties
and
proceedings
for offences.

5 Any penalty imposed by or under this Act or the regulations may be recovered in a summary manner before a court of petty sessions or before an industrial magistrate appointed under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

10 The provisions of the Industrial Arbitration Act, 1940, and of any Act amending or replacing that Act and the regulations made thereunder relating to proceedings before an industrial magistrate and to appeals from an industrial magistrate to the Industrial Commission of New South Wales shall apply, mutatis mutandis, to proceedings before an industrial magistrate for the recovery of any penalty imposed by or under this Act or the regulations.

15 No proceedings for the recovery of any penalty imposed by or under this Act or the regulations shall be instituted without the authority of the Minister.

20 21. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which are required or authorised to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Regulations.

25 (2) Without limiting the generality of the powers conferred by subsection one of this section the Governor may make regulations—

30 (a) prescribing all matters necessary or convenient to be prescribed in relation to notices of intention to set up or build or set or place in position any crane, hoist, plant or scaffolding or to erect any lift or to carry out any building work, excavation work or compressed air work;

35 (b) prohibiting the erection or alteration of any lift, crane, or hoist without the permission of the Chief Inspector, and prescribing all matters necessary or convenient to be prescribed in connection with applications for

40

Scaffolding and Lifts (Amendment).

- for such permission, and the plans and descriptions and other particulars to be lodged with such applications;
- 5 (c) requiring that, upon the constitution of any district under this Act, notice in the prescribed form shall be given to the Chief Inspector in respect of all lifts situated within such district on the day upon which it is so constituted a district;
- 10 (d) requiring that notice shall be given to the Chief Inspector in cases where the ownership or right of control of a lift has been changed by sale, transfer or otherwise;
- 15 (e) requiring that cranes, hoists and lifts shall be registered and prescribing all matters necessary or convenient to be prescribed in relation to such registration, including the particulars to be furnished, the forms of application for registration and the form of the register, and the fees to be paid upon application for registration and for inspection of the register;
- 20 (f) prescribing the fees to be paid in respect of all or any of the following matters:—
- 25 (i) applications for permits to erect lifts;
- (ii) reviewing the designs and descriptions of cranes, hoists, lifts, plant, scaffolding and gear and the inspection and testing of cranes, hoists, lifts, plant, scaffolding and gear;
- 30 (iii) the examination of applicants for certificates of competency as power crane and power hoist drivers and certificates as authorised attendants and the issue of such certificates;
- 35 (iv)

Scaffolding and Lifts (Amendment).

5 (iv) the examination of applicants for certificates of competency as riggers, dogmen, scaffolders and crane chasers and the issue of such certificates;

(v) the notification of intention to commence building work, excavation work, or compressed air work;

(g) relating to—

10 (i) the proper design, construction, erection, use and maintenance of cranes, hoists, lifts, plant, scaffolding and gear;

15 (ii) the certification, qualifications and duties of persons in charge of lifts, drivers of power cranes and power hoists and of riggers, dogmen, scaffolders and crane chasers;

20 (iii) the qualifications and duties of persons in charge of or engaged in the erection, use, maintenance, or dismantling of cranes, hoists, lifts, plant or scaffolding;

25 (iv) the manner of carrying out building work, excavation work or compressed air work;

30 (v) safeguards and measures to be taken for securing the safety and health of persons engaged in building work, excavation work or compressed air work, or at or in connection with cranes, hoists, lifts, plant, scaffolding or gear;

(vi)

Scaffolding and Lifts (Amendment).

(vi) the qualifications, powers and duties of the Chief Inspector and inspectors;

5 (h) prescribing the precautions and measures to be taken for securing the safety of persons where the roof of any building or structure, whether constructed or in course of construction, is, or is intended to be, sheathed with asbestos cement or other brittle material.

15 (3) The regulations may adopt wholly or partially either specifically or by reference any of the standard rules, codes or specifications of the Standards Association of Australia, the British Standards Institution or other recognised authority relating to the design, construction, erection, use or maintenance of cranes, hoists, lifts, plant, scaffolding or gear.

20 (4) A regulation may impose a penalty not exceeding fifty pounds for any breach thereof.

(5) The regulations shall—

(a) be published in the Gazette;

(b) take effect from the date of publication or from a later date to be specified in such regulations; and

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(c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

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If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof such regulation or part shall thereupon cease to have effect.

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Scaffolding and Lifts (Amendment).

(2) The Principal Act is further amended—

Further amendment of Act No. 38, 1912. (Consequential.)

(a) by omitting from section one all the matter following the word "follows" and by inserting in lieu thereof the following matter:—

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PART I.—PRELIMINARY.

PART II.—CRANES, HOISTS, PLANT AND SCAFFOLDING, AND BUILDING, EXCAVATION AND COMPRESSED AIR WORK.

PART III.—LIFTS.

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PART IV.—INSPECTION.

PART V.—DRIVERS OF POWER CRANES AND HOISTS, RIGGERS, DOGMEN, SCAFFOLDERS AND CRANE CHASERS.

PART VI.—MISCELLANEOUS.

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(b) by omitting the Second Schedule.

