

*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.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 12 March, 1958.*

## New South Wales



ANNO SEPTIMO

**ELIZABETHÆ II REGINÆ**

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**Act No.       , 1958.**

An Act to apply to conveyors those provisions of the Scaffolding and Lifts Act, 1912, as amended by subsequent Acts, that are applicable to lifts; to require additional classes of accidents to be notified to the Chief Inspector of Scaffolding and Lifts; for these and other purposes to amend the said Act, as so amended; to validate certain matters; and for purposes connected therewith.



*Scaffolding and Lifts (Amendment).*

**BE** it enacted by the Queen's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative 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, 1958". Short title, citation and commencement.

(2) The Scaffolding and Lifts Act, 1912, as amended by subsequent Acts and by this Act, may be  
10 cited as the Scaffolding and Lifts Act, 1912-1958.

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

**2.** The Scaffolding and Lifts Act, 1912-1948, is  
15 amended— Amendment of Act No. 38, 1912.

(a) by omitting from the matter relating to Part Sec. 1.  
III in section one the word "LIFTS" and by (Short title.)  
inserting in lieu thereof the words "LIFTS AND  
CONVEYORS";

20 (b) (i) by omitting from section three the definition Sec. 3.  
of "Authorised attendant" and by insert- (Definitions.)  
ing in lieu thereof the following definition :—

25 "Authorised attendant" means a person  
who is the holder of a certificate of  
competency issued under section  
eleven of this Act.

(ii) by omitting from the definition of  
"Automatic lift" in the same section the  
words "comprising a car or platform  
30 running between guides and";

(iii)



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- (iii) by omitting from the same definition the words "such car or platform" and by inserting in lieu thereof the words "the cage or car of the lift";
- 5 (iv) by omitting from the same section the definition of "Building work" and by inserting in lieu thereof the following definition:—
- "Building work" means—
- 10 (a) work in constructing, erecting, adding to, altering, repairing, equipping, finishing, painting, cleaning, signwriting or demolishing which when done in relation
- 15 to a building or structure is done at or adjacent to the site thereof, and which when done in relation to a ship is done on or adjacent to a ship in dock or on slips; and
- 20 (b) work in laying or lining any pipe having an internal diameter exceeding twenty-three inches, and work in lining any shaft, well or tunnel.
- 25 (v) by omitting from the same section the definition of "Compressed air work" and by inserting in lieu thereof the following definition:—
- "Compressed air work" means work done
- 30 by a person while breathing any gas or mixture of gases at a greater pressure than atmospheric pressure.
- (vi) by omitting from the same section the definition of "Contractor" and by inserting in
- 35 lieu thereof the following definitions:—
- "Contractor", in relation to any building work, excavation work or compressed air work, means the person who



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5 who by himself (otherwise than as  
a servant or agent of the person  
carrying out that work) or by his  
servants or agents carries out that  
work.

10 "Conveyor" means apparatus or contri-  
vance worked by any power other  
than manual by which goods are  
raised, lowered or transported or  
are capable of being raised, lowered  
or transported by means of—

(a) an endless belt, rope or chain;

15 (b) buckets, trays or other con-  
tainers or fittings moved by  
an endless belt, rope or chain;  
or

(c) a rotating screw,  
and includes the supporting structure,  
machinery, equipment and gear used  
20 in connection with the conveyor.

(vii) by omitting from the same section the defini-  
tion of "Crane" and by inserting in lieu  
thereof the following definition:—

25 "Crane" means grab crane, charging  
crane, excavator, power shovel,  
floating crane, cableway, overhead  
travelling crane, jib crane, derrick  
crane, locomotive crane, cantilever  
crane, bridge or gantry crane, strip-  
30 ping crane, telfer crane, loader,  
monorail, fork lift truck and mobile  
crane and any other crane or  
apparatus or contrivance used or  
capable of being used for raising,  
lowering,



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5 lowering, handling or transporting loads in like manner, and includes the supporting structure and the gear used in connection with the crane, but does not include a conveyor, hoist or lift.

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

10 "Explosive-powered tool" means a tool or device whereby a stud, pin, dowel, screw, rivet, spike or other object is driven against, into or through a substance by means of an explosive.

15 (ix) by omitting from the same section the definition of "Gear" and by inserting in lieu thereof the following definition:—

20 "Gear" means any gear or equipment, other than plant, used in connection with any conveyor, lift, crane, hoist, scaffolding, plant, building work, excavation work or compressed air work.

25 (x) by omitting from the same section the definition of "Hoist" and by inserting in lieu thereof the following definition:—

30 "Hoist" means sheerlegs, derrick pole, hand chain block, pole erecting hoist, stacking machine, direct ram hoist, fixed hoist, whip hoist, skip hoist, inclined skid, inclined slipway, tower hoist, pile driver, tilter, or any machine used for or capable of being used for driving or pulling down any pile or any cylinder or casing used in connection with the forming of any pile, and includes the supporting structure and the gear used in connection with the hoist.

(xi)



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(xi) by omitting from the same section the definition of "Lift" and by inserting in lieu thereof the following definition:—

5 "Lift" means any apparatus or contrivance by which persons or goods are raised or lowered or are capable of being raised or lowered within a cage or car, the direction of movement of which is restricted by a guide or  
10 guides and includes the supporting structure, machinery, equipment, gear and enclosures used in connection with the lift, but does not include conveyor, crane or hoist.

15 (xii) by inserting in the definition of "Owner" in the same section after the word "any" the word "conveyor,";

(xiii) by inserting in the same section next after  
20 paragraph (a) of the definition of "Plant" the following new paragraph:—

(a1) any explosive-powered tool; and;

(xiv) by inserting in the same definition after the word "include" the word "conveyor,";

25 (xv) by omitting the definition of "Scaffolding" and by inserting in lieu thereof the following definition:—

"Scaffolding" means—

30 (a) structure, staging, platform or swinging stage or boat-swain's chair set up or used for or in connection with—

(i) the carrying out of building work, excavation work or compressed  
35 air work;

(ii)



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- 5 (ii) the erection or dismantling of machinery, plant or equipment; or
- (iii) the erection or demolition of stacks of timber, goods or materials; and
- 10 (b) form work set up or used for or in connection with the carrying out of building work, excavation work or compressed air work, other than any such form work which is not intended to be set up or used to support any person during the carrying out of such building work, excavation work or compressed air work,
- 15 and includes the supporting structure and gear used in connection with the scaffolding.
- 20 (xvi) by inserting in the definition of "Supporting structure" in the same section after the word "lift," the word "conveyor,";
- 25 (c) by inserting in paragraph (a) of section 4A after the word "any" where firstly occurring the word "conveyor,";
- Sec. 4A.  
(Act not to apply to certain cranes, lifts, building work, etc.)
- (d) (i) by inserting in paragraph (a) of subsection one of section six after the word "scaffolding" the words "or any explosive";
- 30 (ii) by inserting next after the same paragraph the following new paragraph:—
- (a1) to carry out any building work, other than that referred to in paragraph (a) of this subsection, being—
- 35 (i) the demolition of a building or structure; or
- (ii)
- Sec. 6.  
(Notices as to erection of scaffolding, etc., and commencement of building work, etc.)



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- (ii) the work of sheathing the roof of any building or structure, whether erected or in the course of erection, with asbestos cement or other brittle material; or;

(e) by inserting next after section six the following new section:—

New sec.  
6A.

6A. (1) This section applies to—

Fees payable  
in respect  
of certain  
building  
work,  
excavation  
work and  
compressed  
air work.

- (a) any work referred to in paragraph (a) or (a1) of subsection one of section six of this Act in respect of which any person is; and
- (b) any work referred to in paragraph (a) of that subsection in respect of which any person was, before the appointed day,

required, in accordance with the provisions of that subsection, to serve on the Chief Inspector a notice of such person's intention to carry out such work.

(2) Any contractor who—

- (a) commences to carry out any work to which this section applies; or
- (b) continues to carry out any such work—
- (i) being work referred to in paragraph (a) of subsection one of section six of this Act, as enacted immediately before the appointed day, and commenced before the appointed day; or
- (ii) commenced after the appointed day,

while any notification fee payable in respect of a notice of intention to carry out such work served on the Chief Inspector in accordance with the provisions of subsection one of section six of this Act, as enacted immediately before the appointed



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5 appointed day, or in respect of such work, as the case may be, or where payment of such fee by instalments is authorised under the regulations made under this Act, any instalment of such fee which is due and payable, remains unpaid shall be liable to a penalty not exceeding one hundred pounds.

10 (3) A court of petty sessions or industrial magistrate may, in addition to or instead of imposing a penalty for an offence under this section, order the person guilty of the offence to pay any notification fee found by the court or magistrate to be payable by such person. Any such order shall operate as an order for 15 the payment of money under the Small Debts Recovery Act, 1912, as amended by subsequent Acts, and be enforceable as such under the provisions of that Act, as so amended.

20 (4) (a) Any notification fee payable in respect of any notice of intention to carry out any work to which this section applies served on the Chief Inspector in accordance with the provisions of subsection one of section six of this Act, as enacted immediately before the 25 appointed day, or in respect of any such work, shall be paid to the Under Secretary, Department of Labour and Industry and shall be paid by the contractor by whom such work is to be carried out or continued, as the case may be.

30 (b) Any such fee may be sued for and recovered as a debt for and on behalf of the Crown by any person for the time being authorised by the Minister to sue for and recover such fee.

35 (5) In this section—

“Appointed day” means the day on which the Scaffolding and Lifts (Amendment) Act, 1958, commences.

“Notification



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"Notification fee" means—

- 5 (a) in a case where notice of intention to carry out work to which this section applies was served on the Chief Inspector before the appointed day in accordance with the provisions of subsection one of section six of this Act, the fee in respect of the notice of intention to commence such work payable under the regulations in force at the time when such notice was so served;
- 10
- 15 (b) in a case where notice of intention to carry out such work was not so served before the appointed day and such work was commenced before that day, the fee in respect of such notice that would, if such notice had been so served immediately before such work was commenced, have been payable under the regulations in force immediately before such work was commenced; and
- 20
- 25
- 30 (c) in a case where work to which this section applies is commenced after the appointed day and notice of intention to carry out such work was not, before that day, served on the Chief Inspector in accordance with the provisions of subsection one of section six of this Act, as enacted immediately before that day, the prescribed fee payable in respect of such work.
- 35

(f)



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(f) by inserting in the heading to Part III after the word "LIFTS" the words "AND CONVEYORS";

Part III.  
Heading.

(g) (i) by inserting in subsection one of section ten after the word "erect" the words "or alter";

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

(ii) by inserting in the same subsection after the word "lift" where firstly occurring the words "or conveyor";

(iii) by omitting from the same subsection the words "such lift" and by inserting in lieu thereof the words "or altering such lift or conveyor, as the case may be,";

(h) by omitting section eleven and by inserting in lieu thereof the following section:—

Subst.  
sec. 11.

11. (1) Subject to this section, any person who—

Authorised  
attendant to  
be in charge  
of lift.

(a) not being an authorised attendant works, operates or interferes with the working of a passenger lift;

(b) being an authorised attendant whose certificate of competency as such specifies particular classes of passenger lifts which he may work or operate, works, operates or interferes with the working of a passenger lift of a class other than those specified in such certificate of competency;

(c) employs, instructs or allows—

(i) any person who is not an authorised attendant to work, operate or interfere with the working of a passenger lift;

(ii)



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(ii) any person who is an authorised attendant and whose certificate of competency as such specifies particular classes of passenger lifts which he may work or operate to work, operate or interfere with the working of a passenger lift of a class other than those specified in such certificate of competency,

shall be liable to a penalty not exceeding twenty pounds.

(2) (a) The Chief Inspector may issue to any person who satisfies him that such person is of or above the age of eighteen years and is competent to work or operate a passenger lift a certificate of competency as an authorised attendant.

(b) A certificate of competency under this section may specify the class of passenger lifts which the holder of such certificate may work or operate.

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

(4) Nothing in subsection one of this section shall apply to the working, operating or interfering with the working of—

(a) any lift by the bona fide owner, lessee or manager of the building wherein the lift is situated, in a case of emergency;

(b) any lift by a workman bona fide engaged in inspecting, repairing, erecting or altering the lift;

(c)



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5 (c) any automatic lift or such other class of lifts as the Minister may, by notice published in the Gazette, specify as being a class of lifts to which the said subsection shall not apply.

(5) Nothing in this section shall affect the operation of section thirty-seven of the Factories and Shops Act, 1912, as amended by subsequent Acts.

10 (i) (i) by inserting in paragraph (a) of section Sec. 13. thirteen after the word "lift," the word (Powers of inspectors.) "conveyor,";

15 (ii) by inserting in the same paragraph after the word "construction," the words "or which he has reasonable cause to believe has been constructed or used, or is in the course of construction, or any building, place or premises in or on which any such thing is constructed, used, intended to be used or in course of construction or in or on which he has reasonable cause to believe that any such thing is constructed, used, intended to be used or in course of construction,";

20 (iii) by inserting in the same paragraph after the words "compressed air work" the words "which is being carried out or which he has reasonable cause to believe is being carried out";

25 (j) (i) by inserting in section fourteen after the word "lift" where firstly occurring the words "or a conveyor"; (Sec. 14. (Inspector may suspend incompetent attendant.)

30 (ii) by inserting in the same section after the word "lift" where secondly and thirdly occurring the words "or conveyor";

(k)



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- (k) (i) by inserting in subsections one and two of section fifteen after the word "lift" wherever occurring the words "or conveyor"; Sec. 15.  
(Inspector may give directions as to scaffolding, etc.)
- 5 (ii) by inserting in paragraph (a) of subsection one of the same section after the word "district" the words ", or in or on any building, place or premises in any district,";
- 10 (iii) by inserting at the end of subsection one of the same section the following words:—
- Where such directions are, or any order on appeal therefrom is, of a continuing nature such person shall continue at all future times to carry out or comply with such directions, as varied from time to time, or any such order until the same are or is revoked.
- 15 (iv) by omitting from subsection four of the same section the words "twenty-four hours" and by inserting in lieu thereof the words "seven days, or, where any other time has been prescribed, within such prescribed time,";
- 20 (v) by inserting at the end of the same subsection the following new paragraph:—
- 25 The regulations under this Act may prescribe the manner in which an appeal under this subsection may be made.
- 30 (l) (i) by omitting paragraph (c) of subsection one of section seventeen and by inserting in lieu thereof the following new paragraph:— Sec. 17.  
(Power crane and power hoist drivers.)
- (c) any power hoist used for raising or lowering persons;
- 35 (ii) by inserting in subsection three of the same section after the word "drive" wherever occurring the words "in any district";
- (iii)



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- (iii) by inserting at the end of subsection six of the same section the following new paragraph:—

5           The regulations under this Act may prescribe the manner in which an appeal under this subsection may be made.

- (iv) by inserting at the end of the same section the following new subsection:—

10           (10) The Chief Inspector may issue in writing to any person a learner's permit authorising such person to act, in accordance with any conditions endorsed thereon or prescribed in relation thereto, as a power crane or power hoist driver. A learner's permit shall remain in force for such period endorsed thereon as the Chief Inspector may determine or as may in relation to such permits be prescribed.

20           Nothing in subsection one or three of this section shall apply to or in respect of the driving of a power crane or a power hoist, as the case may be, by the holder of such a permit, in accordance with any conditions endorsed thereon or prescribed in relation thereto and for the bona fide purpose of such holder learning to be a power crane or power hoist driver, as the case may be.

25           The Chief Inspector may cancel or suspend a learner's permit issued pursuant to this subsection and a person whose learner's permit has been cancelled or is for the time being suspended shall not be deemed to be the holder of such a permit.

(m)



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(m) (i) by inserting next after subsection one of section 17A the following new subsections:—

Sec. 17A.  
(Riggers,  
dogmen,  
scaffolders  
and crane  
chasers.)

(1A) Any person who is the holder of a certificate of competency—

5 (a) as a rigger and who in any district acts as a rigger in relation to any type of building, structure, crane or hoist;

10 (b) as a scaffolder and who in any district acts as a scaffolder in relation to any type of scaffolding;

15 (c) as a dogman or crane chaser and who in any district acts as a dogman or crane chaser, as the case may be, in relation to any type of crane,

20 other than those specified in the certificate of competency as a rigger, scaffolder, dogman or crane chaser, as the case may be, issued to him under this section shall be guilty of an offence against this Act.

(1B) Any person who employs, instructs or allows—

25 (a) any person who is not the holder of the appropriate certificate of competency to act in any district as a rigger, dogman, scaffolder or crane chaser; or

(b) any person who is the holder of a certificate of competency—

30 (i) as a rigger, to act in any district as a rigger in relation to any type of building, structure, crane or hoist;

35 (ii) as a scaffolder, to act in any district as a scaffolder in relation to any type of scaffolding;

(iii)



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- 5 (iii) as a dogman or crane chaser,  
to act in any district as a  
dogman or crane chaser, as the  
case may be, in relation to any  
type of crane,
- 10 other than those specified in the certificate  
of competency as a rigger, scaffolder,  
dogman or crane chaser, as the case may be,  
issued to him under this section shall be  
guilty of an offence against this Act.
- (ii) by inserting at the end of subsection two of  
the same section the following new para-  
graph:—
- 15 (b) A certificate of competency under this  
section—
- (i) as a rigger, may specify the  
type of building, structure,  
crane or hoist;
- 20 (ii) as a scaffolder, may specify the  
type of scaffolding;
- (iii) as a dogman or crane chaser,  
may specify the type of crane,  
in relation to which the holder of such  
certificate may act as a rigger, scaffolder,  
25 dogman or crane chaser, as the case may  
be.
- (iii) by inserting at the end of subsection four of  
the same section the following new para-  
graph:—
- 30 The regulations under this Act may  
prescribe the manner in which an appeal  
under this subsection may be made.



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(iv) by inserting next after subsection five of the same section the following new subsections:—

5 (5A) (a) The Minister may by notification published in the Gazette exempt—

10 (i) persons acting as riggers in relation to any type of building, structure, crane or hoist specified in such notification from the operation of the provisions of subsections one and (1A) of this section whilst they are so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B) of this section in respect of persons acting as riggers in relation to the type of building, structure, crane or hoist so specified;

20 (ii) persons acting as scaffolders in relation to any type of scaffolding specified in such notification from the operation of the provisions of subsections one and (1A) of this section whilst they are so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B) of this section in respect of persons acting as scaffolders in relation to the type of scaffolding so specified;

30 (iii) persons acting as dogmen or crane chasers in relation to any type of crane specified in such notification, to all cranes used in connection with any industry so specified, to any type of crane so specified while it is used in



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5 in connection with any industry so  
specified, to all cranes used in any  
building, place or premises so speci-  
fied, or to any type of crane so speci-  
fied while it is used in any building,  
place or premises so specified, from  
10 the operation of the provisions of  
subsections one and (1A) of this  
section whilst they are so acting, and  
persons who employ, instruct or allow  
persons to act as aforesaid from the  
operation of the provisions of  
15 subsection (1B) of this section in  
respect of persons acting as dogmen  
or crane chasers, as the case may be,  
in relation to the type of crane so  
specified.

(b) The Minister may by notice in  
writing—

- 20 (i) to the owner of or any person erecting  
or proposing to erect any particular  
building or structure or to the owner  
of or any person setting up or  
proposing to set up any particular  
25 crane or hoist exempt persons acting  
as riggers in relation to such building,  
structure, crane or hoist from the  
operation of the provisions of  
subsections one and (1A) of this  
30 section whilst they are so acting, and  
persons who employ, instruct or allow  
persons to act as aforesaid from the  
operation of the provisions of  
35 subsection (1B) of this section in  
respect of persons acting as riggers  
in relation to that particular building,  
structure, crane or hoist;
- (ii) to the owner of or any person  
erecting, altering or demolishing or  
40 proposing to erect, alter or demolish  
any



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5 any particular scaffolding exempt  
persons acting as scaffolders in  
relation to such scaffolding from the  
operation of the provisions of sub-  
sections one and (1A) of this section  
whilst they are so acting, and persons  
who employ, instruct or allow persons  
to act as aforesaid from the operation  
10 of the provisions of subsection (1B)  
of this section in respect of persons  
acting as scaffolders in relation to  
that particular scaffolding;

(iii) to the owner of any particular crane  
15 exempt persons acting as dogmen or  
crane chasers in relation to such crane  
from the operation of the provisions  
of subsections one and (1A) of this  
section whilst they are so acting, and  
persons who employ, instruct or allow  
20 persons to act as aforesaid from the  
operation of the provisions of  
subsection (1B) of this section in  
respect of persons acting as dogmen  
or crane chasers, as the case may be,  
25 in relation to that particular crane.

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

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

(5B) The Chief Inspector may issue in  
writing to any person a learner's permit  
authorising such person to act, in accordance  
with any conditions endorsed thereon or  
35 prescribed in relation thereto, as a rigger,  
dogman, scaffolder or crane chaser. A  
learner's permit shall remain in force for  
such



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such period endorsed thereon as the Chief Inspector may determine or as may in relation to such permits be prescribed.

5 Nothing in subsection one or (1B) of this section shall apply to or in respect of any work done by the holder of such a permit, in accordance with any conditions endorsed thereon or prescribed in relation thereto and for the bona fide purpose of such holder  
10 learning to be a rigger, dogman, scaffolder or crane chaser, as the case may be.

15 The Chief Inspector may cancel or suspend a learner's permit issued pursuant to this subsection and a person whose learner's permit has been cancelled or is for the time being suspended shall not be deemed to be the holder of such a permit.

20 (v) by omitting from subsection six of the same section the definition of "Rigger" and by inserting in lieu thereof the following definition:—

25 "Rigger" means a person directly responsible for the placing in position of the members of a building or structure, other than scaffolding, in the course of erection and for the manner of ensuring the stability of such members, for dismantling or  
30 demolishing buildings or structures, other than scaffolding, or for the setting up of cranes or hoists.

(vi) by omitting from the same subsection the definition of "Dogman" and by inserting in lieu thereof the following definition:—

35 "Dogman" means a person slinging and directing the movement of loads handled by a crane where such loads are usually not in full view of the crane driver.

(vii)



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(vii) by omitting from the same subsection the definition of "Crane chaser" and by inserting in lieu thereof the following definition:—

5 "Crane chaser" means a person slinging and directing the movement of loads handled by a crane where such loads are usually in full view of the crane driver.

10 (n) (i) by inserting in subsection one of section Sec. 18.  
eighteen after the words "with any" the (Notice of accidents.)  
word "conveyor,";

(ii) by inserting in paragraph (b) of the same subsection after the words "part of a" the word "conveyor,";

15 (iii) by inserting at the end of the same paragraph the following word and new paragraphs:—

or

20 (c) so disables any person working on or about such conveyor, crane, hoist, lift, plant, scaffolding, gear, building work, excavation work or compressed air work as to prevent him from  
25 returning to his work within forty-eight hours after the accident; or

(d) consists in any person receiving an electric shock; or

30 (e) is an accident involving the failure of any brake, steering or limiting device or other control device of a conveyor, crane, hoist, lift, plant, scaffolding or gear; or

35 (f) consists in the failure of any stud, pin, dowel, screw, rivet, spike or other object expelled from an explosive-powered tool to lodge in the substance on which the tool is being used; (iv)



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- (iv) by inserting in the same subsection after the words "in charge of such" the word "conveyor";
- 5 (v) by inserting in subsection two of the same section after the words "with any" the word "conveyor,";
- (o) by inserting in paragraph (c) of section nineteen after the words "with any" the word "conveyor,"; Sec. 19.  
(Act not to affect rights of person to recover damages.)
- 10 (p) by inserting at the end of section twenty-one the following new subsections:— Sec. 21.  
(Penalties and proceedings for offences.)
- (2) In any proceedings for the recovery of a penalty or fee imposed by or under this Act a statement purporting to be signed by the Chief
- 15 Inspector—
- (a) that a certificate or permit of the description specified in the statement has or has not been issued pursuant to this Act to any person so specified and, where a certificate or permit has been
- 20 so issued, as to the date of issue of and particulars contained in such certificate or permit; or
- (b) that at any date or during any period specified in the statement a person specified in the statement was or was not the holder of a certificate or permit, of the description specified in such statement, issued pursuant to this Act;
- 25 or
- 30 (c) that at any date specified in the statement a notice as to any matter so specified, being a matter of which notice is required by or under this Act to be given



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*Scaffolding and Lifts (Amendment).*

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5 given to or served on the Chief Inspector, had or had not been given to or served on the Chief Inspector by any person so specified and, where a notice has been so given or served, as to the date when it was so given or served and as to the particulars contained in such notice;

10 shall be prima facie evidence of the matters contained in the statement without proof of the signature or of the official character of the person by whom the statement appears to have been signed.

15 (3) Where a notice of intention to commence any building work, excavation work or compressed air work has been served on the Chief Inspector the person under whose hand the notice appears to have been given shall in any proceedings for the recovery of a penalty or fee  
20 imposed by or under this Act be deemed, unless the contrary is proved, to be the contractor for that work.

25 (q) (i) by omitting from paragraph (a) of subsection two of section twenty-two the words "any lift" and by inserting in lieu thereof the words "or alter any lift or conveyor";

Sec. 22.  
(Regulations.)

(ii) by inserting in paragraph (b) of the same subsection after the word "lift," the word "conveyor,";

30 (iii) by inserting in paragraph (d) of the same subsection after the word "lift" the words "or conveyor";

35 (iv) by inserting in paragraph (e) of the same subsection after the words "requiring that" the word "conveyors,";

(v)



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*Scaffolding and Lifts (Amendment).*

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- (v) by omitting from subparagraph (i) of paragraph (f) of the same subsection the word "lifts" and by inserting in lieu thereof the words "or alter lifts or conveyors";
- 5 (vi) by inserting in subparagraph (ii) of the same paragraph after the words "descriptions of" the word "conveyors,";
- 10 (vii) by inserting in the same subparagraph after the words "testing of" the word "conveyors,";
- (viii) by omitting subparagraph (v) of the same paragraph and by inserting in lieu thereof the following subparagraphs:—
- 15 (v) any building work, excavation work or compressed air work, of which notice is required by section six of this Act to be served on the Chief Inspector;
- 20 (vi) the issue of learners' permits to persons authorising them to act, in accordance with any conditions endorsed thereon or prescribed in relation thereto, as power crane or power hoist drivers, or as riggers,
- 25 dogmen, scaffolders or crane chasers;
- (ix) by inserting in subparagraph (i) of paragraph (g) of the same subsection after the words "maintenance of" the word "conveyors,";
- 30 (x) by inserting in subparagraph (ii) of the same paragraph after the words "charge of" the words "conveyors or";
- (xi)



*Scaffolding and Lifts (Amendment).*

- (xi) by inserting in subparagraph (iii) of the same paragraph after the words "dismantling of" the word "conveyors,";
- 5 (xii) by inserting in subparagraph (v) of the same paragraph after the words "connection with" the word "conveyors,";
- (xiii) by inserting next after the same paragraph the following new paragraph:—
  - 10 (g1) prohibiting any person not the holder of the appropriate certificate of competency or learner's permit from being employed as or acting as a diver, diver's attendant or powderman, and in relation thereto—
  - 15 (i) providing for the examination and certification of divers, divers' attendants and powdermen, or of any class of such persons, and for the granting and issue of certificates of competency and learners' permits;
  - 20 (ii) prescribing the fees to be paid in respect of examinations for certificates of competency and the issue of such certificates and of learners' permits;
  - 25 (iii) authorising the Chief Inspector by certificate in writing under his hand to exempt, absolutely or subject to conditions, any person or class of persons from all or any of the provisions of the regulations made
  - 30



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*Scaffolding and Lifts (Amendment).*

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made pursuant to this paragraph where he is satisfied that by reason of the nature of the work to be carried out by such person or class of persons the application of such provisions would be impracticable or inappropriate;

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10 (xiv) by inserting in subsection three of the same section after the words "maintenance of" the word "conveyors,";

(xv) by inserting next after the same subsection the following new subsections:—

15

(3A) The regulations made under subparagraph (v) of paragraph (f) of subsection two of this section may with respect to the fees prescribed under that subparagraph—

20

(a) provide for the assessment of such fees by reference or in relation to the cost or estimated cost of the work in respect of which the fees are to be paid or of the project in which such work is done or to be done or of materials employed or services used therein, or according to any specified principle or criterion and may prescribe the method of determining any such cost or estimated cost;

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(b) prescribe different amounts of such fees to be paid in respect of different classes of work or in respect of work done in different areas;

35

(c) require that such fees shall be paid in respect of a specified class or specified classes of work only, in respect



*Scaffolding and Lifts (Amendment).*

- 5 respect of all classes of work other than those specified, in respect of work done in a specified area or specified areas only or in respect of all areas other than those specified;
- (d) prescribe graduated scales of such fees;
- 10 (e) require the payment of such fees at such time or times or by such instalments as may be prescribed;
- 15 (f) for the purpose of the assessment of such fees, require contractors to furnish such information in relation to the work in respect of which such fees are to be paid or to the project in which such work is done or to be done, in such manner and at such times, as may be prescribed, and may require any such information to be
- 20 verified by statutory declaration;
- (g) prescribe other matters necessary or convenient to be prescribed in relation to the assessment or payment of such fees.
- 25 (3B) For the purposes of paragraph (g1) of subsection two of this section—
- “Diver” means diver employed in compressed air work.
- 30 “Diver’s attendant” means attendant to a diver.
- “Powderman” means a person engaged in the preparation or firing of charges of explosives used in building work, excavation work or compressed air
- 35 work.



*Scaffolding and Lifts (Amendment).*

**3.** The Scaffolding and Lifts Act, 1912-1948, is further amended—

Further amendment of Act No. 38, 1912.

- 5 (a) by omitting from subsection two of section six the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";
- 10 (b) by omitting from subsection two of section ten the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";
- 15 (c) by omitting from section fourteen the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";
- 20 (d) by omitting from subsection five of section fifteen the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred and fifty pounds";
- 25 (e) by omitting from section sixteen the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";
- 20 (f) by omitting from subsection three of section eighteen the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds";
- 25 (g) by omitting from section twenty-one the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds";
- (h) by omitting from subsection four of section twenty-two the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds".

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

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

Sec. 14.  
(Inspector may suspend incompetent attendant.)

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

Sec. 16.  
(Obstruction of inspectors.)

Sec. 18.  
(Notice of accidents.)

Sec. 21.  
(Penalties and proceedings for offences.)

Sec. 22.  
(Regulations.)



*Scaffolding and Lifts (Amendment).*

4. (1) Any regulations made under subparagraph (v) Savings.  
of paragraph (f) of subsection two of section twenty-two  
of the Scaffolding and Lifts Act, 1912-1948, shall be  
deemed to have and always to have had the same force  
5 and effect as they would have had had subsection (3A)  
of section twenty-two of that Act, as amended by this  
Act, been in force when such regulations were made.

(2) The amendment made by subparagraph (viii)  
of paragraph (q) of section two of this Act shall not  
15 affect the liability incurred by any person for any fee  
payable under any regulation made under the Scaffold-  
ing and Lifts Act, 1912-1948.

(3) A certificate of competency as an authorised  
attendant, a rigger, scaffolder, dogman or crane chaser,  
15 issued or purporting to have been issued under the Scaf-  
olding and Lifts Act, 1912-1948, by the Chief Inspector  
and held by any person immediately before the com-  
mencement of this Act, shall—

20 (a) in the case of a certificate of competency as an  
authorised attendant which does not specify any  
class of passenger lifts as passenger lifts of  
which such person is competent to be in charge,  
be deemed to be a certificate of competency as  
25 an authorised attendant issued under that Act,  
as amended by this Act, by the Chief Inspector  
and to specify all classes of passenger lifts as  
passenger lifts which such person may work or  
operate;

30 (b) in the case of a certificate of competency as an  
authorised attendant which specifies a particular  
class of passenger lifts as passenger lifts of  
which such person is competent to be in charge,  
be deemed to be a certificate of competency as an  
authorised attendant issued under that Act, as  
35 amended by this Act, by the Chief Inspector and  
to specify that particular class of passenger  
lifts as passenger lifts which such person may  
work or operate;

(c)



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*Scaffolding and Lifts (Amendment).*

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- 5 (c) in the case of a certificate of competency as a  
rigger, be deemed to be a certificate of com-  
petency as a rigger issued under that Act, as  
amended by this Act, by the Chief Inspector and  
to specify every type of building, structure,  
crane or hoist as buildings, structures, cranes  
and hoists, respectively, in relation to which  
such person may act as a rigger;
- 10 (d) in the case of a certificate of competency as a  
scaffolder which does not specify any type of  
scaffolding as scaffolding in relation to which  
such person may act as a scaffolder, be deemed  
to be a certificate of competency as a scaffolder  
issued under that Act, as amended by this Act,  
15 by the Chief Inspector and to specify every type  
of scaffolding as scaffolding in relation to which  
such person may act as a scaffolder;
- 20 (e) in the case of a certificate of competency as a  
scaffolder which specifies any particular type of  
scaffolding as scaffolding in relation to which  
such person may act as a scaffolder, be deemed  
to be a certificate of competency as a scaffolder  
issued under that Act, as amended by this Act,  
25 by the Chief Inspector and to specify that par-  
ticular type of scaffolding as scaffolding in  
relation to which such person may act as a  
scaffolder;
- 30 (f) in the case of a certificate of competency as a  
dogman or crane chaser, be deemed to be a  
certificate of competency as a dogman or crane  
chaser, as the case may be, issued under that  
Act, as amended by this Act, by the Chief  
Inspector and to specify every type of crane as  
cranes in relation to which such person may act  
35 as a dogman or crane chaser, as the case may be.

For the purposes of this subsection a certificate of  
competency under section 17A of the Scaffolding and  
Lifts Act, 1912-1948, which was issued to any person  
before the commencement of this Act and was before that  
commencement



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commencement suspended under the provisions of sub-  
section five of that section for a period which had not at  
that commencement expired shall upon the expiration of  
that period be deemed to be a certificate of competency  
5 under that Act held by such person immediately before  
that commencement.

Sydney: A. H. Pettifer, Government Printer—1958.

[2s. 9d.]



No. , 1958.

## A BILL

To apply to conveyors those provisions of the Scaffolding and Lifts Act, 1912, as amended by subsequent Acts, that are applicable to lifts; to require additional classes of accidents to be notified to the Chief Inspector of Scaffolding and Lifts; for these and other purposes to amend the said Act, as so amended; to validate certain matters; and for purposes connected therewith.

[Mr. LANDA;—27 February, 1958.]



*Scaffolding and Lifts (Amendment).*

BE it enacted by the Queen's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative 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, 1958". Short title, citation and commencement.

(2) The Scaffolding and Lifts Act, 1912, as amended by subsequent Acts and by this Act, may be  
10 cited as the Scaffolding and Lifts Act, 1912-1958.

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

2. The Scaffolding and Lifts Act, 1912-1948, is  
15 amended— Amendment of Act No. 38, 1912.

(a) by omitting from the matter relating to Part Sec. 1.  
III in section one the word "LIFTS" and by (Short title.)  
inserting in lieu thereof the words "LIFTS AND  
CONVEYORS";

20 (b) (i) by omitting from section three the definition Sec. 3.  
of "Authorised attendant" and by insert- (Definitions.)  
ing in lieu thereof the following definition :—

25 "Authorised attendant" means a person  
who is the holder of a certificate of  
competency issued under section  
eleven of this Act.

(ii) by omitting from the definition of  
"Automatic lift" in the same section the  
words "comprising a car or platform  
30 running between guides and";

(iii)



*Scaffolding and Lifts (Amendment).*

(iii) by omitting from the same definition the words "such car or platform" and by inserting in lieu thereof the words "the cage or car of the lift";

5 (iv) by omitting from the same section the definition of "Building work" and by inserting in lieu thereof the following definition:—

"Building work" means—

- 10 (a) work in constructing, erecting, adding to, altering, repairing, equipping, finishing, painting, cleaning, signwriting or demolishing which when done in relation  
15 to a building or structure is done **at** or adjacent to the site thereof, and which when done in relation to a ship is done on or adjacent to a ship in dock or on slips; and  
20 (b) work in laying or lining any pipe having an internal diameter exceeding twenty-three inches, and work in lining any shaft, well or tunnel.

25 (v) by omitting from the same section the definition of "Compressed air work" and by inserting in lieu thereof the following definition:—

30 "Compressed air work" means work done by a person while breathing any gas or mixture of gases at a greater pressure than atmospheric pressure.

(vi) by omitting from the same section the definition of "Contractor" and by inserting in  
35 lieu thereof the following definitions:—

"Contractor", in relation to any building work, excavation work or compressed air work, means the person  
who



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*Scaffolding and Lifts (Amendment).*

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who by himself (otherwise than as a servant or agent of the person carrying out that work) or by his servants or agents carries out that work.

“Conveyor” means apparatus or contrivance worked by any power other than manual by which goods are raised, lowered or transported or are capable of being raised, lowered or transported by means of—

(a) an endless belt, rope or chain;

(b) buckets, trays or other containers or fittings moved by an endless belt, rope or chain; or

(c) a rotating screw,

and includes the supporting structure, machinery, equipment and gear used in connection with the conveyor.

(vii) by omitting from the same section the definition of “Crane” and by inserting in lieu thereof the following definition:—

“Crane” means grab crane, charging crane, excavator, power shovel, floating crane, cableway, overhead travelling crane, jib crane, derrick crane, locomotive crane, cantilever crane, bridge or gantry crane, stripping crane, telfer crane, loader, monorail, fork lift truck and mobile crane and any other crane or apparatus or contrivance used or capable of being used for raising, lowering,



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*Scaffolding and Lifts (Amendment).*

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5 lowering, handling or transporting loads in like manner, and includes the supporting structure and the gear used in connection with the crane, but does not include a conveyor, hoist or lift.

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

10 "Explosive-powered tool" means a tool or device whereby a stud, pin, dowel, screw, rivet, spike or other object is driven against, into or through a substance by means of an explosive.

15 (ix) by omitting from the same section the definition of "Gear" and by inserting in lieu thereof the following definition:—

20 "Gear" means any gear or equipment, other than plant, used in connection with any conveyor, lift, crane, hoist, scaffolding, plant, building work, excavation work or compressed air work.

25 (x) by omitting from the same section the definition of "Hoist" and by inserting in lieu thereof the following definition:—

30 "Hoist" means sheerlegs, derrick pole, hand chain block, pole erecting hoist, stacking machine, direct ram hoist, fixed hoist, whip hoist, skip hoist, inclined skid, inclined slipway, tower hoist, pile driver, tilter, or any machine used for or capable of being used for driving or pulling down any pile or any cylinder or casing used in connection with the forming of any pile, and includes the supporting structure and the gear used in connection with the hoist.

(xi)



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*Scaffolding and Lifts (Amendment).*

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(xi) by omitting from the same section the definition of "Lift" and by inserting in lieu thereof the following definition:—

5                    "Lift" means any apparatus or contrivance by which persons or goods are raised or lowered or are capable of being raised or lowered within a cage or car, the direction of movement of which is restricted by a guide or  
10                   guides and includes the supporting structure, machinery, equipment, gear and enclosures used in connection with the lift, but does not include conveyor, crane or hoist.

15                   (xii) by inserting in the definition of "Owner" in the same section after the word "any" the word "conveyor,";

                    (xiii) by inserting in the same section next after paragraph (a) of the definition of "Plant" the following new paragraph:—  
20                   (a1) any explosive-powered tool; and;

(xiv) by inserting in the same definition after the word "include" the word "conveyor,";

25                   (xv) by omitting the definition of "Scaffolding" and by inserting in lieu thereof the following definition:—

                    "Scaffolding" means—

                    (a) structure, staging, platform or swinging stage or boat-swain's chair set up or used  
30                   for or in connection with—

                    (i) the carrying out of building work, excavation work or compressed air work;  
35                   (ii)



*Scaffolding and Lifts (Amendment).*

- 5 (ii) the erection or dismantling of machinery, plant or equipment; or
- (iii) the erection or demolition of stacks of timber, goods or materials; and
- 10 (b) form work set up or used for or in connection with the carrying out of building work, excavation work or compressed air work, other than any such form work which is not intended to be set up or used to support any person during the carrying out of such building work, excavation work or compressed air work,
- 15 and includes the supporting structure and gear used in connection with the scaffolding.
- 20 (xvi) by inserting in the definition of "Supporting structure" in the same section after the word "lift," the word "conveyor,";
- 25 (c) by inserting in paragraph (a) of section 4A after the word "any" where firstly occurring the word "conveyor,";
- Sec. 4A.  
(Act not to apply to certain cranes, lifts, building work, etc.)
- (d) (i) by inserting in paragraph (a) of subsection one of section six after the word "scaffolding" the words "or any explosive";
- 30 (ii) by inserting next after the same paragraph the following new paragraph:—
- (a1) to carry out any building work, other than that referred to in paragraph (a) of this subsection, being—
- 35 (i) the demolition of a building or structure; or
- (ii)
- Sec. 6.  
(Notices as to erection of scaffolding, etc., and commencement of building work, etc.)



*Scaffolding and Lifts (Amendment).*

- 5 (ii) the work of sheathing the roof of any building or structure, whether erected or in the course of erection, with asbestos cement or other brittle material; or;

(e) by inserting next after section six the following new section:—

New sec.  
6A.

6A. (1) This section applies to—

Fees payable  
in respect  
of certain  
building  
work,  
excavation  
work and  
compressed  
air work.

- 10 (a) any work referred to in paragraph (a) or (a1) of subsection one of section six of this Act in respect of which any person is; and

- 15 (b) any work referred to in paragraph (a) of that subsection in respect of which any person was, before the appointed day,

20 required, in accordance with the provisions of that subsection, to serve on the Chief Inspector a notice of such person's intention to carry out such work.

(2) Any contractor who—

- (a) commences to carry out any work to which this section applies; or

- 25 (b) continues to carry out any such work—

- 30 (i) being work referred to in paragraph (a) of subsection one of section six of this Act, as enacted immediately before the appointed day, and commenced before the appointed day; or

- (ii) commenced after the appointed day,

35 while any notification fee payable in respect of a notice of intention to carry out such work served on the Chief Inspector in accordance with the provisions of subsection one of section six of this Act, as enacted immediately before the appointed



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*Scaffolding and Lifts (Amendment).*

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5 appointed day, or in respect of such work, as the case may be, or where payment of such fee by instalments is authorised under the regulations made under this Act, any instalment of such fee which is due and payable, remains unpaid shall be liable to a penalty not exceeding one hundred pounds.

10 (3) A court of petty sessions or industrial magistrate may, in addition to or instead of imposing a penalty for an offence under this section, order the person guilty of the offence to pay any notification fee found by the court or magistrate to be payable by such person.  
15 Any such order shall operate as an order for the payment of money under the Small Debts Recovery Act, 1912, as amended by subsequent Acts, and be enforceable as such under the provisions of that Act, as so amended.

20 (4) (a) Any notification fee payable in respect of any notice of intention to carry out any work to which this section applies served on the Chief Inspector in accordance with the provisions of subsection one of section six of this Act, as enacted immediately before the  
25 appointed day, or in respect of any such work, shall be paid to the Under Secretary, Department of Labour and Industry and shall be paid by the contractor by whom such work is to be carried out or continued, as the case may be.

30 (b) Any such fee may be sued for and recovered as a debt for and on behalf of the Crown by any person for the time being authorised by the Minister to sue for and recover such fee.

35 (5) In this section—

“Appointed day” means the day on which the Scaffolding and Lifts (Amendment) Act, 1958, commences.

“Notification



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*Scaffolding and Lifts (Amendment).*

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“Notification fee” means—

- 5 (a) in a case where notice of intention to carry out work to which this section applies was served on the Chief Inspector before the appointed day in accordance with the provisions of subsection one of section six of this Act, the fee in respect of the notice of intention to commence such work payable under the regulations in force at the time when such notice was so served;
- 10

15 (b) in a case where notice of intention to carry out such work was not so served before the appointed day and such work was commenced before that day, the fee in respect of such notice that would, if such notice had been so served immediately before such work was commenced, have been payable under the regulations in force immediately before such work was commenced; and

20

25
- 30 (c) in a case where work to which this section applies is commenced after the appointed day and notice of intention to carry out such work was not, before that day, served on the Chief Inspector in accordance with the provisions of subsection one of section six of this Act, as enacted immediately before that day, the prescribed fee payable in respect of such work.

35

(f)



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(f) by inserting in the heading to Part III after the word "LIFTS" the words "AND CONVEYORS";

Part III.  
Heading.

(g) (i) by inserting in subsection one of section ten after the word "erect" the words "or alter";

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

(ii) by inserting in the same subsection after the word "lift" where firstly occurring the words "or conveyor";

(iii) by omitting from the same subsection the words "such lift" and by inserting in lieu thereof the words "or altering such lift or conveyor, as the case may be,";

(h) by omitting section eleven and by inserting in lieu thereof the following section:—

Subst.  
sec. 11.

11. (1) Subject to this section, any person who—

Authorised  
attendant to  
be in charge  
of lift.

(a) not being an authorised attendant works, operates or interferes with the working of a passenger lift;

(b) being an authorised attendant whose certificate of competency as such specifies particular classes of passenger lifts which he may work or operate, works, operates or interferes with the working of a passenger lift of a class other than those specified in such certificate of competency;

(c) employs, instructs or allows—

(i) any person who is not an authorised attendant to work, operate or interfere with the working of a passenger lift;

(ii)



*Scaffolding and Lifts (Amendment).*

(ii) any person who is an authorised attendant and whose certificate of competency as such specifies particular classes of passenger lifts which he may work or operate to work, operate or interfere with the working of a passenger lift of a class other than those specified in such certificate of competency,

shall be liable to a penalty not exceeding twenty pounds.

(2) (a) The Chief Inspector may issue to any person who satisfies him that such person is of or above the age of eighteen years and is competent to work or operate a passenger lift a certificate of competency as an authorised attendant.

(b) A certificate of competency under this section may specify the class of passenger lifts which the holder of such certificate may work or operate.

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

(4) Nothing in subsection one of this section shall apply to the working, operating or interfering with the working of—

(a) any lift by the bona fide owner, lessee or manager of the building wherein the lift is situated, in a case of emergency;

(b) any lift by a workman bona fide engaged in inspecting, repairing, erecting or altering the lift;

(c)



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5 (c) any automatic lift or such other class of lifts as the Minister may, by notice published in the Gazette, specify as being a class of lifts to which the said subsection shall not apply.

(5) Nothing in this section shall affect the operation of section thirty-seven of the Factories and Shops Act, 1912, as amended by subsequent Acts.

10 (i) (i) by inserting in paragraph (a) of section Sec. 13. thirteen after the word "lift," the word (Powers of inspectors.) "conveyor,";

15 (ii) by inserting in the same paragraph after the word "construction," the words "or which he has reasonable cause to believe has been constructed or used, or is in the course of construction, or any building, place or premises in or on which any such thing is constructed, used, intended to be used or in course of construction or in or on which he has reasonable cause to believe that any such thing is constructed, used, intended to be used or in course of construction,";

25 (iii) by inserting in the same paragraph after the words "compressed air work" the words "which is being carried out or which he has reasonable cause to believe is being carried out";

30 (j) (i) by inserting in section fourteen after the Sec. 14. word "lift" where firstly occurring the (Inspector may suspend incompetent attendant.) words "or a conveyor";

(ii) by inserting in the same section after the word "lift" where secondly and thirdly occurring the words "or conveyor";

(k)



*Scaffolding and Lifts (Amendment).*

- (k) (i) by inserting in subsections one and two of section fifteen after the word "lift" wherever occurring the words "or conveyor"; (Inspector may give directions as to scaffolding, etc.)
- 5 (ii) by inserting in paragraph (a) of subsection one of the same section after the word "district" the words ", or in or on any building, place or premises in any district,";
- 10 (iii) by inserting at the end of subsection one of the same section the following words:—
- Where such directions are, or any order on appeal therefrom is, of a continuing nature such person shall continue at all future times to carry out or comply with such directions, as varied from time to time, or any such order until the same are or is revoked.
- 15 (iv) by omitting from subsection four of the same section the words "twenty-four hours" and by inserting in lieu thereof the words "seven days, or, where any other time has been prescribed, within such prescribed time,";
- 20 (v) by inserting at the end of the same subsection the following new paragraph:—
- The regulations under this Act may prescribe the manner in which an appeal under this subsection may be made.
- 25 (l) (i) by omitting paragraph (c) of subsection one of section seventeen and by inserting in lieu thereof the following new paragraph:— (Power crane and power hoist drivers.)
- (c) any power hoist used for raising or lowering persons;
- 30 (ii) by inserting in subsection three of the same section after the word "drive" wherever occurring the words "in any district";
- 35 (iii)



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*Scaffolding and Lifts (Amendment).*

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- (iii) by inserting at the end of subsection six of the same section the following new paragraph:—

5           The regulations under this Act may prescribe the manner in which an appeal under this subsection may be made.

- (iv) by inserting at the end of the same section the following new subsection:—

10           (10) The Chief Inspector may issue in writing to any person a learner's permit authorising such person to act, in accordance with any conditions endorsed thereon or prescribed in relation thereto, as a power crane or power hoist driver. A learner's permit shall remain in force for such period endorsed thereon as the Chief Inspector may determine or as may in relation to such permits be prescribed.

15

20           Nothing in subsection one or three of this section shall apply to or in respect of the driving of a power crane or a power hoist, as the case may be, by the holder of such a permit, in accordance with any conditions endorsed thereon or prescribed in relation thereto and for the bona fide purpose of such holder learning to be a power crane or power hoist driver, as the case may be.

25

30           The Chief Inspector may cancel or suspend a learner's permit issued pursuant to this subsection and a person whose learner's permit has been cancelled or is for the time being suspended shall not be deemed to be the holder of such a permit.

(m)



*Scaffolding and Lifts (Amendment).*

(m) (i) by inserting next after subsection one of section 17A the following new subsections:—

Sec. 17A.  
(Riggers,  
dogmen,  
scaffolders  
and crane  
chasers.)

(1A) Any person who is the holder of a certificate of competency—

5 (a) as a rigger and who in any district acts as a rigger in relation to any type of building, structure, crane or hoist;

10 (b) as a scaffolder and who in any district acts as a scaffolder in relation to any type of scaffolding;

(c) as a dogman or crane chaser and who in any district acts as a dogman or crane chaser, as the case may be, in relation to any type of crane,

15 other than those specified in the certificate of competency as a rigger, scaffolder, dogman or crane chaser, as the case may be, issued to him under this section shall be guilty of an offence against this Act.

20 (1B) Any person who employs, instructs or allows—

(a) any person who is not the holder of the appropriate certificate of competency to act in any district as a rigger, dogman, scaffolder or crane chaser; or

(b) any person who is the holder of a certificate of competency—

30 (i) as a rigger, to act in any district as a rigger in relation to any type of building, structure, crane or hoist;

35 (ii) as a scaffolder, to act in any district as a scaffolder in relation to any type of scaffolding;

(iii)



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*Scaffolding and Lifts (Amendment).*

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- (iii) as a dogman or crane chaser,  
to act in any district as a  
dogman or crane chaser, as the  
case may be, in relation to any  
type of crane,
- 5 other than those specified in the certificate  
of competency as a rigger, scaffolder,  
dogman or crane chaser, as the case may be,  
issued to him under this section shall be  
guilty of an offence against this Act.
- 10 (ii) by inserting at the end of subsection two of  
the same section the following new para-  
graph:—
- (b) A certificate of competency under this  
section—
- 15 (i) as a rigger, may specify the  
type of building, structure,  
crane or hoist;
- (ii) as a scaffolder, may specify the  
type of scaffolding;
- 20 (iii) as a dogman or crane chaser,  
may specify the type of crane,  
in relation to which the holder of such  
certificate may act as a rigger, scaffolder,  
dogman or crane chaser, as the case may  
be.
- 25 (iii) by inserting at the end of subsection four of  
the same section the following new para-  
graph:—
- 30 The regulations under this Act may  
prescribe the manner in which an appeal  
under this subsection may be made.



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*Scaffolding and Lifts (Amendment).*

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(iv) by inserting next after subsection five of the same section the following new subsections:—

5 (5A) (a) The Minister may by notification published in the Gazette exempt—

10 (i) persons acting as riggers in relation to any type of building, structure, crane or hoist specified in such notification from the operation of the provisions of subsections one and (1A) of this section whilst they are so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B) of this section in respect of persons acting as riggers in relation to the type of building, structure, crane or hoist so specified;

20 (ii) persons acting as scaffolders in relation to any type of scaffolding specified in such notification from the operation of the provisions of subsections one and (1A) of this section whilst they are so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B) of this section in respect of persons acting as scaffolders in relation to the type of scaffolding so specified;

30 (iii) persons acting as dogmen or crane chasers in relation to any type of crane specified in such notification, to all cranes used in connection with any industry so specified, to any type of crane so specified while it is used

in



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*Scaffolding and Lifts (Amendment).*

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5 in connection with any industry so  
specified, to all cranes used in any  
building, place or premises so speci-  
fied, or to any type of crane so speci-  
fied while it is used in any building,  
place or premises so specified, from  
10 the operation of the provisions of  
subsections one and (1A) of this  
section whilst they are so acting, and  
persons who employ, instruct or allow  
persons to act as aforesaid from the  
operation of the provisions of  
15 subsection (1B) of this section in  
respect of persons acting as dogmen  
or crane chasers, as the case may be,  
in relation to the type of crane so  
specified.

(b) The Minister may by notice in  
writing—

- 20 (i) to the owner of or any person erecting  
or proposing to erect any particular  
building or structure or to the owner  
of or any person setting up or  
proposing to set up any particular  
25 crane or hoist exempt persons acting  
as riggers in relation to such building,  
structure, crane or hoist from the  
operation of the provisions of  
subsections one and (1A) of this  
30 section whilst they are so acting, and  
persons who employ, instruct or allow  
persons to act as aforesaid from the  
operation of the provisions of  
35 subsection (1B) of this section in  
respect of persons acting as riggers  
in relation to that particular building,  
structure, crane or hoist;
- 40 (ii) to the owner of or any person  
erecting, altering or demolishing or  
proposing to erect, alter or demolish  
any



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*Scaffolding and Lifts (Amendment).*

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5 any particular scaffolding exempt  
persons acting as scaffolders in  
relation to such scaffolding from the  
operation of the provisions of sub-  
sections one and (1A) of this section  
whilst they are so acting, and persons  
who employ, instruct or allow persons  
to act as aforesaid from the operation  
of the provisions of subsection (1B)  
10 of this section in respect of persons  
acting as scaffolders in relation to  
that particular scaffolding;

(iii) to the owner of any particular crane  
15 exempt persons acting as dogmen or  
crane chasers in relation to such crane  
from the operation of the provisions  
of subsections one and (1A) of this  
section whilst they are so acting, and  
persons who employ, instruct or allow  
20 persons to act as aforesaid from the  
operation of the provisions of  
subsection (1B) of this section in  
respect of persons acting as dogmen  
or crane chasers, as the case may be,  
25 in relation to that particular crane.

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

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

(5B) The Chief Inspector may issue in  
writing to any person a learner's permit  
authorising such person to act, in accordance  
with any conditions endorsed thereon or  
prescribed in relation thereto, as a rigger,  
dogman, scaffolder or crane chaser. A  
35 learner's permit shall remain in force for  
such



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*Scaffolding and Lifts (Amendment).*

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such period endorsed thereon as the Chief Inspector may determine or as may in relation to such permits be prescribed.

5 Nothing in subsection one or (1B) of this section shall apply to or in respect of any work done by the holder of such a permit, in accordance with any conditions endorsed thereon or prescribed in relation thereto and for the bona fide purpose of such holder  
10 learning to be a rigger, dogman, scaffolder or crane chaser, as the case may be.

15 The Chief Inspector may cancel or suspend a learner's permit issued pursuant to this subsection and a person whose learner's permit has been cancelled or is for the time being suspended shall not be deemed to be the holder of such a permit.

(v) by omitting from subsection six of the same section the definition of "Rigger" and by  
20 inserting in lieu thereof the following definition:—

25 "Rigger" means a person directly responsible for the placing in position of the members of a building or structure, other than scaffolding, in the course of erection and for the manner of ensuring the stability of such members, for dismantling or demolishing buildings or structures,  
30 other than scaffolding, or for the setting up of cranes or hoists.

(vi) by omitting from the same subsection the definition of "Dogman" and by inserting in lieu thereof the following definition:—

35 "Dogman" means a person slinging and directing the movement of loads handled by a crane where such loads are usually not in full view of the crane driver.

(vii)



*Scaffolding and Lifts (Amendment).*

- (vii) by omitting from the same subsection the definition of "Crane chaser" and by inserting in lieu thereof the following definition:—
- 5 "Crane chaser" means a person slinging and directing the movement of loads handled by a crane where such loads are usually in full view of the crane driver.
- 10 (n) (i) by inserting in subsection one of section eighteen after the words "with any" the word "conveyor,"; Sec. 18.  
(Notice of accidents.)
- 15 (ii) by inserting in paragraph (b) of the same subsection after the words "part of a" the word "conveyor,";
- (iii) by inserting at the end of the same paragraph the following word and new paragraphs:—
- or
- 20 (c) so disables any person working on or about such conveyor, crane, hoist, lift, plant, scaffolding, gear, building work, excavation work or compressed air work as to prevent him from returning to his work within forty-eight hours after the accident; or
- 25 (d) consists in any person receiving an electric shock; or
- 30 (e) is an accident involving the failure of any brake, steering or limiting device or other control device of a conveyor, crane, hoist, lift, plant, scaffolding or gear; or
- 35 (f) consists in the failure of any stud, pin, dowel, screw, rivet, spike or other object expelled from an explosive-powered tool to lodge in the substance on which the tool is being used;
- (iv)



*Scaffolding and Lifts (Amendment).*

- (iv) by inserting in the same subsection after the words "in charge of such" the word "conveyor";
- 5 (v) by inserting in subsection two of the same section after the words "with any" the word "conveyor,";
- (o) by inserting in paragraph (c) of section nineteen after the words "with any" the word "conveyor,"; Sec. 19.  
(Act not to affect rights of person to recover damages.)
- 10 (p) by inserting at the end of section twenty-one the following new subsections:— Sec. 21.  
(Penalties and proceedings for offences.)
- (2) In any proceedings for the recovery of a penalty or fee imposed by or under this Act a statement purporting to be signed by the Chief
- 15 Inspector—
- (a) that a certificate or permit of the description specified in the statement has or has not been issued pursuant to this Act to any person so specified and, where a certificate or permit has been
- 20 so issued, as to the date of issue of and particulars contained in such certificate or permit; or
- (b) that at any date or during any period specified in the statement a person specified in the statement was or was not the holder of a certificate or permit, of the description specified in such statement, issued pursuant to this Act;
- 25 or
- 30 (c) that at any date specified in the statement a notice as to any matter so specified, being a matter of which notice is required by or under this Act to be
- (v) given



*Scaffolding and Lifts (Amendment).*

5 given to or served on the Chief Inspector, had or had not been given to or served on the Chief Inspector by any person so specified and, where a notice has been so given or served, as to the date when it was so given or served and as to the particulars contained in such notice;

10 shall be prima facie evidence of the matters contained in the statement without proof of the signature or of the official character of the person by whom the statement appears to have been signed.

15 (3) Where a notice of intention to commence any building work, excavation work or compressed air work has been served on the Chief Inspector the person under whose hand the notice appears to have been given shall in any proceedings for the recovery of a penalty or fee imposed by or under this Act be deemed, unless  
20 the contrary is proved, to be the contractor for that work.

25 (q) (i) by omitting from paragraph (a) of subsection two of section twenty-two the words "any lift" and by inserting in lieu thereof the words "or alter any lift or conveyor";

Sec. 22.  
(Regulations.)

(ii) by inserting in paragraph (b) of the same subsection after the word "lift," the word "conveyor,";

30 (iii) by inserting in paragraph (d) of the same subsection after the word "lift" the words "or conveyor";

35 (iv) by inserting in paragraph (e) of the same subsection after the words "requiring that" the word "conveyors,";

(v)



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*Scaffolding and Lifts (Amendment).*

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- (v) by omitting from subparagraph (i) of paragraph (f) of the same subsection the word "lifts" and by inserting in lieu thereof the words "or alter lifts or conveyors";
- 5        (vi) by inserting in subparagraph (ii) of the same paragraph after the words "descriptions of" the word "conveyors,";
- (vii) by inserting in the same subparagraph after the words "testing of" the word "conveyors,";
- 10        (viii) by omitting subparagraph (v) of the same paragraph and by inserting in lieu thereof the following subparagraphs:—
- (v) any building work, excavation work
- 15        or compressed air work, of which notice is required by section six of this Act to be served on the Chief Inspector;
- (vi) the issue of learners' permits to
- 20        persons authorising them to act, in accordance with any conditions endorsed thereon or prescribed in relation thereto, as power crane or
- 25        power hoist drivers, or as riggers, dogmen, scaffolders or crane chasers;
- (ix) by inserting in subparagraph (i) of paragraph (g) of the same subsection after the words "maintenance of" the word "conveyors,";
- 30        (x) by inserting in subparagraph (ii) of the same paragraph after the words "charge of" the words "conveyors or";
- (xi)



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*Scaffolding and Lifts (Amendment).*

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- (xi) by inserting in subparagraph (iii) of the same paragraph after the words "dismantling of" the word "conveyors,";
- 5 (xii) by inserting in subparagraph (v) of the same paragraph after the words "connection with" the word "conveyors,";
- (xiii) by inserting next after the same paragraph the following new paragraph:—
- 10 (g1) prohibiting any person not the holder of the appropriate certificate of competency or learner's permit from being employed as or acting as a diver, diver's attendant or powderman, and in relation thereto—
- 15 (i) providing for the examination and certification of divers, divers' attendants and powdermen, or of any class of such persons, and for the granting and issue of certificates of competency and learners' permits;
- 20 (ii) prescribing the fees to be paid in respect of examinations for certificates of competency and the issue of such certificates and of learners' permits;
- 25 (iii) authorising the Chief Inspector by certificate in writing under his hand to exempt, absolutely or subject to conditions, any person or class of persons from all or any of the provisions of the regulations
- 30 made



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*Scaffolding and Lifts (Amendment).*

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5 made pursuant to this paragraph where he is satisfied that by reason of the nature of the work to be carried out by such person or class of persons the application of such provisions would be impracticable or inappropriate;

10 (xiv) by inserting in subsection three of the same section after the words "maintenance of" the word "conveyors,";

(xv) by inserting next after the same subsection the following new subsections:—

15 (3A) The regulations made under subparagraph (v) of paragraph (f) of subsection two of this section may with respect to the fees prescribed under that subparagraph—

20 (a) provide for the assessment of such fees by reference or in relation to the cost or estimated cost of the work in respect of which the fees are to be paid or of the project in which such work is done or to be done or of

25 materials employed or services used therein, or according to any specified principle or criterion and may prescribe the method of determining any such cost or estimated cost;

30 (b) prescribe different amounts of such fees to be paid in respect of different classes of work or in respect of work done in different areas;

35 (c) require that such fees shall be paid in respect of a specified class or specified classes of work only, in respect



*Scaffolding and Lifts (Amendment).*

- 5 respect of all classes of work other than those specified, in respect of work done in a specified area or specified areas only or in respect of all areas other than those specified;
- (d) prescribe graduated scales of such fees;
- 10 (e) require the payment of such fees at such time or times or by such instalments as may be prescribed;
- 15 (f) for the purpose of the assessment of such fees, require contractors to furnish such information in relation to the work in respect of which such fees are to be paid or to the project in which such work is done or to be done, in such manner and at such times, as may be prescribed, and may require any such information to be
- 20 verified by statutory declaration;
- (g) prescribe other matters necessary or convenient to be prescribed in relation to the assessment or payment of such fees.
- 25 (3B) For the purposes of paragraph (g1) of subsection two of this section—
- “Diver” means diver employed in compressed air work.
- 30 “Diver’s attendant” means attendant to a diver.
- 35 “Powderman” means a person engaged in the preparation or firing of charges of explosives used in building work, excavation work or compressed air work.



*Scaffolding and Lifts (Amendment).*

**3.** The Scaffolding and Lifts Act, 1912-1948, is further amended—

Further amendment of Act No. 38, 1912.

- 5 (a) by omitting from subsection two of section six the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";
- (b) by omitting from subsection two of section ten the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";
- 10 (c) by omitting from section fourteen the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";
- (d) by omitting from subsection five of section fifteen the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred and fifty pounds";
- 15 (e) by omitting from section sixteen the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";
- (f) by omitting from subsection three of section eighteen the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds";
- 20 (g) by omitting from section twenty-one the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds";
- 25 (h) by omitting from subsection four of section twenty-two the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds".

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

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

Sec. 14.  
(Inspector may suspend incompetent attendant.)

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

Sec. 16.  
(Obstruction of inspectors.)

Sec. 18.  
(Notice of accidents.)

Sec. 21.  
(Penalties and proceedings for offences.)

Sec. 22.  
(Regulations.)



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*Scaffolding and Lifts (Amendment).*

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4. (1) Any regulations made under subparagraph (v) Savings.  
of paragraph (f) of subsection two of section twenty-two  
of the Scaffolding and Lifts Act, 1912-1948, shall be  
deemed to have and always to have had the same force  
5 and effect as they would have had had subsection (3A)  
of section twenty-two of that Act, as amended by this  
Act, been in force when such regulations were made.

(2) The amendment made by subparagraph (viii)  
of paragraph (q) of section two of this Act shall not  
10 affect the liability incurred by any person for any fee  
payable under any regulation made under the Scaffolding  
and Lifts Act, 1912-1948.

(3) A certificate of competency as an authorised  
attendant, a rigger, scaffolder, dogman or crane chaser,  
15 issued or purporting to have been issued under the Scaffolding  
and Lifts Act, 1912-1948, by the Chief Inspector  
and held by any person immediately before the commencement  
of this Act, shall—

20 (a) in the case of a certificate of competency as an  
authorised attendant which does not specify any  
class of passenger lifts as passenger lifts of  
which such person is competent to be in charge,  
be deemed to be a certificate of competency as  
25 an authorised attendant issued under that Act,  
as amended by this Act, by the Chief Inspector  
and to specify all classes of passenger lifts as  
passenger lifts which such person may work or  
operate;

30 (b) in the case of a certificate of competency as an  
authorised attendant which specifies a particular  
class of passenger lifts as passenger lifts of  
which such person is competent to be in charge,  
be deemed to be a certificate of competency as an  
authorised attendant issued under that Act, as  
35 amended by this Act, by the Chief Inspector and  
to specify that particular class of passenger  
lifts as passenger lifts which such person may  
work or operate;

(c)



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*Scaffolding and Lifts (Amendment).*

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- 5 (c) in the case of a certificate of competency as a rigger, be deemed to be a certificate of competency as a rigger issued under that Act, as amended by this Act, by the Chief Inspector and to specify every type of building, structure, crane or hoist as buildings, structures, cranes and hoists, respectively, in relation to which such person may act as a rigger;
- 10 (d) in the case of a certificate of competency as a scaffolder which does not specify any type of scaffolding as scaffolding in relation to which such person may act as a scaffolder, be deemed to be a certificate of competency as a scaffolder issued under that Act, as amended by this Act,
- 15 by the Chief Inspector and to specify every type of scaffolding as scaffolding in relation to which such person may act as a scaffolder;
- 20 (e) in the case of a certificate of competency as a scaffolder which specifies any particular type of scaffolding as scaffolding in relation to which such person may act as a scaffolder, be deemed to be a certificate of competency as a scaffolder issued under that Act, as amended by this Act,
- 25 by the Chief Inspector and to specify that particular type of scaffolding as scaffolding in relation to which such person may act as a scaffolder;
- 30 (f) in the case of a certificate of competency as a dogman or crane chaser, be deemed to be a certificate of competency as a dogman or crane chaser, as the case may be, issued under that Act, as amended by this Act, by the Chief Inspector and to specify every type of crane as cranes in relation to which such person may act
- 35 as a dogman or crane chaser, as the case may be.

For the purposes of this subsection a certificate of competency under section 17A of the Scaffolding and Lifts Act, 1912-1948, which was issued to any person before the commencement of this Act and was before that commencement



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*Scaffolding and Lifts (Amendment).*

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commencement suspended under the provisions of sub-  
section five of that section for a period which had not at  
that commencement expired shall upon the expiration of  
that period be deemed to be a certificate of competency  
5 under that Act held by such person immediately before  
that commencement.

[2s. 9d.]

Sydney: A. H. Pettifer, Government Printer—1958.



## SCAFFOLDING AND LIFTS (AMENDMENT) BILL, 1958.

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### EXPLANATORY NOTE.

THE objects of this Bill are to amend the Scaffolding and Lifts Act, 1912-1948—

1. to extend the definition of “scaffolding” to include—
  - (a) scaffolding used for or in connection with the carrying out of excavation work and compressed air work, and
  - (b) certain form work;
2. to extend the definition of “plant” to include explosive-powered tools;
3. to extend to conveyors certain provisions of the Act applicable to lifts;
4. to provide in respect of the certification of scaffolders, riggers, dogmen, crane chasers and lift drivers—
  - (a) for the issue of different classes of certificates;
  - (b) that an employer shall not employ, instruct or allow a person to perform work unless such person is the holder of the appropriate certificate of competency;
  - (c) for the issue of exemptions;
5. to empower the Chief Inspector of Scaffolding and Lifts to issue learners’ permits authorising persons to carry out the duties of power crane drivers, power hoist drivers, riggers, scaffolders, dogmen or crane chasers;
6. to authorise the making of regulations prohibiting uncertified divers, divers’ attendants and powdermen from acting as such;
7. to extend the class of accidents which must be notified to the Chief Inspector of Scaffolding and Lifts;
8. to require that notice shall be given to the Chief Inspector of Scaffolding and Lifts of alterations to lifts as well as of their erection;
9. to provide that the following classes of work, in addition to those now notifiable, shall be notified to the Chief Inspector of Scaffolding and Lifts:—
  - (a) the demolition of a building or structure over fifteen feet in height;
  - (b) the work of sheathing the roof of any building or structure with asbestos cement or other brittle material;
  - (c) all building work in which explosives are used;



10. to provide that building fees, which are now payable on the giving of notice of the commencement of work, shall be payable whether or not such notice is given and to make provisions in relation to the assessment and payment of such fees;
11. to provide that—
  - (a) directions given by inspectors which are of a continuing nature shall at all future times, until they are revoked or altered, be complied with by the person to whom they are given; and
  - (b) an appeal against any such directions may be made to the Minister within seven days, or within such other time as may be prescribed, instead of within twenty-four hours as at present;
12. to empower inspectors—
  - (a) to issue directions relating to the safe use of cranes or hoists in or upon particular buildings, structures or places; and
  - (b) to inspect buildings, structures and places where they know or have reasonable cause to believe that a crane or hoist is or is about to be used;
13. to increase the penalties for breaches of the Act;
14. to make other provisions of a machinery nature or ancillary to the foregoing.



PROOF

No. , 1958.

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## A BILL

To apply to conveyors those provisions of the Scaffolding and Lifts Act, 1912, as amended by subsequent Acts, that are applicable to lifts; to require additional classes of accidents to be notified to the Chief Inspector of Scaffolding and Lifts; for these and other purposes to amend the said Act, as so amended; to validate certain matters; and for purposes connected therewith.

[MR. LANDA;—27 February, 1958.]



*Scaffolding and Lifts (Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative 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, 1958".

Short title,  
citation and  
commence-  
ment.

(2) The Scaffolding and Lifts Act, 1912, as  
amended by subsequent Acts and by this Act, may be  
10 cited as the Scaffolding and Lifts Act, 1912-1958.

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

**2.** The Scaffolding and Lifts Act, 1912-1948, is  
15 amended—

Amendment  
of Act No.  
38, 1912.

(a) by omitting from the matter relating to Part  
III in section one the word "LIFTS" and by  
inserting in lieu thereof the words "LIFTS AND  
CONVEYORS";

Sec. 1.

(Short title.)

20 (b) (i) by omitting from section three the definition  
of "Authorised attendant" and by insert-  
ing in lieu thereof the following definition :—

Sec. 3.

(Definitions.)

25 "Authorised attendant" means a person  
who is the holder of a certificate of  
competency issued under section  
eleven of this Act.

(ii) by omitting from the definition of  
"Automatic lift" in the same section the  
words "comprising a car or platform  
30 running between guides and";

(iii)



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*Scaffolding and Lifts (Amendment).*

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(iii) by omitting from the same definition the words "such car or platform" and by inserting in lieu thereof the words "the cage or car of the lift";

5 (iv) by omitting from the same section the definition of "Building work" and by inserting in lieu thereof the following definition:—

"Building work" means—

10 (a) work in constructing, erecting, adding to, altering, repairing, equipping, finishing, painting, cleaning, signwriting or demolishing which when done in relation  
15 to a building or structure is done at or adjacent to the site thereof, and which when done in relation to a ship is done on or adjacent to a ship in dock or on slips; and

20 (b) work in laying or lining any pipe having an internal diameter exceeding twenty-three inches, and work in lining any shaft, well or tunnel.

25 (v) by omitting from the same section the definition of "Compressed air work" and by inserting in lieu thereof the following definition:—

30 "Compressed air work" means work done by a person while breathing any gas or mixture of gases at a greater pressure than atmospheric pressure.

(vi) by omitting from the same section the definition of "Contractor" and by inserting in  
35 lieu thereof the following definitions:—

"Contractor", in relation to any building work, excavation work or compressed air work, means the person  
who



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*Scaffolding and Lifts (Amendment).*

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who by himself (otherwise than as a servant or agent of the person carrying out that work) or by his servants or agents carries out that work.

5

“Conveyor” means apparatus or contrivance worked by any power other than manual by which goods are raised, lowered or transported or are capable of being raised, lowered or transported by means of—

10

(a) an endless belt, rope or chain;

(b) buckets, trays or other containers or fittings moved by an endless belt, rope or chain; or

15

(c) a rotating screw,

and includes the supporting structure, machinery, equipment and gear used in connection with the conveyor.

20

(vii) by omitting from the same section the definition of “Crane” and by inserting in lieu thereof the following definition:—

“Crane” means grab crane, charging crane, excavator, power shovel, floating crane, cableway, overhead travelling crane, jib crane, derrick crane, locomotive crane, cantilever crane, bridge or gantry crane, stripping crane, telfer crane, loader, monorail, fork lift truck and mobile crane and any other crane or apparatus or contrivance used or capable of being used for raising,

25

30

lowering,



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*Scaffolding and Lifts (Amendment).*

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5                   lowering, handling or transporting loads in like manner, and includes the supporting structure and the gear used in connection with the crane, but does not include a conveyor, hoist or lift.

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

10                "Explosive-powered tool" means a tool or device whereby a stud, pin, dowel, screw, rivet, spike or other object is driven against, into or through a substance by means of an explosive.

15               (ix) by omitting from the same section the definition of "Gear" and by inserting in lieu thereof the following definition:—

20                "Gear" means any gear or equipment, other than plant, used in connection with any conveyor, lift, crane, hoist, scaffolding, plant, building work, excavation work or compressed air work.

25               (x) by omitting from the same section the definition of "Hoist" and by inserting in lieu thereof the following definition:—

30                "Hoist" means sheerlegs, derrick pole, hand chain block, pole erecting hoist, stacking machine, direct ram hoist, fixed hoist, whip hoist, skip hoist, inclined skid, inclined slipway, tower hoist, pile driver, tilter, or any machine used for or capable of being used for driving or pulling down any pile or any cylinder or casing used in connection with the forming of any pile, and includes the supporting structure and the gear used in connection with the hoist.

(xi)



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*Scaffolding and Lifts (Amendment).*

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- (xi) by omitting from the same section the definition of "Lift" and by inserting in lieu thereof the following definition:—

5            "Lift" means any apparatus or contrivance by which persons or goods are raised or lowered or are capable of being raised or lowered within a cage or car, the direction of movement of which is restricted by a guide or  
10           guides and includes the supporting structure, machinery, equipment, gear and enclosures used in connection with the lift, but does not include conveyor, crane or hoist.

- 15           (xii) by inserting in the definition of "Owner" in the same section after the word "any" the word "conveyor,";

- 20           (xiii) by inserting in the same section next after paragraph (a) of the definition of "Plant" the following new paragraph:—

             (a1) any explosive-powered tool; and;

- (xiv) by inserting in the same definition after the word "include" the word "conveyor,";

- 25           (xv) by omitting the definition of "Scaffolding" and by inserting in lieu thereof the following definition:—

             "Scaffolding" means—

- 30           (a) structure, staging, platform or swinging stage or boat-swain's chair set up or used for or in connection with—

- (i) the carrying out of building work, excavation work or compressed air work;

             (ii)



*Scaffolding and Lifts (Amendment).*

- 5 (ii) the erection or dismantling of machinery, plant or equipment; or
- (iii) the erection or demolition of stacks of timber, goods or materials; and
- (b) form work set up or used for or in connection with the carrying out of building work, excavation work or compressed air work, other than any such form work which is not intended to be set up or used to support any person during the carrying out of such building work, excavation work or compressed air work, and includes the supporting structure and gear used in connection with the scaffolding.
- 20 (xvi) by inserting in the definition of "Supporting structure" in the same section after the word "lift," the word "conveyor,";
- 25 (c) by inserting in paragraph (a) of section 4A after the word "any" where firstly occurring the word "conveyor,";
- Sec. 4A.  
(Act not to apply to certain cranes, lifts, building work, etc.)
- (d) (i) by inserting in paragraph (a) of subsection one of section six after the word "scaffolding" the words "or any explosive";
- Sec. 6.  
(Notices as to erection of scaffolding, etc., and commencement of building work, etc.)
- 30 (ii) by inserting next after the same paragraph the following new paragraph:—
- (a1) to carry out any building work, other than that referred to in paragraph (a) of this subsection, being—
- 35 (i) the demolition of a building or structure; or
- (ii)



*Scaffolding and Lifts (Amendment).*

5 (ii) the work of sheathing the roof of any building or structure, whether erected or in the course of erection, with asbestos cement or other brittle material; or;

(e) by inserting next after section six the following new section:—

6A. (1) This section applies to—

10 (a) any work referred to in paragraph (a) or (a1) of subsection one of section six of this Act in respect of which any person is; and

15 (b) any work referred to in paragraph (a) of that subsection in respect of which any person was, before the appointed day,

20 required, in accordance with the provisions of that subsection, to serve on the Chief Inspector a notice of such person's intention to carry out such work.

(2) Any contractor who—

(a) commences to carry out any work to which this section applies; or

25 (b) continues to carry out any such work—

30 (i) being work referred to in paragraph (a) of subsection one of section six of this Act, as enacted immediately before the appointed day, and commenced before the appointed day; or

(ii) commenced after the appointed day,

35 while any notification fee payable in respect of a notice of intention to carry out such work served on the Chief Inspector in accordance with the provisions of subsection one of section six of this Act, as enacted immediately before the appointed

New sec.  
6A.  
Fees payable in respect of certain building work, excavation work and compressed air work.



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*Scaffolding and Lifts (Amendment).*

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5 appointed day, or in respect of such work, as the case may be, or where payment of such fee by instalments is authorised under the regulations made under this Act, any instalment of such fee which is due and payable, remains unpaid shall be liable to a penalty not exceeding one hundred pounds.

10 (3) A court of petty sessions or industrial magistrate may, in addition to or instead of imposing a penalty for an offence under this section, order the person guilty of the offence to pay any notification fee found by the court or magistrate to be payable by such person. Any such order shall operate as an order for 15 the payment of money under the Small Debts Recovery Act, 1912, as amended by subsequent Acts, and be enforceable as such under the provisions of that Act, as so amended.

20 (4) (a) Any notification fee payable in respect of any notice of intention to carry out any work to which this section applies served on the Chief Inspector in accordance with the provisions of subsection one of section six of this Act, as enacted immediately before the 25 appointed day, or in respect of any such work, shall be paid to the Under Secretary, Department of Labour and Industry and shall be paid by the contractor by whom such work is to be carried out or continued, as the case may be.

30 (b) Any such fee may be sued for and recovered as a debt for and on behalf of the Crown by any person for the time being authorised by the Minister to sue for and recover such fee.

35 (5) In this section—

“Appointed day” means the day on which the Scaffolding and Lifts (Amendment) Act, 1958, commences.

“Notification



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*Scaffolding and Lifts (Amendment).*

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“Notification fee” means—

- 5 (a) in a case where notice of intention to carry out work to which this section applies was served on the Chief Inspector before the appointed day in accordance with the provisions of subsection one of section six of this Act, the fee in respect of the notice of intention to commence such work payable under the regulations in force at the time when such notice was so served;
- 10
- 15 (b) in a case where notice of intention to carry out such work was not so served before the appointed day and such work was commenced before that day, the fee in respect of such notice that would, if such notice had been so served immediately before such work was commenced, have been payable under the regulations in force immediately before such work was commenced; and
- 20
- 25
- 30 (c) in a case where work to which this section applies is commenced after the appointed day and notice of intention to carry out such work was not, before that day, served on the Chief Inspector in accordance with the provisions of subsection one of section six of this Act, as enacted immediately before that day, the prescribed fee payable in respect of such work.
- 35

(f)



*Scaffolding and Lifts (Amendment).*

- (f) by inserting in the heading to Part III after the word "LIFTS" the words "AND CONVEYORS"; Part III.  
Heading.
- (g) (i) by inserting in subsection one of section ten after the word "erect" the words "or alter"; Sec. 10.  
(Notice of  
erection of  
lift.)
- (ii) by inserting in the same subsection after the word "lift" where firstly occurring the words "or conveyor";
- (iii) by omitting from the same subsection the words "such lift" and by inserting in lieu thereof the words "or altering such lift or conveyor, as the case may be,";
- (h) by omitting section eleven and by inserting in lieu thereof the following section:— Subst.  
sec. 11.
11. (1) Subject to this section, any person who— Authorised  
attendant to  
be in charge  
of lift.
- (a) not being an authorised attendant works, operates or interferes with the working of a passenger lift;
- (b) being an authorised attendant whose certificate of competency as such specifies particular classes of passenger lifts which he may work or operate, works, operates or interferes with the working of a passenger lift of a class other than those specified in such certificate of competency;
- (c) employs, instructs or allows—
- (i) any person who is not an authorised attendant to work, operate or interfere with the working of a passenger lift;
- (ii)



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*Scaffolding and Lifts (Amendment).*

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5 (ii) any person who is an authorised attendant and whose certificate of competency as such specifies particular classes of passenger lifts which he may work or  
10 operate to work, operate or interfere with the working of a passenger lift of a class other than those specified in such certificate of competency,

shall be liable to a penalty not exceeding twenty pounds.

15 (2) (a) The Chief Inspector may issue to any person who satisfies him that such person is of or above the age of eighteen years and is competent to work or operate a passenger lift a certificate of competency as an authorised attendant.

20 (b) A certificate of competency under this section may specify the class of passenger lifts which the holder of such certificate may work or operate.

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

(4) Nothing in subsection one of this section shall apply to the working, operating or interfering with the working of—

30 (a) any lift by the bona fide owner, lessee or manager of the building wherein the lift is situated, in a case of emergency;

35 (b) any lift by a workman bona fide engaged in inspecting, repairing, erecting or altering the lift;

(c)



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*Scaffolding and Lifts (Amendment).*

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5 (c) any automatic lift or such other class of lifts as the Minister may, by notice published in the Gazette, specify as being a class of lifts to which the said subsection shall not apply.

(5) Nothing in this section shall affect the operation of section thirty-seven of the Factories and Shops Act, 1912, as amended by subsequent Acts.

10 (i) (i) by inserting in paragraph (a) of section thirteen after the word "lift," the word "conveyor,"; Sec. 13. (Powers of inspectors.)

15 (ii) by inserting in the same paragraph after the word "construction," the words "or which he has reasonable cause to believe has been constructed or used, or is in the course of construction, or any building, place or premises in or on which any such thing is constructed, used, intended to be used or in course of construction or in or on which he has reasonable cause to believe that any such thing is constructed, used, intended to be used or in course of construction,";

20 (iii) by inserting in the same paragraph after the words "compressed air work" the words "which is being carried out or which he has reasonable cause to believe is being carried out";

25 (j) (i) by inserting in section fourteen after the word "lift" where firstly occurring the words "or a conveyor"; Sec. 14. (Inspector may suspend incompetent attendant.)

(ii) by inserting in the same section after the word "lift" where secondly and thirdly occurring the words "or conveyor";

(k)



*Scaffolding and Lifts (Amendment).*

- (k) (i) by inserting in subsections one and two of section fifteen after the word "lift" wherever occurring the words "or conveyor"; Sec. 15. (Inspector may give directions as to scaffolding, etc.)
- 5 (ii) by inserting in paragraph (a) of subsection one of the same section after the word "district" the words ", or in or on any building, place or premises in any district,";
- 10 (iii) by inserting at the end of subsection one of the same section the following words:—
- 15 Where such directions are, or any order on appeal therefrom is, of a continuing nature such person shall continue at all future times to carry out or comply with such directions, as varied from time to time, or any such order until the same are or is revoked.
- 20 (iv) by omitting from subsection four of the same section the words "twenty-four hours" and by inserting in lieu thereof the words "seven days, or, where any other time has been prescribed, within such prescribed time,";
- 25 (v) by inserting at the end of the same subsection the following new paragraph:—
- The regulations under this Act may prescribe the manner in which an appeal under this subsection may be made.
- 30 (l) (i) by omitting paragraph (c) of subsection one of section seventeen and by inserting in lieu thereof the following new paragraph:— Sec. 17. (Power crane and power hoist drivers.)
- (c) any power hoist used for raising or lowering persons;
- 35 (ii) by inserting in subsection three of the same section after the word "drive" wherever occurring the words "in any district";
- (iii)



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*Scaffolding and Lifts (Amendment).*

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- (iii) by inserting at the end of subsection six of the same section the following new paragraph:—

5           The regulations under this Act may prescribe the manner in which an appeal under this subsection may be made.

- (iv) by inserting at the end of the same section the following new subsection:—

10           (10) The Chief Inspector may issue in writing to any person a learner's permit authorising such person to act, in accordance with any conditions endorsed thereon or prescribed in relation thereto, as a power crane or power hoist driver. A learner's permit shall remain in force for such period endorsed thereon as the Chief Inspector may determine or as may in relation to such permits be prescribed.

15

20           Nothing in subsection one or three of this section shall apply to or in respect of the driving of a power crane or a power hoist, as the case may be, by the holder of such a permit, in accordance with any conditions endorsed thereon or prescribed in relation thereto and for the bona fide purpose of such holder learning to be a power crane or power hoist driver, as the case may be.

25

30           The Chief Inspector may cancel or suspend a learner's permit issued pursuant to this subsection and a person whose learner's permit has been cancelled or is for the time being suspended shall not be deemed to be the holder of such a permit.

(m)



*Scaffolding and Lifts (Amendment).*

(m) (i) by inserting next after subsection one of section 17A the following new subsections:—

Sec. 17A.  
(Riggers,  
dogmen,  
scaffolders  
and crane  
chasers.)

(1A) Any person who is the holder of a certificate of competency—

5 (a) as a rigger and who in any district acts as a rigger in relation to any type of building, structure, crane or hoist;

10 (b) as a scaffolder and who in any district acts as a scaffolder in relation to any type of scaffolding;

15 (c) as a dogman or crane chaser and who in any district acts as a dogman or crane chaser, as the case may be, in relation to any type of crane,

20 other than those specified in the certificate of competency as a rigger, scaffolder, dogman or crane chaser, as the case may be, issued to him under this section shall be guilty of an offence against this Act.

(1B) Any person who employs, instructs or allows—

25 (a) any person who is not the holder of the appropriate certificate of competency to act in any district as a rigger, dogman, scaffolder or crane chaser; or

(b) any person who is the holder of a certificate of competency—

30 (i) as a rigger, to act in any district as a rigger in relation to any type of building, structure, crane or hoist;

35 (ii) as a scaffolder, to act in any district as a scaffolder in relation to any type of scaffolding;

(iii)



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*Scaffolding and Lifts (Amendment).*

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- 5 (iii) as a dogman or crane chaser,  
to act in any district as a  
dogman or crane chaser, as the  
case may be, in relation to any  
type of crane,
- 10 other than those specified in the certificate  
of competency as a rigger, scaffolder,  
dogman or crane chaser, as the case may be,  
issued to him under this section shall be  
guilty of an offence against this Act.
- (ii) by inserting at the end of subsection two of  
the same section the following new para-  
graph:—
- 15 (b) A certificate of competency under this  
section—
- (i) as a rigger, may specify the  
type of building, structure,  
crane or hoist;
- 20 (ii) as a scaffolder, may specify the  
type of scaffolding;
- (iii) as a dogman or crane chaser,  
may specify the type of crane,
- 25 in relation to which the holder of such  
certificate may act as a rigger, scaffolder,  
dogman or crane chaser, as the case may  
be.
- (iii) by inserting at the end of subsection four of  
the same section the following new para-  
graph:—
- 30 The regulations under this Act may  
prescribe the manner in which an appeal  
under this subsection may be made.
- 129—B (iv)



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*Scaffolding and Lifts (Amendment).*

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(iv) by inserting next after subsection five of the same section the following new subsections:—

5 (5A) (a) The Minister may by notification published in the Gazette exempt—

10 (i) persons acting as riggers in relation to any type of building, structure, crane or hoist specified in such notification from the operation of the provisions of subsections one and (1A) of this section whilst they are so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B) of this section in respect of persons acting as riggers in relation to the type of building, structure, crane or hoist so specified;

20 (ii) persons acting as scaffolders in relation to any type of scaffolding specified in such notification from the operation of the provisions of subsections one and (1A) of this section whilst they are so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B) of this section in respect of persons acting as scaffolders in relation to the type of scaffolding so specified;

35 (iii) persons acting as dogmen or crane chasers in relation to any type of crane specified in such notification, to all cranes used in connection with any industry so specified, to any type of crane so specified while it is used in



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*Scaffolding and Lifts (Amendment).*

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5 in connection with any industry so  
specified, to all cranes used in any  
building, place or premises so speci-  
fied, or to any type of crane so speci-  
fied while it is used in any building,  
place or premises so specified, from  
10 the operation of the provisions of  
subsections one and (1A) of this  
section whilst they are so acting, and  
persons who employ, instruct or allow  
persons to act as aforesaid from the  
operation of the provisions of  
15 subsection (1B) of this section in  
respect of persons acting as dogmen  
or crane chasers, as the case may be,  
in relation to the type of crane so  
specified.

(b) The Minister may by notice in  
writing—

- 20 (i) to the owner of or any person erecting  
or proposing to erect any particular  
building or structure or to the owner  
of or any person setting up or  
proposing to set up any particular  
25 crane or hoist exempt persons acting  
as riggers in relation to such building,  
structure, crane or hoist from the  
operation of the provisions of  
subsections one and (1A) of this  
30 section whilst they are so acting, and  
persons who employ, instruct or allow  
persons to act as aforesaid from the  
operation of the provisions of  
35 subsection (1B) of this section in  
respect of persons acting as riggers  
in relation to that particular building,  
structure, crane or hoist;
- (ii) to the owner of or any person  
erecting, altering or demolishing or  
40 proposing to erect, alter or demolish  
any



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*Scaffolding and Lifts (Amendment).*

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5 any particular scaffolding exempt  
persons acting as scaffolders in  
relation to such scaffolding from the  
operation of the provisions of sub-  
sections one and (1A) of this section  
whilst they are so acting, and persons  
who employ, instruct or allow persons  
to act as aforesaid from the operation  
10 of the provisions of subsection (1B)  
of this section in respect of persons  
acting as scaffolders in relation to  
that particular scaffolding;

15 (iii) to the owner of any particular crane  
exempt persons acting as dogmen or  
crane chasers in relation to such crane  
from the operation of the provisions  
of subsections one and (1A) of this  
section whilst they are so acting, and  
persons who employ, instruct or allow  
20 persons to act as aforesaid from the  
operation of the provisions of  
subsection (1B) of this section in  
respect of persons acting as dogmen  
or crane chasers, as the case may be,  
25 in relation to that particular crane.

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

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

35 (5B) The Chief Inspector may issue in  
writing to any person a learner's permit  
authorising such person to act, in accordance  
with any conditions endorsed thereon or  
prescribed in relation thereto, as a rigger,  
dogman, scaffolder or crane chaser. A  
learner's permit shall remain in force for  
such



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such period endorsed thereon as the Chief Inspector may determine or as may in relation to such permits be prescribed.

5

Nothing in subsection one or (1B) of this section shall apply to or in respect of any work done by the holder of such a permit, in accordance with any conditions endorsed thereon or prescribed in relation thereto and for the bona fide purpose of such holder learning to be a rigger, dogman, scaffolder or crane chaser, as the case may be.

10

The Chief Inspector may cancel or suspend a learner's permit issued pursuant to this subsection and a person whose learner's permit has been cancelled or is for the time being suspended shall not be deemed to be the holder of such a permit.

15

(v) by omitting from subsection six of the same section the definition of "Rigger" and by inserting in lieu thereof the following definition:—

20

"Rigger" means a person directly responsible for the placing in position of the members of a building or structure, other than scaffolding, in the course of erection and for the manner of ensuring the stability of such members, for dismantling or demolishing buildings or structures, other than scaffolding, or for the setting up of cranes or hoists.

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(vi) by omitting from the same subsection the definition of "Dogman" and by inserting in lieu thereof the following definition:—

35

"Dogman" means a person slinging and directing the movement of loads handled by a crane where such loads are usually not in full view of the crane driver.

(vii)



*Scaffolding and Lifts (Amendment).*

(vii) by omitting from the same subsection the definition of "Crane chaser" and by inserting in lieu thereof the following definition:—

5

"Crane chaser" means a person slinging and directing the movement of loads handled by a crane where such loads are usually in full view of the crane driver.

10

(n) (i) by inserting in subsection one of section Sec. 18. eighteen after the words "with any" the (Notice of accidents.) word "conveyor,";

15

(ii) by inserting in paragraph (b) of the same subsection after the words "part of a" the word "conveyor,";

(iii) by inserting at the end of the same paragraph the following word and new paragraphs:—

or

20

(c) so disables any person working on or about such conveyor, crane, hoist, lift, plant, scaffolding, gear, building work, excavation work or compressed air work as to prevent him from returning to his work within forty-eight hours after the accident; or

25

(d) consists in any person receiving an electric shock; or

30

(e) is an accident involving the failure of any brake, steering or limiting device or other control device of a conveyor, crane, hoist, lift, plant, scaffolding or gear; or

35

(f) consists in the failure of any stud, pin, dowel, screw, rivet, spike or other object expelled from an explosive-powered tool to lodge in the substance on which the tool is being used;

(iv)



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- (iv) by inserting in the same subsection after the words "in charge of such" the word "conveyor";
- 5 (v) by inserting in subsection two of the same section after the words "with any" the word "conveyor,";
- (o) by inserting in paragraph (c) of section nineteen after the words "with any" the word "conveyor,"; Sec. 19.  
(Act not to affect rights of person to recover damages.)
- 10 (p) by inserting at the end of section twenty-one the following new subsections:— Sec. 21.  
(Penalties and proceedings for offences.)
- (2) In any proceedings for the recovery of a penalty or fee imposed by or under this Act a statement purporting to be signed by the Chief Inspector—
- 15 (a) that a certificate or permit of the description specified in the statement has or has not been issued pursuant to this Act to any person so specified and, where a certificate or permit has been so issued, as to the date of issue of and particulars contained in such certificate or permit; or
- 20 (b) that at any date or during any period specified in the statement a person specified in the statement was or was not the holder of a certificate or permit, of the description specified in such statement, issued pursuant to this Act; or
- 25 (c) that at any date specified in the statement a notice as to any matter so specified, being a matter of which notice is required by or under this Act to be given
- 30



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5 given to or served on the Chief Inspector, had or had not been given to or served on the Chief Inspector by any person so specified and, where a notice has been so given or served, as to the date when it was so given or served and as to the particulars contained in such notice;

10 shall be prima facie evidence of the matters contained in the statement without proof of the signature or of the official character of the person by whom the statement appears to have been signed.

15 (3) Where a notice of intention to commence any building work, excavation work or compressed air work has been served on the Chief Inspector the person under whose hand the notice appears to have been given shall in any proceedings for the recovery of a penalty or fee  
20 imposed by or under this Act be deemed, unless the contrary is proved, to be the contractor for that work.

25 (q) (i) by omitting from paragraph (a) of subsection two of section twenty-two the words "any lift" and by inserting in lieu thereof the words "or alter any lift or conveyor";

Sec. 22.  
(Regulations.)

(ii) by inserting in paragraph (b) of the same subsection after the word "lift," the word "conveyor,";

30 (iii) by inserting in paragraph (d) of the same subsection after the word "lift" the words "or conveyor";

35 (iv) by inserting in paragraph (e) of the same subsection after the words "requiring that" the word "conveyors,";

(v)



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*Scaffolding and Lifts (Amendment).*

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- (v) by omitting from subparagraph (i) of paragraph (f) of the same subsection the word "lifts" and by inserting in lieu thereof the words "or alter lifts or conveyors";
- 5 (vi) by inserting in subparagraph (ii) of the same paragraph after the words "descriptions of" the word "conveyors,";
- (vii) by inserting in the same subparagraph after the words "testing of" the word "conveyors,";
- 10 (viii) by omitting subparagraph (v) of the same paragraph and by inserting in lieu thereof the following subparagraphs:—
- (v) any building work, excavation work or compressed air work, of which notice is required by section six of this Act to be served on the Chief Inspector;
- 15 (vi) the issue of learners' permits to persons authorising them to act, in accordance with any conditions endorsed thereon or prescribed in relation thereto, as power crane or power hoist drivers, or as riggers,
- 20 dogmen, scaffolders or crane chasers;
- 25 (ix) by inserting in subparagraph (i) of paragraph (g) of the same subsection after the words "maintenance of" the word conveyors,";
- (x) by inserting in subparagraph (ii) of the same paragraph after the words "charge of" the words "conveyors or";
- 30 (xi)



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*Scaffolding and Lifts (Amendment).*

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- (xi) by inserting in subparagraph (iii) of the same paragraph after the words "dismantling of" the word "conveyors,";
- 5 (xii) by inserting in subparagraph (v) of the same paragraph after the words "connection with" the word "conveyors,";
- (xiii) by inserting next after the same paragraph the following new paragraph:—
- 10 (g1) prohibiting any person not the holder of the appropriate certificate of competency or learner's permit from being employed as or acting as a diver, diver's attendant or powderman, and in relation thereto—
- 15 (i) providing for the examination and certification of divers, divers' attendants and powdermen, or of any class of such persons, and for the granting and issue of certificates of competency and learners' permits;
- 20 (ii) prescribing the fees to be paid in respect of examinations for certificates of competency and the issue of such certificates and of learners' permits;
- 25 (iii) authorising the Chief Inspector by certificate in writing under his hand to exempt, absolutely or subject to conditions, any person or class of persons from all or any of the provisions of the regulations
- 30 made



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*Scaffolding and Lifts (Amendment).*

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- 5 made pursuant to this paragraph where he is satisfied that by reason of the nature of the work to be carried out by such person or class of persons the application of such provisions would be impracticable or inappropriate;
- 10 (xiv) by inserting in subsection three of the same section after the words "maintenance of" the word "conveyors,";
- (xv) by inserting next after the same subsection the following new subsections:—
- 15 (3A) The regulations made under subparagraph (v) of paragraph (f) of subsection two of this section may with respect to the fees prescribed under that subparagraph—
- 20 (a) provide for the assessment of such fees by reference or in relation to the cost or estimated cost of the work in respect of which the fees are to be paid or of the project in which such work is done or to be done or of
- 25 materials employed or services used therein, or according to any specified principle or criterion and may prescribe the method of determining any such cost or estimated cost;
- 30 (b) prescribe different amounts of such fees to be paid in respect of different classes of work or in respect of work done in different areas;
- 35 (c) require that such fees shall be paid in respect of a specified class or specified classes of work only, in respect



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*Scaffolding and Lifts (Amendment).*

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- 5                    respect of all classes of work other than those specified, in respect of work done in a specified area or specified areas only or in respect of all areas other than those specified;
- (d) prescribe graduated scales of such fees;
- 10                    (e) require the payment of such fees at such time or times or by such instalments as may be prescribed;
- 15                    (f) for the purpose of the assessment of such fees, require contractors to furnish such information in relation to the work in respect of which such fees are to be paid or to the project in which such work is done or to be done, in such manner and at such times, as may be prescribed, and may require any such information to be
- 20                    verified by statutory declaration;
- (g) prescribe other matters necessary or convenient to be prescribed in relation to the assessment or payment of such fees.
- 25                    (3B) For the purposes of paragraph (g1) of subsection two of this section—
- “Diver” means diver employed in compressed air work.
- 30                    “Diver’s attendant” means attendant to a diver.
- “Powderman” means a person engaged in the preparation or firing of charges of explosives used in building work, excavation work or compressed air
- 35                    work.



*Scaffolding and Lifts (Amendment).*

**3.** The Scaffolding and Lifts Act, 1912-1948, is further amended—

Further amendment of Act No. 38, 1912.

- |    |   |   |
|----|---|---|
| 5  | (a) by omitting from subsection two of section six the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";                           | Sec. 6.<br>(Notices as to erection of scaffolding, etc., and commencement of building work, etc.) |
| 10 | (b) by omitting from subsection two of section ten the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";                           | Sec. 10.<br>(Notice of erection of lift.)   |
| 15 | (c) by omitting from section fourteen the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";   | Sec. 14.<br>(Inspector may suspend incompetent attendant.)  |
| 20 | (d) by omitting from subsection five of section fifteen the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred and fifty pounds"; | Sec. 15.<br>(Inspector may give directions as to scaffolding, etc.)                               |
| 25 | (e) by omitting from section sixteen the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";   | Sec. 16.<br>(Obstruction of inspectors.)  |
|    | (f) by omitting from subsection three of section eighteen the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds";               | Sec. 18.<br>(Notice of accidents.)  |
|    | (g) by omitting from section twenty-one the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds";                                 | Sec. 21.<br>(Penalties and proceedings for offences.)   |
|    | (h) by omitting from subsection four of section twenty-two the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds".              | Sec. 22.<br>(Regulations.)  |



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*Scaffolding and Lifts (Amendment).*

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4. (1) Any regulations made under subparagraph (v) Savings.  
of paragraph (f) of subsection two of section twenty-two  
of the Scaffolding and Lifts Act, 1912-1948, shall be  
deemed to have and always to have had the same force  
5 and effect as they would have had had subsection (3A)  
of section twenty-two of that Act, as amended by this  
Act, been in force when such regulations were made.

(2) The amendment made by subparagraph (viii)  
of paragraph (q) of section two of this Act shall not  
10 affect the liability incurred by any person for any fee  
payable under any regulation made under the Scaffold-  
ing and Lifts Act, 1912-1948.

(3) A certificate of competency as an authorised  
attendant, a rigger, scaffolder, dogman or crane chaser,  
15 issued or purporting to have been issued under the Scaf-  
folding and Lifts Act, 1912-1948, by the Chief Inspector  
and held by any person immediately before the com-  
mencement of this Act, shall—

20 (a) in the case of a certificate of competency as an  
authorised attendant which does not specify any  
class of passenger lifts as passenger lifts of  
which such person is competent to be in charge,  
be deemed to be a certificate of competency as  
25 an authorised attendant issued under that Act,  
as amended by this Act, by the Chief Inspector  
and to specify all classes of passenger lifts as  
passenger lifts which such person may work or  
operate;

30 (b) in the case of a certificate of competency as an  
authorised attendant which specifies a particular  
class of passenger lifts as passenger lifts of  
which such person is competent to be in charge,  
be deemed to be a certificate of competency as an  
authorised attendant issued under that Act, as  
35 amended by this Act, by the Chief Inspector and  
to specify that particular class of passenger  
lifts as passenger lifts which such person may  
work or operate;

(c)



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*Scaffolding and Lifts (Amendment).*

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- 5 (c) in the case of a certificate of competency as a rigger, be deemed to be a certificate of competency as a rigger issued under that Act, as amended by this Act, by the Chief Inspector and to specify every type of building, structure, crane or hoist as buildings, structures, cranes and hoists, respectively, in relation to which such person may act as a rigger;
- 10 (d) in the case of a certificate of competency as a scaffolder which does not specify any type of scaffolding as scaffolding in relation to which such person may act as a scaffolder, be deemed to be a certificate of competency as a scaffolder issued under that Act, as amended by this Act,
- 15 by the Chief Inspector and to specify every type of scaffolding as scaffolding in relation to which such person may act as a scaffolder;
- 20 (e) in the case of a certificate of competency as a scaffolder which specifies any particular type of scaffolding as scaffolding in relation to which such person may act as a scaffolder, be deemed to be a certificate of competency as a scaffolder issued under that Act, as amended by this Act,
- 25 by the Chief Inspector and to specify that particular type of scaffolding as scaffolding in relation to which such person may act as a scaffolder;
- 30 (f) in the case of a certificate of competency as a dogman or crane chaser, be deemed to be a certificate of competency as a dogman or crane chaser, as the case may be, issued under that Act, as amended by this Act, by the Chief Inspector and to specify every type of crane as cranes in relation to which such person may act as a dogman or crane chaser, as the case may be.
- 35

For the purposes of this subsection a certificate of competency under section 17A of the Scaffolding and Lifts Act, 1912-1948, which was issued to any person before the commencement of this Act and was before that commencement



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*Scaffolding and Lifts (Amendment).*

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commencement suspended under the provisions of sub-  
section five of that section for a period which had not at  
that commencement expired shall upon the expiration of  
that period be deemed to be a certificate of competency  
5 under that Act held by such person immediately before  
that commencement.



## New South Wales



ANNO SEPTIMO

## ELIZABETHÆ II REGINÆ

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### Act No. 3, 1958.

An Act to apply to conveyors those provisions of the Scaffolding and Lifts Act, 1912, as amended by subsequent Acts, that are applicable to lifts; to require additional classes of accidents to be notified to the Chief Inspector of Scaffolding and Lifts; for these and other purposes to amend the said Act, as so amended; to validate certain matters; and for purposes connected therewith. [Assented to, 28th March, 1958.]



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*Scaffolding and Lifts (Amendment).*

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**BE** it enacted by the Queen'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 :—

Short title,  
citation and  
commence-  
ment.

**1.** (1) This Act may be cited as the "Scaffolding and Lifts (Amendment) Act, 1958".

(2) The Scaffolding and Lifts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Scaffolding and Lifts Act, 1912-1958.

(3) 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.

**2.** The Scaffolding and Lifts Act, 1912-1948, is amended—

Sec. 1.  
(Short title.)

(a) by omitting from the matter relating to Part III in section one the word "LIFTS" and by inserting in lieu thereof the words "LIFTS AND CONVEYORS";

Sec. 3.  
(Definitions.)

(b) (i) by omitting from section three the definition of "Authorised attendant" and by inserting in lieu thereof the following definition :—

"Authorised attendant" means a person who is the holder of a certificate of competency issued under section eleven of this Act.

(ii) by omitting from the definition of "Automatic lift" in the same section the words "comprising a car or platform running between guides and";

(iii)



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*Scaffolding and Lifts (Amendment).*

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(iii) by omitting from the same definition the words "such car or platform" and by inserting in lieu thereof the words "the cage or car of the lift";

(iv) by omitting from the same section the definition of "Building work" and by inserting in lieu thereof the following definition:—

"Building work" means—

- (a) work in constructing, erecting, adding to, altering, repairing, equipping, finishing, painting, cleaning, signwriting or demolishing which when done in relation to a building or structure is done at or adjacent to the site thereof, and which when done in relation to a ship is done on or adjacent to a ship in dock or on slips; and
- (b) work in laying or lining any pipe having an internal diameter exceeding twenty-three inches, and work in lining any shaft, well or tunnel.

(v) by omitting from the same section the definition of "Compressed air work" and by inserting in lieu thereof the following definition:—

"Compressed air work" means work done by a person while breathing any gas or mixture of gases at a greater pressure than atmospheric pressure.

(vi) by omitting from the same section the definition of "Contractor" and by inserting in lieu thereof the following definitions:—

"Contractor", in relation to any building work, excavation work or compressed air work, means the person  
**who**



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*Scaffolding and Lifts (Amendment).*

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who by himself (otherwise than as a servant or agent of the person carrying out that work) or by his servants or agents carries out that work.

“Conveyor” means apparatus or contrivance worked by any power other than manual by which goods are raised, lowered or transported or are capable of being raised, lowered or transported by means of—

(a) an endless belt, rope or chain;

(b) buckets, trays or other containers or fittings moved by an endless belt, rope or chain;  
or

(c) a rotating screw,

and includes the supporting structure, machinery, equipment and gear used in connection with the conveyor.

(vii) by omitting from the same section the definition of “Crane” and by inserting in lieu thereof the following definition:—

“Crane” means grab crane, charging crane, excavator, power shovel, floating crane, cableway, overhead travelling crane, jib crane, derrick crane, locomotive crane, cantilever crane, bridge or gantry crane, stripping crane, telfer crane, loader, monorail, fork lift truck and mobile crane and any other crane or apparatus or contrivance used or capable of being used for raising,

lowering,



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*Scaffolding and Lifts (Amendment).*

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lowering, handling or transporting loads in like manner, and includes the supporting structure and the gear used in connection with the crane, but does not include a conveyor, hoist or lift.

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

"Explosive-powered tool" means a tool or device whereby a stud, pin, dowel, screw, rivet, spike or other object is driven against, into or through a substance by means of an explosive.

- (ix) by omitting from the same section the definition of "Gear" and by inserting in lieu thereof the following definition:—

"Gear" means any gear or equipment, other than plant, used in connection with any conveyor, lift, crane, hoist, scaffolding, plant, building work, excavation work or compressed air work.

- (x) by omitting from the same section the definition of "Hoist" and by inserting in lieu thereof the following definition:—

"Hoist" means sheerlegs, derrick pole, hand chain block, pole erecting hoist, stacking machine, direct ram hoist, fixed hoist, whip hoist, skip hoist, inclined skid, inclined slipway, tower hoist, pile driver, tilter, or any machine used for or capable of being used for driving or pulling down any pile or any cylinder or casing used in connection with the forming of any pile, and includes the supporting structure and the gear used in connection with the hoist.

(xi)



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*Scaffolding and Lifts (Amendment).*

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- (xi) by omitting from the same section the definition of "Lift" and by inserting in lieu thereof the following definition:—

"Lift" means any apparatus or contrivance by which persons or goods are raised or lowered or are capable of being raised or lowered within a cage or car, the direction of movement of which is restricted by a guide or guides and includes the supporting structure, machinery, equipment, gear and enclosures used in connection with the lift, but does not include conveyor, crane or hoist.

- (xii) by inserting in the definition of "Owner" in the same section after the word "any" the word "conveyor,";

- (xiii) by inserting in the same section next after paragraph (a) of the definition of "Plant" the following new paragraph:—

(a1) any explosive-powered tool; and;

- (xiv) by inserting in the same definition after the word "include" the word "conveyor,";

- (xv) by omitting the definition of "Scaffolding" and by inserting in lieu thereof the following definition:—

"Scaffolding" means—

(a) structure, staging, platform or swinging stage or boat-swain's chair set up or used for or in connection with—

- (i) the carrying out of building work, excavation work or compressed air work;

(ii)



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*Scaffolding and Lifts (Amendment).*

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- (ii) the erection or dismantling of machinery, plant or equipment; or
- (iii) the erection or demolition of stacks of timber, goods or materials; and
- (b) form work set up or used for or in connection with the carrying out of building work, excavation work or compressed air work, other than any such form work which is not intended to be set up or used to support any person during the carrying out of such building work, excavation work or compressed air work, and includes the supporting structure and gear used in connection with the scaffolding.
- (xvi) by inserting in the definition of "Supporting structure" in the same section after the word "lift," the word "conveyor,";
- (c) by inserting in paragraph (a) of section 4A after the word "any" where firstly occurring the word "conveyor,"; Sec. 4A.  
(Act not to apply to certain cranes, lifts, building work, etc.)
- (d) (i) by inserting in paragraph (a) of subsection one of section six after the word "scaffolding" the words "or any explosive"; Sec. 6.  
(Notices as to erection of scaffolding, etc., and commencement of building work, etc.)
- (ii) by inserting next after the same paragraph the following new paragraph:—
  - (a1) to carry out any building work, other than that referred to in paragraph (a) of this subsection, being—
    - (i) the demolition of a building or structure; or
    - (ii)



*Scaffolding and Lifts (Amendment).*

- (ii) the work of sheathing the roof of any building or structure, whether erected or in the course of erection, with asbestos cement or other brittle material; or;

New sec.  
6A.

(e) by inserting next after section six the following new section:—

Fees payable  
in respect  
of certain  
building  
work,  
excavation  
work and  
compressed  
air work.

6A. (1) This section applies to—

(a) any work referred to in paragraph (a) or (a1) of subsection one of section six of this Act in respect of which any person is; and

(b) any work referred to in paragraph (a) of that subsection in respect of which any person was, before the appointed day,

required, in accordance with the provisions of that subsection, to serve on the Chief Inspector a notice of such person's intention to carry out such work.

(2) Any contractor who—

(a) commences to carry out any work to which this section applies; or

(b) continues to carry out any such work—

(i) being work referred to in paragraph (a) of subsection one of section six of this Act, as enacted immediately before the appointed day, and commenced before the appointed day; or

(ii) commenced after the appointed day,

while any notification fee payable in respect of a notice of intention to carry out such work served on the Chief Inspector in accordance with the provisions of subsection one of section six of this Act, as enacted immediately before the appointed



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*Scaffolding and Lifts (Amendment).*

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appointed day, or in respect of such work, as the case may be, or where payment of such fee by instalments is authorised under the regulations made under this Act, any instalment of such fee which is due and payable, remains unpaid shall be liable to a penalty not exceeding one hundred pounds.

(3) A court of petty sessions or industrial magistrate may, in addition to or instead of imposing a penalty for an offence under this section, order the person guilty of the offence to pay any notification fee found by the court or magistrate to be payable by such person. Any such order shall operate as an order for the payment of money under the Small Debts Recovery Act, 1912, as amended by subsequent Acts, and be enforceable as such under the provisions of that Act, as so amended.

(4) (a) Any notification fee payable in respect of any notice of intention to carry out any work to which this section applies served on the Chief Inspector in accordance with the provisions of subsection one of section six of this Act, as enacted immediately before the appointed day, or in respect of any such work, shall be paid to the Under Secretary, Department of Labour and Industry and shall be paid by the contractor by whom such work is to be carried out or continued, as the case may be.

(b) Any such fee may be sued for and recovered as a debt for and on behalf of the Crown by any person for the time being authorised by the Minister to sue for and recover such fee.

(5) In this section—

“Appointed day” means the day on which the Scaffolding and Lifts (Amendment) Act, 1958, commences.

“Notification



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*Scaffolding and Lifts (Amendment).*

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“Notification fee” means—

- (a) in a case where notice of intention to carry out work to which this section applies was served on the Chief Inspector before the appointed day in accordance with the provisions of subsection one of section six of this Act, the fee in respect of the notice of intention to commence such work payable under the regulations in force at the time when such notice was so served;
- (b) in a case where notice of intention to carry out such work was not so served before the appointed day and such work was commenced before that day, the fee in respect of such notice that would, if such notice had been so served immediately before such work was commenced, have been payable under the regulations in force immediately before such work was commenced; and
- (c) in a case where work to which this section applies is commenced after the appointed day and notice of intention to carry out such work was not, before that day, served on the Chief Inspector in accordance with the provisions of subsection one of section six of this Act, as enacted immediately before that day, the prescribed fee payable in respect of such work.

(f)



*Scaffolding and Lifts (Amendment).*

(f) by inserting in the heading to Part III after the word "LIFTS" the words "AND CONVEYORS";

Part III.  
Heading.

(g) (i) by inserting in subsection one of section ten after the word "erect" the words "or alter";

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

(ii) by inserting in the same subsection after the word "lift" where firstly occurring the words "or conveyor";

(iii) by omitting from the same subsection the words "such lift" and by inserting in lieu thereof the words "or altering such lift or conveyor, as the case may be,";

(h) by omitting section eleven and by inserting in lieu thereof the following section:—

Subst.  
sec. 11.

11. (1) Subject to this section, any person who—

Authorised  
attendant  
be in charge  
of lift.

(a) not being an authorised attendant works, operates or interferes with the working of a passenger lift;

(b) being an authorised attendant whose certificate of competency as such specifies particular classes of passenger lifts which he may work or operate, works, operates or interferes with the working of a passenger lift of a class other than those specified in such certificate of competency;

(c) employs, instructs or allows—

(i) any person who is not an authorised attendant to work, operate or interfere with the working of a passenger lift;

(ii)



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*Scaffolding and Lifts (Amendment).*

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- (ii) any person who is an authorised attendant and whose certificate of competency as such specifies particular classes of passenger lifts which he may work or operate to work, operate or interfere with the working of a passenger lift of a class other than those specified in such certificate of competency,

shall be liable to a penalty not exceeding twenty pounds.

(2) (a) The Chief Inspector may issue to any person who satisfies him that such person is of or above the age of eighteen years and is competent to work or operate a passenger lift a certificate of competency as an authorised attendant.

(b) A certificate of competency under this section may specify the class of passenger lifts which the holder of such certificate may work or operate.

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

(4) Nothing in subsection one of this section shall apply to the working, operating or interfering with the working of—

- (a) any lift by the bona fide owner, lessee or manager of the building wherein the lift is situated, in a case of emergency;
- (b) any lift by a workman bona fide engaged in inspecting, repairing, erecting or altering the lift;

(c)



*Scaffolding and Lifts (Amendment).*

(c) any automatic lift or such other class of lifts as the Minister may, by notice published in the Gazette, specify as being a class of lifts to which the said subsection shall not apply.

(5) Nothing in this section shall affect the operation of section thirty-seven of the Factories and Shops Act, 1912, as amended by subsequent Acts.

(i) (i) by inserting in paragraph (a) of section Sec. 13. thirteen after the word "lift," the word (Powers of inspectors.) "conveyor,";

(ii) by inserting in the same paragraph after the word "construction," the words "or which he has reasonable cause to believe has been constructed or used, or is in the course of construction, or any building, place or premises in or on which any such thing is constructed, used, intended to be used or in course of construction or in or on which he has reasonable cause to believe that any such thing is constructed, used, intended to be used or in course of construction,";

(iii) by inserting in the same paragraph after the words "compressed air work" the words "which is being carried out or which he has reasonable cause to believe is being carried out";

(j) (i) by inserting in section fourteen after the Sec. 14. word "lift" where firstly occurring the (Inspector may suspend incompetent attendant.) words "or a conveyor";

(ii) by inserting in the same section after the word "lift" where secondly and thirdly occurring the words "or conveyor";

(k)



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*Scaffolding and Lifts (Amendment).*


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

- (k) (i) by inserting in subsections one and two of section fifteen after the word "lift" wherever occurring the words "or conveyor";
- (ii) by inserting in paragraph (a) of subsection one of the same section after the word "district" the words ", or in or on any building, place or premises in any district,";
- (iii) by inserting at the end of subsection one of the same section the following words:—

Where such directions are, or any order on appeal therefrom is, of a continuing nature such person shall continue at all future times to carry out or comply with such directions, as varied from time to time, or any such order until the same are or is revoked.

- (iv) by omitting from subsection four of the same section the words "twenty-four hours" and by inserting in lieu thereof the words "seven days, or, where any other time has been prescribed, within such prescribed time,";
- (v) by inserting at the end of the same subsection the following new paragraph:—
- The regulations under this Act may prescribe the manner in which an appeal under this subsection may be made.

Sec. 17.  
(Power  
crane and  
power hoist  
drivers.)

- (l) (i) by omitting paragraph (c) of subsection one of section seventeen and by inserting in lieu thereof the following new paragraph:—
- (c) any power hoist used for raising or lowering persons;
- (ii) by inserting in subsection three of the same section after the word "drive" wherever occurring the words "in any district";
- (iii)



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*Scaffolding and Lifts (Amendment).*

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- (iii) by inserting at the end of subsection six of the same section the following new paragraph:—

The regulations under this Act may prescribe the manner in which an appeal under this subsection may be made.

- (iv) by inserting at the end of the same section the following new subsection:—

(10) The Chief Inspector may issue in writing to any person a learner's permit authorising such person to act, in accordance with any conditions endorsed thereon or prescribed in relation thereto, as a power crane or power hoist driver. A learner's permit shall remain in force for such period endorsed thereon as the Chief Inspector may determine or as may in relation to such permits be prescribed.

Nothing in subsection one or three of this section shall apply to or in respect of the driving of a power crane or a power hoist, as the case may be, by the holder of such a permit, in accordance with any conditions endorsed thereon or prescribed in relation thereto and for the bona fide purpose of such holder learning to be a power crane or power hoist driver, as the case may be.

The Chief Inspector may cancel or suspend a learner's permit issued pursuant to this subsection and a person whose learner's permit has been cancelled or is for the time being suspended shall not be deemed to be the holder of such a permit.

(m)



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*Scaffolding and Lifts (Amendment).*

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Sec. 17A.  
(Riggers,  
dogmen,  
scaffolders  
and crane  
chasers.)

(m) (i) by inserting next after subsection one of section 17A the following new subsections:—

(1A) Any person who is the holder of a certificate of competency—

- (a) as a rigger and who in any district acts as a rigger in relation to any type of building, structure, crane or hoist;
- (b) as a scaffolder and who in any district acts as a scaffolder in relation to any type of scaffolding;
- (c) as a dogman or crane chaser and who in any district acts as a dogman or crane chaser, as the case may be, in relation to any type of crane,

other than those specified in the certificate of competency as a rigger, scaffolder, dogman or crane chaser, as the case may be, issued to him under this section shall be guilty of an offence against this Act.

(1B) Any person who employs, instructs or allows—

- (a) any person who is not the holder of the appropriate certificate of competency to act in any district as a rigger, dogman, scaffolder or crane chaser; or
- (b) any person who is the holder of a certificate of competency—
  - (i) as a rigger, to act in any district as a rigger in relation to any type of building, structure, crane or hoist;
  - (ii) as a scaffolder, to act in any district as a scaffolder in relation to any type of scaffolding;

(iii)



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*Scaffolding and Lifts (Amendment).*

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- (iii) as a dogman or crane chaser, to act in any district as a dogman or crane chaser, as the case may be, in relation to any type of crane,

other than those specified in the certificate of competency as a rigger, scaffolder, dogman or crane chaser, as the case may be, issued to him under this section shall be guilty of an offence against this Act.

- (ii) by inserting at the end of subsection two of the same section the following new paragraph:—

(b) A certificate of competency under this section—

- (i) as a rigger, may specify the type of building, structure, crane or hoist;
- (ii) as a scaffolder, may specify the type of scaffolding;
- (iii) as a dogman or crane chaser, may specify the type of crane,

in relation to which the holder of such certificate may act as a rigger, scaffolder, dogman or crane chaser, as the case may be.

- (iii) by inserting at the end of subsection four of the same section the following new paragraph:—

The regulations under this Act may prescribe the manner in which an appeal under this subsection may be made.

(iv)



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*Scaffolding and Lifts (Amendment).*

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(iv) by inserting next after subsection five of the same section the following new subsections:—

(5A) (a) The Minister may by notification published in the Gazette exempt—

(i) persons acting as riggers in relation to any type of building, structure, crane or hoist specified in such notification from the operation of the provisions of subsections one and (1A) of this section whilst they are so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B) of this section in respect of persons acting as riggers in relation to the type of building, structure, crane or hoist so specified;

(ii) persons acting as scaffolders in relation to any type of scaffolding specified in such notification from the operation of the provisions of subsections one and (1A) of this section whilst they are so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B) of this section in respect of persons acting as scaffolders in relation to the type of scaffolding so specified;

(iii) persons acting as dogmen or crane chasers in relation to any type of crane specified in such notification, to all cranes used in connection with any industry so specified, to any type of crane so specified while it is used in



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*Scaffolding and Lifts (Amendment).*

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in connection with any industry so specified, to all cranes used in any building, place or premises so specified, or to any type of crane so specified while it is used in any building, place or premises so specified, from the operation of the provisions of subsections one and (1A) of this section whilst they are so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B) of this section in respect of persons acting as dogmen or crane chasers, as the case may be, in relation to the type of crane so specified.

(b) The Minister may by notice in writing—

- (i) to the owner of or any person erecting or proposing to erect any particular building or structure or to the owner of or any person setting up or proposing to set up any particular crane or hoist exempt persons acting as riggers in relation to such building, structure, crane or hoist from the operation of the provisions of subsections one and (1A) of this section whilst they are so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B) of this section in respect of persons acting as riggers in relation to that particular building, structure, crane or hoist;
- (ii) to the owner of or any person erecting, altering or demolishing or proposing to erect, alter or demolish  
any



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*Scaffolding and Lifts (Amendment).*

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any particular scaffolding exempt persons acting as scaffolders in relation to such scaffolding from the operation of the provisions of subsections one and (1A) of this section whilst they are so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B) of this section in respect of persons acting as scaffolders in relation to that particular scaffolding;

- (iii) to the owner of any particular crane exempt persons acting as dogmen or crane chasers in relation to such crane from the operation of the provisions of subsections one and (1A) of this section whilst they are so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B) of this section in respect of persons acting as dogmen or crane chasers, as the case may be, in relation to that particular crane.

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

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

(5B) The Chief Inspector may issue in writing to any person a learner's permit authorising such person to act, in accordance with any conditions endorsed thereon or prescribed in relation thereto, as a rigger, dogman, scaffolder or crane chaser. A learner's permit shall remain in force for such



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*Scaffolding and Lifts (Amendment).*

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such period endorsed thereon as the Chief Inspector may determine or as may in relation to such permits be prescribed.

Nothing in subsection one or (1B) of this section shall apply to or in respect of any work done by the holder of such a permit, in accordance with any conditions endorsed thereon or prescribed in relation thereto and for the bona fide purpose of such holder learning to be a rigger, dogman, scaffolder or crane chaser, as the case may be.

The Chief Inspector may cancel or suspend a learner's permit issued pursuant to this subsection and a person whose learner's permit has been cancelled or is for the time being suspended shall not be deemed to be the holder of such a permit.

- (v) by omitting from subsection six of the same section the definition of "Rigger" and by inserting in lieu thereof the following definition:—

"Rigger" means a person directly responsible for the placing in position of the members of a building or structure, other than scaffolding, in the course of erection and for the manner of ensuring the stability of such members, for dismantling or demolishing buildings or structures, other than scaffolding, or for the setting up of cranes or hoists.

- (vi) by omitting from the same subsection the definition of "Dogman" and by inserting in lieu thereof the following definition:—

"Dogman" means a person slinging and directing the movement of loads handled by a crane where such loads are usually not in full view of the crane driver.

(vii)



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*Scaffolding and Lifts (Amendment).*


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- (vii) by omitting from the same subsection the definition of "Crane chaser" and by inserting in lieu thereof the following definition:—

"Crane chaser" means a person slinging and directing the movement of loads handled by a crane where such loads are usually in full view of the crane driver.

Sec. 18.  
(Notice of  
accidents.)

- (n) (i) by inserting in subsection one of section eighteen after the words "with any" the word "conveyor,";
- (ii) by inserting in paragraph (b) of the same subsection after the words "part of a" the word "conveyor,";
- (iii) by inserting at the end of the same paragraph the following word and new paragraphs:—

or

- (c) so disables any person working on or about such conveyor, crane, hoist, lift, plant, scaffolding, gear, building work, excavation work or compressed air work as to prevent him from returning to his work within forty-eight hours after the accident; or
- (d) consists in any person receiving an electric shock; or
- (e) is an accident involving the failure of any brake, steering or limiting device or other control device of a conveyor, crane, hoist, lift, plant, scaffolding or gear; or
- (f) consists in the failure of any stud, pin, dowel, screw, rivet, spike or other object expelled from an explosive-powered tool to lodge in the substance on which the tool is being used;
- (iv)



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*Scaffolding and Lifts (Amendment).*

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- (iv) by inserting in the same subsection after the words "in charge of such" the word "conveyor";
- (v) by inserting in subsection two of the same section after the words "with any" the word "conveyor,";
- (o) by inserting in paragraph (c) of section nineteen after the words "with any" the word "conveyor,"; Sec. 19.  
(Act not to affect rights of person to recover damages.)
- (p) by inserting at the end of section twenty-one the following new subsections:— Sec. 21.  
(Penalties and proceedings for offences.)
  - (2) In any proceedings for the recovery of a penalty or fee imposed by or under this Act a statement purporting to be signed by the Chief Inspector—
    - (a) that a certificate or permit of the description specified in the statement has or has not been issued pursuant to this Act to any person so specified and, where a certificate or permit has been so issued, as to the date of issue of and particulars contained in such certificate or permit; or
    - (b) that at any date or during any period specified in the statement a person specified in the statement was or was not the holder of a certificate or permit, of the description specified in such statement, issued pursuant to this Act; or
    - (c) that at any date specified in the statement a notice as to any matter so specified, being a matter of which notice is required by or under this Act to be given



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*Scaffolding and Lifts (Amendment).*

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given to or served on the Chief Inspector, had or had not been given to or served on the Chief Inspector by any person so specified and, where a notice has been so given or served, as to the date when it was so given or served and as to the particulars contained in such notice;

shall be prima facie evidence of the matters contained in the statement without proof of the signature or of the official character of the person by whom the statement appears to have been signed.

(3) Where a notice of intention to commence any building work, excavation work or compressed air work has been served on the Chief Inspector the person under whose hand the notice appears to have been given shall in any proceedings for the recovery of a penalty or fee imposed by or under this Act be deemed, unless the contrary is proved, to be the contractor for that work.

Sec. 22.  
(Regulations.)

(q) (i) by omitting from paragraph (a) of subsection two of section twenty-two the words "any lift" and by inserting in lieu thereof the words "or alter any lift or conveyor";

(ii) by inserting in paragraph (b) of the same subsection after the word "lift," the word "conveyor,";

(iii) by inserting in paragraph (d) of the same subsection after the word "lift" the words "or conveyor";

(iv) by inserting in paragraph (e) of the same subsection after the words "requiring that" the word "conveyors,";

(v)



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*Scaffolding and Lifts (Amendment):*

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- (v) by omitting from subparagraph (i) of paragraph (f) of the same subsection the word "lifts" and by inserting in lieu thereof the words "or alter lifts or conveyors";
- (vi) by inserting in subparagraph (ii) of the same paragraph after the words "descriptions of" the word "conveyors,";
- (vii) by inserting in the same subparagraph after the words "testing of" the word "conveyors,";
- (viii) by omitting subparagraph (v) of the same paragraph and by inserting in lieu thereof the following subparagraphs:—
  - (v) any building work, excavation work or compressed air work, of which notice is required by section six of this Act to be served on the Chief Inspector;
  - (vi) the issue of learners' permits to persons authorising them to act, in accordance with any conditions endorsed thereon or prescribed in relation thereto, as power crane or power hoist drivers, or as riggers, dogmen, scaffolders or crane chasers;
- (ix) by inserting in subparagraph (i) of paragraph (g) of the same subsection after the words "maintenance of" the word "conveyors,";
- (x) by inserting in subparagraph (ii) of the same paragraph after the words "charge of" the words "conveyors or";
- (xi)



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*Scaffolding and Lifts (Amendment).*

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- (xi) by inserting in subparagraph (iii) of the same paragraph after the words "dismantling of" the word "conveyors,";
- (xii) by inserting in subparagraph (v) of the same paragraph after the words "connection with" the word "conveyors,";
- (xiii) by inserting next after the same paragraph the following new paragraph:—
  - (g1) prohibiting any person not the holder of the appropriate certificate of competency or learner's permit from being employed as or acting as a diver, diver's attendant or powderman, and in relation thereto—
    - (i) providing for the examination and certification of divers, divers' attendants and powdermen, or of any class of such persons, and for the granting and issue of certificates of competency and learners' permits;
    - (ii) prescribing the fees to be paid in respect of examinations for certificates of competency and the issue of such certificates and of learners' permits;
    - (iii) authorising the Chief Inspector by certificate in writing under his hand to exempt, absolutely or subject to conditions, any person or class of persons from all or any of the provisions of the regulations made



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*Scaffolding and Lifts (Amendment).*

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made pursuant to this paragraph where he is satisfied that by reason of the nature of the work to be carried out by such person or class of persons the application of such provisions would be impracticable or inappropriate;

(xiv) by inserting in subsection three of the same section after the words "maintenance of" the word "conveyors,";

(xv) by inserting next after the same subsection the following new subsections:—

(3A) The regulations made under subparagraph (v) of paragraph (f) of subsection two of this section may with respect to the fees prescribed under that subparagraph—

- (a) provide for the assessment of such fees by reference or in relation to the cost or estimated cost of the work in respect of which the fees are to be paid or of the project in which such work is done or to be done or of materials employed or services used therein, or according to any specified principle or criterion and may prescribe the method of determining any such cost or estimated cost;
- (b) prescribe different amounts of such fees to be paid in respect of different classes of work or in respect of work done in different areas;
- (c) require that such fees shall be paid in respect of a specified class or specified classes of work only, in respect



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*Scaffolding and Lifts (Amendment).*

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respect of all classes of work other than those specified, in respect of work done in a specified area or specified areas only or in respect of all areas other than those specified;

- (d) prescribe graduated scales of such fees;
- (e) require the payment of such fees at such time or times or by such instalments as may be prescribed;
- (f) for the purpose of the assessment of such fees, require contractors to furnish such information in relation to the work in respect of which such fees are to be paid or to the project in which such work is done or to be done, in such manner and at such times, as may be prescribed, and may require any such information to be verified by statutory declaration;
- (g) prescribe other matters necessary or convenient to be prescribed in relation to the assessment or payment of such fees.

(3B) For the purposes of paragraph (g1) of subsection two of this section—

“Diver” means diver employed in compressed air work.

“Diver’s attendant” means attendant to a diver.

“Powderman” means a person engaged in the preparation or firing of charges of explosives used in building work, excavation work or compressed air work.



*Scaffolding and Lifts (Amendment).*

- 3.** The Scaffolding and Lifts Act, 1912-1948, is further amended—
- (a) by omitting from subsection two of section six the words “twenty pounds” and by inserting in lieu thereof the words “fifty pounds”; Further amendment of Act No. 38, 1912.  
Sec. 6.  
(Notices as to erection of scaffolding, etc., and commencement of building work, etc.)
  - (b) by omitting from subsection two of section ten the words “twenty pounds” and by inserting in lieu thereof the words “fifty pounds”; Sec. 10.  
(Notice of erection of lift.)
  - (c) by omitting from section fourteen the words “ten pounds” and by inserting in lieu thereof the words “fifty pounds”; Sec. 14.  
(Inspector may suspend incompetent attendant.)
  - (d) by omitting from subsection five of section fifteen the words “one hundred pounds” and by inserting in lieu thereof the words “two hundred and fifty pounds”; Sec. 15.  
(Inspector may give directions as to scaffolding, etc.)
  - (e) by omitting from section sixteen the words “twenty pounds” and by inserting in lieu thereof the words “fifty pounds”; Sec. 16.  
(Obstruction of inspectors.)
  - (f) by omitting from subsection three of section eighteen the words “fifty pounds” and by inserting in lieu thereof the words “one hundred pounds”; Sec. 18.  
(Notice of accidents.)
  - (g) by omitting from section twenty-one the words “fifty pounds” and by inserting in lieu thereof the words “one hundred pounds”; Sec. 21.  
(Penalties and proceedings for offences.)
  - (h) by omitting from subsection four of section twenty-two the words “fifty pounds” and by inserting in lieu thereof the words “one hundred pounds”. Sec. 22.  
(Regulations.)



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*Scaffolding and Lifts (Amendment).*

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Savings.

4. (1) Any regulations made under subparagraph (v) of paragraph (f) of subsection two of section twenty-two of the Scaffolding and Lifts Act, 1912-1948, shall be deemed to have and always to have had the same force and effect as they would have had had subsection (3A) of section twenty-two of that Act, as amended by this Act, been in force when such regulations were made.

(2) The amendment made by subparagraph (viii) of paragraph (q) of section two of this Act shall not affect the liability incurred by any person for any fee payable under any regulation made under the Scaffolding and Lifts Act, 1912-1948.

(3) A certificate of competency as an authorised attendant, a rigger, scaffolder, dogman or crane chaser, issued or purporting to have been issued under the Scaffolding and Lifts Act, 1912-1948, by the Chief Inspector and held by any person immediately before the commencement of this Act, shall—

- (a) in the case of a certificate of competency as an authorised attendant which does not specify any class of passenger lifts as passenger lifts of which such person is competent to be in charge, be deemed to be a certificate of competency as an authorised attendant issued under that Act, as amended by this Act, by the Chief Inspector and to specify all classes of passenger lifts as passenger lifts which such person may work or operate;
- (b) in the case of a certificate of competency as an authorised attendant which specifies a particular class of passenger lifts as passenger lifts of which such person is competent to be in charge, be deemed to be a certificate of competency as an authorised attendant issued under that Act, as amended by this Act, by the Chief Inspector and to specify that particular class of passenger lifts as passenger lifts which such person may work or operate;

(c)



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*Scaffolding and Lifts (Amendment).*

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- (c) in the case of a certificate of competency as a rigger, be deemed to be a certificate of competency as a rigger issued under that Act, as amended by this Act, by the Chief Inspector and to specify every type of building, structure, crane or hoist as buildings, structures, cranes and hoists, respectively, in relation to which such person may act as a rigger;
- (d) in the case of a certificate of competency as a scaffolder which does not specify any type of scaffolding as scaffolding in relation to which such person may act as a scaffolder, be deemed to be a certificate of competency as a scaffolder issued under that Act, as amended by this Act, by the Chief Inspector and to specify every type of scaffolding as scaffolding in relation to which such person may act as a scaffolder;
- (e) in the case of a certificate of competency as a scaffolder which specifies any particular type of scaffolding as scaffolding in relation to which such person may act as a scaffolder, be deemed to be a certificate of competency as a scaffolder issued under that Act, as amended by this Act, by the Chief Inspector and to specify that particular type of scaffolding as scaffolding in relation to which such person may act as a scaffolder;
- (f) in the case of a certificate of competency as a dogman or crane chaser, be deemed to be a certificate of competency as a dogman or crane chaser, as the case may be, issued under that Act, as amended by this Act, by the Chief Inspector and to specify every type of crane as cranes in relation to which such person may act as a dogman or crane chaser, as the case may be.

For the purposes of this subsection a certificate of competency under section 17A of the Scaffolding and Lifts Act, 1912-1948, which was issued to any person before the commencement of this Act and was before that commencement



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*Scaffolding and Lifts (Amendment).*

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commencement suspended under the provisions of subsection five of that section for a period which had not at that commencement expired shall upon the expiration of that period be deemed to be a certificate of competency under that Act held by such person immediately before that commencement.

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By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1958



*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.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 19 March, 1958.*

## New South Wales



ANNO SEPTIMO

ELIZABETHÆ II REGINÆ

\*\*\*\*\*

Act No. 3, 1958.

An Act to apply to conveyors those provisions of the Scaffolding and Lifts Act, 1912, as amended by subsequent Acts, that are applicable to lifts; to require additional classes of accidents to be notified to the Chief Inspector of Scaffolding and Lifts; for these and other purposes to amend the said Act, as so amended; to validate certain matters; and for purposes connected therewith. [Assented to, 28th March, 1958.]

BE

*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.*



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*Scaffolding and Lifts (Amendment).*

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**BE** it enacted by the Queen'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 :—

Short title,  
citation and  
commence-  
ment.

**1.** (1) This Act may be cited as the "Scaffolding and Lifts (Amendment) Act, 1958".

(2) The Scaffolding and Lifts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Scaffolding and Lifts Act, 1912-1958.

(3) 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.

**2.** The Scaffolding and Lifts Act, 1912-1948, is amended—

Sec. 1.  
(Short title.)

(a) by omitting from the matter relating to Part III in section one the word "LIFTS" and by inserting in lieu thereof the words "LIFTS AND CONVEYORS";

Sec. 3.  
(Definitions.)

(b) (i) by omitting from section three the definition of "Authorised attendant" and by inserting in lieu thereof the following definition :—

"Authorised attendant" means a person who is the holder of a certificate of competency issued under section eleven of this Act.

(ii) by omitting from the definition of "Automatic lift" in the same section the words "comprising a car or platform running between guides and";

(iii)



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*Scaffolding and Lifts (Amendment).*

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(iii) by omitting from the same definition the words "such car or platform" and by inserting in lieu thereof the words "the cage or car of the lift";

(iv) by omitting from the same section the definition of "Building work" and by inserting in lieu thereof the following definition:—

"Building work" means—

(a) work in constructing, erecting, adding to, altering, repairing, equipping, finishing, painting, cleaning, signwriting or demolishing which when done in relation to a building or structure is done at or adjacent to the site thereof, and which when done in relation to a ship is done on or adjacent to a ship in dock or on slips; and

(b) work in laying or lining any pipe having an internal diameter exceeding twenty-three inches, and work in lining any shaft, well or tunnel.

(v) by omitting from the same section the definition of "Compressed air work" and by inserting in lieu thereof the following definition:—

"Compressed air work" means work done by a person while breathing any gas or mixture of gases at a greater pressure than atmospheric pressure.

(vi) by omitting from the same section the definition of "Contractor" and by inserting in lieu thereof the following definitions:—

"Contractor", in relation to any building work, excavation work or compressed air work, means the person  
who



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*Scaffolding and Lifts (Amendment).*

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who by himself (otherwise than as a servant or agent of the person carrying out that work) or by his servants or agents carries out that work.

“Conveyor” means apparatus or contrivance worked by any power other than manual by which goods are raised, lowered or transported or are capable of being raised, lowered or transported by means of—

(a) an endless belt, rope or chain;

(b) buckets, trays or other containers or fittings moved by an endless belt, rope or chain;  
or

(c) a rotating screw,

and includes the supporting structure, machinery, equipment and gear used in connection with the conveyor.

(vii) by omitting from the same section the definition of “Crane” and by inserting in lieu thereof the following definition:—

“Crane” means grab crane, charging crane, excavator, power shovel, floating crane, cableway, overhead travelling crane, jib crane, derrick crane, locomotive crane, cantilever crane, bridge or gantry crane, stripping crane, telpher crane, loader, monorail, fork lift truck and mobile crane and any other crane or apparatus or contrivance used or capable of being used for raising,

lowering,



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*Scaffolding and Lifts (Amendment).*

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lowering, handling or transporting loads in like manner, and includes the supporting structure and the gear used in connection with the crane, but does not include a conveyor, hoist or lift.

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

"Explosive-powered tool" means a tool or device whereby a stud, pin, dowel, screw, rivet, spike or other object is driven against, into or through a substance by means of an explosive.

- (ix) by omitting from the same section the definition of "Gear" and by inserting in lieu thereof the following definition:—

"Gear" means any gear or equipment, other than plant, used in connection with any conveyor, lift, crane, hoist, scaffolding, plant, building work, excavation work or compressed air work.

- (x) by omitting from the same section the definition of "Hoist" and by inserting in lieu thereof the following definition:—

"Hoist" means sheerlegs, derrick pole, hand chain block, pole erecting hoist, stacking machine, direct ram hoist, fixed hoist, whip hoist, skip hoist, inclined skid, inclined slipway, tower hoist, pile driver, tilter, or any machine used for or capable of being used for driving or pulling down any pile or any cylinder or casing used in connection with the forming of any pile, and includes the supporting structure and the gear used in connection with the hoist.

(xi)



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*Scaffolding and Lifts (Amendment).*

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- (xi) by omitting from the same section the definition of "Lift" and by inserting in lieu thereof the following definition:—

"Lift" means any apparatus or contrivance by which persons or goods are raised or lowered or are capable of being raised or lowered within a cage or car, the direction of movement of which is restricted by a guide or guides and includes the supporting structure, machinery, equipment, gear and enclosures used in connection with the lift, but does not include conveyor, crane or hoist.

- (xii) by inserting in the definition of "Owner" in the same section after the word "any" the word "conveyor,";

- (xiii) by inserting in the same section next after paragraph (a) of the definition of "Plant" the following new paragraph:—

(a1) any explosive-powered tool; and;

- (xiv) by inserting in the same definition after the word "include" the word "conveyor,";

- (xv) by omitting the definition of "Scaffolding" and by inserting in lieu thereof the following definition:—

"Scaffolding" means—

(a) structure, staging, platform or swinging stage or boat-swain's chair set up or used for or in connection with—

- (i) the carrying out of building work, excavation work or compressed air work;

(ii)



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*Scaffolding and Lifts (Amendment).*

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- (ii) the erection or dismantling of machinery, plant or equipment; or
- (iii) the erection or demolition of stacks of timber, goods or materials; and

(b) form work set up or used for or in connection with the carrying out of building work, excavation work or compressed air work, other than any such form work which is not intended to be set up or used to support any person during the carrying out of such building work, excavation work or compressed air work,

and includes the supporting structure and gear used in connection with the scaffolding.

(xvi) by inserting in the definition of "Supporting structure" in the same section after the word "lift," the word "conveyor,";

(c) by inserting in paragraph (a) of section 4A after the word "any" where firstly occurring the word "conveyor,";

Sec. 4A.  
(Act not to apply to certain cranes, lifts, building work, etc.)

(d) (i) by inserting in paragraph (a) of subsection one of section six after the word "scaffolding" the words "or any explosive";

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

(ii) by inserting next after the same paragraph the following new paragraph:—

(a1) to carry out any building work, other than that referred to in paragraph (a) of this subsection, being—

(i) the demolition of a building or structure; or

(ii)



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*Scaffolding and Lifts (Amendment).*

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- (ii) the work of sheathing the roof of any building or structure, whether erected or in the course of erection, with asbestos cement or other brittle material; or;

New sec.  
6A.

- (e) by inserting next after section six the following new section:—

Fees payable  
in respect  
of certain  
building  
work,  
excavation  
work and  
compressed  
air work.

6A. (1) This section applies to—

- (a) any work referred to in paragraph (a) or (a1) of subsection one of section six of this Act in respect of which any person is; and
- (b) any work referred to in paragraph (a) of that subsection in respect of which any person was, before the appointed day,

required, in accordance with the provisions of that subsection, to serve on the Chief Inspector a notice of such person's intention to carry out such work.

(2) Any contractor who—

- (a) commences to carry out any work to which this section applies; or
- (b) continues to carry out any such work—
- (i) being work referred to in paragraph (a) of subsection one of section six of this Act, as enacted immediately before the appointed day, and commenced before the appointed day; or
- (ii) commenced after the appointed day,

while any notification fee payable in respect of a notice of intention to carry out such work served on the Chief Inspector in accordance with the provisions of subsection one of section six of this Act, as enacted immediately before the appointed



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*Scaffolding and Lifts (Amendment).*

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appointed day, or in respect of such work, as the case may be, or where payment of such fee by instalments is authorised under the regulations made under this Act, any instalment of such fee which is due and payable, remains unpaid shall be liable to a penalty not exceeding one hundred pounds.

(3) A court of petty sessions or industrial magistrate may, in addition to or instead of imposing a penalty for an offence under this section, order the person guilty of the offence to pay any notification fee found by the court or magistrate to be payable by such person. Any such order shall operate as an order for the payment of money under the Small Debts Recovery Act, 1912, as amended by subsequent Acts, and be enforceable as such under the provisions of that Act, as so amended.

(4) (a) Any notification fee payable in respect of any notice of intention to carry out any work to which this section applies served on the Chief Inspector in accordance with the provisions of subsection one of section six of this Act, as enacted immediately before the appointed day, or in respect of any such work, shall be paid to the Under Secretary, Department of Labour and Industry and shall be paid by the contractor by whom such work is to be carried out or continued, as the case may be.

(b) Any such fee may be sued for and recovered as a debt for and on behalf of the Crown by any person for the time being authorised by the Minister to sue for and recover such fee.

(5) In this section—

“Appointed day” means the day on which the Scaffolding and Lifts (Amendment) Act, 1958, commences.

“Notification



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*Scaffolding and Lifts (Amendment).*

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“Notification fee” means—

- (a) in a case where notice of intention to carry out work to which this section applies was served on the Chief Inspector before the appointed day in accordance with the provisions of subsection one of section six of this Act, the fee in respect of the notice of intention to commence such work payable under the regulations in force at the time when such notice was so served;
- (b) in a case where notice of intention to carry out such work was not so served before the appointed day and such work was commenced before that day, the fee in respect of such notice that would, if such notice had been so served immediately before such work was commenced, have been payable under the regulations in force immediately before such work was commenced; and
- (c) in a case where work to which this section applies is commenced after the appointed day and notice of intention to carry out such work was not, before that day, served on the Chief Inspector in accordance with the provisions of subsection one of section six of this Act, as enacted immediately before that day, the prescribed fee payable in respect of such work.

(f)



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*Scaffolding and Lifts (Amendment).*

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- (f) by inserting in the heading to Part III after the word "LIFTS" the words "AND CONVEYORS"; Part III.  
Heading.
- (g) (i) by inserting in subsection one of section ten after the word "erect" the words "or alter"; Sec. 10.  
(Notice of  
erection of  
lift.)
- (ii) by inserting in the same subsection after the word "lift" where firstly occurring the words "or conveyor";
- (iii) by omitting from the same subsection the words "such lift" and by inserting in lieu thereof the words "or altering such lift or conveyor, as the case may be,";
- (h) by omitting section eleven and by inserting in lieu thereof the following section:— Subst.  
sec. 11.

11. (1) Subject to this section, any person who— Authorised  
attendant to  
be in charge  
of lift.

(a) not being an authorised attendant works, operates or interferes with the working of a passenger lift;

(b) being an authorised attendant whose certificate of competency as such specifies particular classes of passenger lifts which he may work or operate, works, operates or interferes with the working of a passenger lift of a class other than those specified in such certificate of competency;

(c) employs, instructs or allows—

(i) any person who is not an authorised attendant to work, operate or interfere with the working of a passenger lift;

(ii)



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*Scaffolding and Lifts (Amendment).*

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- (ii) any person who is an authorised attendant and whose certificate of competency as such specifies particular classes of passenger lifts which he may work or operate to work, operate or interfere with the working of a passenger lift of a class other than those specified in such certificate of competency,

shall be liable to a penalty not exceeding twenty pounds.

(2) (a) The Chief Inspector may issue to any person who satisfies him that such person is of or above the age of eighteen years and is competent to work or operate a passenger lift a certificate of competency as an authorised attendant.

(b) A certificate of competency under this section may specify the class of passenger lifts which the holder of such certificate may work or operate.

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

(4) Nothing in subsection one of this section shall apply to the working, operating or interfering with the working of—

- (a) any lift by the bona fide owner, lessee or manager of the building wherein the lift is situated, in a case of emergency;
- (b) any lift by a workman bona fide engaged in inspecting, repairing, erecting or altering the lift;

(c)



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*Scaffolding and Lifts (Amendment).*

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(c) any automatic lift or such other class of lifts as the Minister may, by notice published in the Gazette, specify as being a class of lifts to which the said subsection shall not apply.

(5) Nothing in this section shall affect the operation of section thirty-seven of the Factories and Shops Act, 1912, as amended by subsequent Acts.

- (i) (i) by inserting in paragraph (a) of section **Sec. 13.** thirteen after the word "lift," the word (Powers of inspectors.) "conveyor,";
- (ii) by inserting in the same paragraph after the word "construction," the words "or which he has reasonable cause to believe has been constructed or used, or is in the course of construction, or any building, place or premises in or on which any such thing is constructed, used, intended to be used or in course of construction or in or on which he has reasonable cause to believe that any such thing is constructed, used, intended to be used or in course of construction,";
- (iii) by inserting in the same paragraph after the words "compressed air work" the words "which is being carried out or which he has reasonable cause to believe is being carried out";
- (j) (i) by inserting in section fourteen after the **Sec. 14.** word "lift" where firstly occurring the (Inspector may suspend incompetent attendant.) words "or a conveyor";
- (ii) by inserting in the same section after the word "lift" where secondly and thirdly occurring the words "or conveyor";
- (k)



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*Scaffolding and Lifts (Amendment).*


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

(k) (i) by inserting in subsections one and two of section fifteen after the word "lift" wherever occurring the words "or conveyor";

(ii) by inserting in paragraph (a) of subsection one of the same section after the word "district" the words ", or in or on any building, place or premises in any district,";

(iii) by inserting at the end of subsection one of the same section the following words:—

Where such directions are, or any order on appeal therefrom is, of a continuing nature such person shall continue at all future times to carry out or comply with such directions, as varied from time to time, or any such order until the same are or is revoked.

(iv) by omitting from subsection four of the same section the words "twenty-four hours" and by inserting in lieu thereof the words "seven days, or, where any other time has been prescribed, within such prescribed time,";

(v) by inserting at the end of the same subsection the following new paragraph:—

The regulations under this Act may prescribe the manner in which an appeal under this subsection may be made.

Sec. 17.  
(Power  
crane and  
power hoist  
drivers.)

(l) (i) by omitting paragraph (c) of subsection one of section seventeen and by inserting in lieu thereof the following new paragraph:—

(c) any power hoist used for raising or lowering persons;

(ii) by inserting in subsection three of the same section after the word "drive" wherever occurring the words "in any district";

(iii)



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*Scaffolding and Lifts (Amendment).*

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- (iii) by inserting at the end of subsection six of the same section the following new paragraph:—

The regulations under this Act may prescribe the manner in which an appeal under this subsection may be made.

- (iv) by inserting at the end of the same section the following new subsection:—

(10) The Chief Inspector may issue in writing to any person a learner's permit authorising such person to act, in accordance with any conditions endorsed thereon or prescribed in relation thereto, as a power crane or power hoist driver. A learner's permit shall remain in force for such period endorsed thereon as the Chief Inspector may determine or as may in relation to such permits be prescribed.

Nothing in subsection one or three of this section shall apply to or in respect of the driving of a power crane or a power hoist, as the case may be, by the holder of such a permit, in accordance with any conditions endorsed thereon or prescribed in relation thereto and for the bona fide purpose of such holder learning to be a power crane or power hoist driver, as the case may be.

The Chief Inspector may cancel or suspend a learner's permit issued pursuant to this subsection and a person whose learner's permit has been cancelled or is for the time being suspended shall not be deemed to be the holder of such a permit.

(m)



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*Scaffolding and Lifts (Amendment).*

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Sec. 17A.  
(Riggers,  
dogmen,  
scaffolders  
and crane  
chasers.)

(m) (i) by inserting next after subsection one of section 17A the following new subsections:—

(1A) Any person who is the holder of a certificate of competency—

(a) as a rigger and who in any district acts as a rigger in relation to any type of building, structure, crane or hoist;

(b) as a scaffolder and who in any district acts as a scaffolder in relation to any type of scaffolding;

(c) as a dogman or crane chaser and who in any district acts as a dogman or crane chaser, as the case may be, in relation to any type of crane,

other than those specified in the certificate of competency as a rigger, scaffolder, dogman or crane chaser, as the case may be, issued to him under this section shall be guilty of an offence against this Act.

(1B) Any person who employs, instructs or allows—

(a) any person who is not the holder of the appropriate certificate of competency to act in any district as a rigger, dogman, scaffolder or crane chaser; or

(b) any person who is the holder of a certificate of competency—

(i) as a rigger, to act in any district as a rigger in relation to any type of building, structure, crane or hoist;

(ii) as a scaffolder, to act in any district as a scaffolder in relation to any type of scaffolding;

(iii)



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*Scaffolding and Lifts (Amendment).*

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- (iii) as a dogman or crane chaser, to act in any district as a dogman or crane chaser, as the case may be, in relation to any type of crane,

other than those specified in the certificate of competency as a rigger, scaffolder, dogman or crane chaser, as the case may be, issued to him under this section shall be guilty of an offence against this Act.

- (ii) by inserting at the end of subsection two of the same section the following new paragraph:—

(b) A certificate of competency under this section—

- (i) as a rigger, may specify the type of building, structure, crane or hoist;
- (ii) as a scaffolder, may specify the type of scaffolding;
- (iii) as a dogman or crane chaser, may specify the type of crane,

in relation to which the holder of such certificate may act as a rigger, scaffolder, dogman or crane chaser, as the case may be.

- (iii) by inserting at the end of subsection four of the same section the following new paragraph:—

The regulations under this Act may prescribe the manner in which an appeal under this subsection may be made.

(iv)



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*Scaffolding and Lifts (Amendment).*

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(iv) by inserting next after subsection five of the same section the following new subsections:—

(5A) (a) The Minister may by notification published in the Gazette exempt—

- (i) persons acting as riggers in relation to any type of building, structure, crane or hoist specified in such notification from the operation of the provisions of subsections one and (1A) of this section whilst they are so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B) of this section in respect of persons acting as riggers in relation to the type of building, structure, crane or hoist so specified;
- (ii) persons acting as scaffolders in relation to any type of scaffolding specified in such notification from the operation of the provisions of subsections one and (1A) of this section whilst they are so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B) of this section in respect of persons acting as scaffolders in relation to the type of scaffolding so specified;
- (iii) persons acting as dogmen or crane chasers in relation to any type of crane specified in such notification, to all cranes used in connection with any industry so specified, to any type of crane so specified while it is used in



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*Scaffolding and Lifts (Amendment).*

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in connection with any industry so specified, to all cranes used in any building, place or premises so specified, or to any type of crane so specified while it is used in any building, place or premises so specified, from the operation of the provisions of subsections one and (1A) of this section whilst they are so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B) of this section in respect of persons acting as dogmen or crane chasers, as the case may be, in relation to the type of crane so specified.

(b) The Minister may by notice in writing—

- (i) to the owner of or any person erecting or proposing to erect any particular building or structure or to the owner of or any person setting up or proposing to set up any particular crane or hoist exempt persons acting as riggers in relation to such building, structure, crane or hoist from the operation of the provisions of subsections one and (1A) of this section whilst they are so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B) of this section in respect of persons acting as riggers in relation to that particular building, structure, crane or hoist;
- (ii) to the owner of or any person erecting, altering or demolishing or proposing to erect, alter or demolish  
any



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*Scaffolding and Lifts (Amendment).*

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any particular scaffolding exempt persons acting as scaffolders in relation to such scaffolding from the operation of the provisions of subsections one and (1A) of this section whilst they are so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B) of this section in respect of persons acting as scaffolders in relation to that particular scaffolding;

- (iii) to the owner of any particular crane exempt persons acting as dogmen or crane chasers in relation to such crane from the operation of the provisions of subsections one and (1A) of this section whilst they are so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B) of this section in respect of persons acting as dogmen or crane chasers, as the case may be, in relation to that particular crane.

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

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

(5B) The Chief Inspector may issue in writing to any person a learner's permit authorising such person to act, in accordance with any conditions endorsed thereon or prescribed in relation thereto, as a rigger, dogman, scaffolder or crane chaser. A learner's permit shall remain in force for

such



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*Scaffolding and Lifts (Amendment).*

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such period endorsed thereon as the Chief Inspector may determine or as may in relation to such permits be prescribed.

Nothing in subsection one or (1B) of this section shall apply to or in respect of any work done by the holder of such a permit, in accordance with any conditions endorsed thereon or prescribed in relation thereto and for the bona fide purpose of such holder learning to be a rigger, dogman, scaffolder or crane chaser, as the case may be.

The Chief Inspector may cancel or suspend a learner's permit issued pursuant to this subsection and a person whose learner's permit has been cancelled or is for the time being suspended shall not be deemed to be the holder of such a permit.

- (v) by omitting from subsection six of the same section the definition of "Rigger" and by inserting in lieu thereof the following definition:—

"Rigger" means a person directly responsible for the placing in position of the members of a building or structure, other than scaffolding, in the course of erection and for the manner of ensuring the stability of such members, for dismantling or demolishing buildings or structures, other than scaffolding, or for the setting up of cranes or hoists.

- (vi) by omitting from the same subsection the definition of "Dogman" and by inserting in lieu thereof the following definition:—

"Dogman" means a person slinging and directing the movement of loads handled by a crane where such loads are usually not in full view of the crane driver.

(vii)



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*Scaffolding and Lifts (Amendment).*

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- (vii) by omitting from the same subsection the definition of "Crane chaser" and by inserting in lieu thereof the following definition:—

"Crane chaser" means a person slinging and directing the movement of loads handled by a crane where such loads are usually in full view of the crane driver.

Sec. 18.  
(Notice of  
accidents.)

- (n) (i) by inserting in subsection one of section eighteen after the words "with any" the word "conveyor,";

- (ii) by inserting in paragraph (b) of the same subsection after the words "part of a" the word "conveyor,";

- (iii) by inserting at the end of the same paragraph the following word and new paragraphs:—

or

- (c) so disables any person working on or about such conveyor, crane, hoist, lift, plant, scaffolding, gear, building work, excavation work or compressed air work as to prevent him from returning to his work within forty-eight hours after the accident; or

- (d) consists in any person receiving an electric shock; or

- (e) is an accident involving the failure of any brake, steering or limiting device or other control device of a conveyor, crane, hoist, lift, plant, scaffolding or gear; or

- (f) consists in the failure of any stud, pin, dowel, screw, rivet, spike or other object expelled from an explosive-powered tool to lodge in the substance on which the tool is being used; (iv)



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*Scaffolding and Lifts (Amendment).*

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- (iv) by inserting in the same subsection after the words "in charge of such" the word "conveyor";
- (v) by inserting in subsection two of the same section after the words "with any" the word "conveyor,";
- (o) by inserting in paragraph (c) of section nineteen after the words "with any" the word "conveyor,"; Sec. 19.  
(Act not to affect rights of person to recover damages.)
- (p) by inserting at the end of section twenty-one the following new subsections:— Sec. 21.  
(Penalties and proceedings for offences.)
  - (2) In any proceedings for the recovery of a penalty or fee imposed by or under this Act a statement purporting to be signed by the Chief Inspector—
    - (a) that a certificate or permit of the description specified in the statement has or has not been issued pursuant to this Act to any person so specified and, where a certificate or permit has been so issued, as to the date of issue of and particulars contained in such certificate or permit; or
    - (b) that at any date or during any period specified in the statement a person specified in the statement was or was not the holder of a certificate or permit, of the description specified in such statement, issued pursuant to this Act; or
    - (c) that at any date specified in the statement a notice as to any matter so specified, being a matter of which notice is required by or under this Act to be given



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*Scaffolding and Lifts (Amendment).*

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given to or served on the Chief Inspector, had or had not been given to or served on the Chief Inspector by any person so specified and, where a notice has been so given or served, as to the date when it was so given or served and as to the particulars contained in such notice;

shall be prima facie evidence of the matters contained in the statement without proof of the signature or of the official character of the person by whom the statement appears to have been signed.

(3) Where a notice of intention to commence any building work, excavation work or compressed air work has been served on the Chief Inspector the person under whose hand the notice appears to have been given shall in any proceedings for the recovery of a penalty or fee imposed by or under this Act be deemed, unless the contrary is proved, to be the contractor for that work.

Sec. 22.  
(Regulations.)

- (q) (i) by omitting from paragraph (a) of subsection two of section twenty-two the words "any lift" and by inserting in lieu thereof the words "or alter any lift or conveyor";
- (ii) by inserting in paragraph (b) of the same subsection after the word "lift," the word "conveyor,";
- (iii) by inserting in paragraph (d) of the same subsection after the word "lift" the words "or conveyor";
- (iv) by inserting in paragraph (e) of the same subsection after the words "requiring that" the word "conveyors,";

(v)



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*Scaffolding and Lifts (Amendment).*

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- (v) by omitting from subparagraph (i) of paragraph (f) of the same subsection the word "lifts" and by inserting in lieu thereof the words "or alter lifts or conveyors";
- (vi) by inserting in subparagraph (ii) of the same paragraph after the words "descriptions of" the word "conveyors,";
- (vii) by inserting in the same subparagraph after the words "testing of" the word "conveyors,";
- (viii) by omitting subparagraph (v) of the same paragraph and by inserting in lieu thereof the following subparagraphs:—
  - (v) any building work, excavation work or compressed air work, of which notice is required by section six of this Act to be served on the Chief Inspector;
  - (vi) the issue of learners' permits to persons authorising them to act, in accordance with any conditions endorsed thereon or prescribed in relation thereto, as power crane or power hoist drivers, or as riggers, dogmen, scaffolders or crane chasers;
- (ix) by inserting in subparagraph (i) of paragraph (g) of the same subsection after the words "maintenance of" the word "conveyors,";
- (x) by inserting in subparagraph (ii) of the same paragraph after the words "charge of" the words "conveyors or";
- (xi)



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*Scaffolding and Lifts (Amendment).*

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(xi) by inserting in subparagraph (iii) of the same paragraph after the words "dismantling of" the word "conveyors,";

(xii) by inserting in subparagraph (v) of the same paragraph after the words "connection with" the word "conveyors,";

(xiii) by inserting next after the same paragraph the following new paragraph:—

(g1) prohibiting any person not the holder of the appropriate certificate of competency or learner's permit from being employed as or acting as a diver, diver's attendant or powderman, and in relation thereto—

(i) providing for the examination and certification of divers, divers' attendants and powdermen, or of any class of such persons, and for the granting and issue of certificates of competency and learners' permits;

(ii) prescribing the fees to be paid in respect of examinations for certificates of competency and the issue of such certificates and of learners' permits;

(iii) authorising the Chief Inspector by certificate in writing under his hand to exempt, absolutely or subject to conditions, any person or class of persons from all or any of the provisions of the regulations made



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*Scaffolding and Lifts (Amendment).*

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made pursuant to this paragraph where he is satisfied that by reason of the nature of the work to be carried out by such person or class of persons the application of such provisions would be impracticable or inappropriate;

(xiv) by inserting in subsection three of the same section after the words "maintenance of" the word "conveyors,";

(xv) by inserting next after the same subsection the following new subsections:—

(3A) The regulations made under subparagraph (v) of paragraph (f) of subsection two of this section may with respect to the fees prescribed under that subparagraph—

(a) provide for the assessment of such fees by reference or in relation to the cost or estimated cost of the work in respect of which the fees are to be paid or of the project in which such work is done or to be done or of materials employed or services used therein, or according to any specified principle or criterion and may prescribe the method of determining any such cost or estimated cost;

(b) prescribe different amounts of such fees to be paid in respect of different classes of work or in respect of work done in different areas;

(c) require that such fees shall be paid in respect of a specified class or specified classes of work only, in respect



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*Scaffolding and Lifts (Amendment).*

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respect of all classes of work other than those specified, in respect of work done in a specified area or specified areas only or in respect of all areas other than those specified;

- (d) prescribe graduated scales of such fees;
- (e) require the payment of such fees at such time or times or by such instalments as may be prescribed;
- (f) for the purpose of the assessment of such fees, require contractors to furnish such information in relation to the work in respect of which such fees are to be paid or to the project in which such work is done or to be done, in such manner and at such times, as may be prescribed, and may require any such information to be verified by statutory declaration;
- (g) prescribe other matters necessary or convenient to be prescribed in relation to the assessment or payment of such fees.

(3B) For the purposes of paragraph (g1) of subsection two of this section—

“Diver” means diver employed in compressed air work.

“Diver’s attendant” means attendant to a diver.

“Powderman” means a person engaged in the preparation or firing of charges of explosives used in building work, excavation work or compressed air work.



*Scaffolding and Lifts (Amendment).*

**3.** The Scaffolding and Lifts Act, 1912-1948, is further amended—

- (a) by omitting from subsection two of section six the words “twenty pounds” and by inserting in lieu thereof the words “fifty pounds”; Further amendment of Act No. 38, 1912.  
Sec. 6.  
(Notices as to erection of scaffolding, etc., and commencement of building work, etc.)
- (b) by omitting from subsection two of section ten the words “twenty pounds” and by inserting in lieu thereof the words “fifty pounds”; Sec. 10.  
(Notice of erection of lift.)
- (c) by omitting from section fourteen the words “ten pounds” and by inserting in lieu thereof the words “fifty pounds”; Sec. 14.  
(Inspector may suspend incompetent attendant.)
- (d) by omitting from subsection five of section fifteen the words “one hundred pounds” and by inserting in lieu thereof the words “two hundred and fifty pounds”; Sec. 15.  
(Inspector may give directions as to scaffolding, etc.)
- (e) by omitting from section sixteen the words “twenty pounds” and by inserting in lieu thereof the words “fifty pounds”; Sec. 16.  
(Obstruction of inspectors.)
- (f) by omitting from subsection three of section eighteen the words “fifty pounds” and by inserting in lieu thereof the words “one hundred pounds”; Sec. 18.  
(Notice of accidents.)
- (g) by omitting from section twenty-one the words “fifty pounds” and by inserting in lieu thereof the words “one hundred pounds”; Sec. 21.  
(Penalties and proceedings for offences.)
- (h) by omitting from subsection four of section twenty-two the words “fifty pounds” and by inserting in lieu thereof the words “one hundred pounds”. Sec. 22.  
(Regulations.)



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*Scaffolding and Lifts (Amendment).*

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**Savings.**

4. (1) Any regulations made under subparagraph (v) of paragraph (f) of subsection two of section twenty-two of the Scaffolding and Lifts Act, 1912-1948, shall be deemed to have and always to have had the same force and effect as they would have had had subsection (3A) of section twenty-two of that Act, as amended by this Act, been in force when such regulations were made.

(2) The amendment made by subparagraph (viii) of paragraph (q) of section two of this Act shall not affect the liability incurred by any person for any fee payable under any regulation made under the Scaffolding and Lifts Act, 1912-1948.

(3) A certificate of competency as an authorised attendant, a rigger, scaffolder, dogman or crane chaser, issued or purporting to have been issued under the Scaffolding and Lifts Act, 1912-1948, by the Chief Inspector and held by any person immediately before the commencement of this Act, shall—

(a) in the case of a certificate of competency as an authorised attendant which does not specify any class of passenger lifts as passenger lifts of which such person is competent to be in charge, be deemed to be a certificate of competency as an authorised attendant issued under that Act, as amended by this Act, by the Chief Inspector and to specify all classes of passenger lifts as passenger lifts which such person may work or operate;

(b) in the case of a certificate of competency as an authorised attendant which specifies a particular class of passenger lifts as passenger lifts of which such person is competent to be in charge, be deemed to be a certificate of competency as an authorised attendant issued under that Act, as amended by this Act, by the Chief Inspector and to specify that particular class of passenger lifts as passenger lifts which such person may work or operate;

(c)



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*Scaffolding and Lifts (Amendment).*

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- (c) in the case of a certificate of competency as a rigger, be deemed to be a certificate of competency as a rigger issued under that Act, as amended by this Act, by the Chief Inspector and to specify every type of building, structure, crane or hoist as buildings, structures, cranes and hoists, respectively, in relation to which such person may act as a rigger;
- (d) in the case of a certificate of competency as a scaffolder which does not specify any type of scaffolding as scaffolding in relation to which such person may act as a scaffolder, be deemed to be a certificate of competency as a scaffolder issued under that Act, as amended by this Act, by the Chief Inspector and to specify every type of scaffolding as scaffolding in relation to which such person may act as a scaffolder;
- (e) in the case of a certificate of competency as a scaffolder which specifies any particular type of scaffolding as scaffolding in relation to which such person may act as a scaffolder, be deemed to be a certificate of competency as a scaffolder issued under that Act, as amended by this Act, by the Chief Inspector and to specify that particular type of scaffolding as scaffolding in relation to which such person may act as a scaffolder;
- (f) in the case of a certificate of competency as a dogman or crane chaser, be deemed to be a certificate of competency as a dogman or crane chaser, as the case may be, issued under that Act, as amended by this Act, by the Chief Inspector and to specify every type of crane as cranes in relation to which such person may act as a dogman or crane chaser, as the case may be.

For the purposes of this subsection a certificate of competency under section 17A of the Scaffolding and Lifts Act, 1912-1948, which was issued to any person before the commencement of this Act and was before that  
commencement



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*Scaffolding and Lifts (Amendment).*

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commencement suspended under the provisions of subsection five of that section for a period which had not at that commencement expired shall upon the expiration of that period be deemed to be a certificate of competency under that Act held by such person immediately before that commencement.

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

E. W. WOODWARD,  
Governor.

Government House,  
Sydney, 28th March, 1958.