

No. , 1959.

A BILL

To make certain provisions in respect of the design, construction and use of amusement devices and public stands, and the notification of certain accidents happening in connection with such devices and stands; for these and other purposes to amend the Scaffolding and Lifts Act, 1912, the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith.

[MR. LANDA;—3 *September*, 1959.]

Scaffolding and Lifts (Amendment).

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 :—

1. (1) This Act may be cited as the "Scaffolding and Lifts (Amendment) Act, 1959".

Short title
and
citation.

(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, 1912-1959.

2. The Scaffolding and Lifts Act, 1912-1958, is amended—

Amendment
of Act
No. 38,
1912.

(a) (i) by inserting in section three next before the definition of "Authorised attendant" the following new definition :—

Sec. 3.
(Defini-
tions.)

"Amusement device" means a structure used or designed or intended for use or capable of being used for amusement, games, recreation, sightseeing or entertainment—

(a) whereon persons are or may be carried, raised, lowered or supported—

(i) by the structure whilst it is or may be in motion, or

(ii) by any part thereof or by any car, carriage, platform, cage, boat, plank, chair, seat, device or thing while such part, car, carriage, platform, cage, boat, plank, chair, seat, device or thing is or may be in motion, and

(b)

Scaffolding and Lifts (Amendment).

- (b) for or in connection with the operation of which power other than manual power is or may be used,
- 5 and includes the supporting structure and access structures and the machinery, equipment and gear used, designed, intended to be used, or capable of being used, in connection with the amusement
- 10 device, and every car, carriage, platform, cage, boat, plank, chair, seat, device or thing referred to in subparagraph (ii) of paragraph (a) of this definition but does not include a conveyor, crane, hoist or lift.
- 15
- (ii) by inserting in the definition of "Gear" in the same section after the word "plant," where secondly occurring the words "amusement device, public stand,";
- 20
- (iii) by inserting in the definition of "Owner" in the same section after the word "plant," the words "amusement device, public stand,";
- 25
- (iv) by inserting in the same section next after the definition of "Prescribed" the following new definition :—
- 30 "Public stand" means a stand temporarily erected or temporarily set up to support members of the public viewing or listening to a procession, concert, meeting, reception, performance, exhibition, carnival, gymkhana, rodeo, sporting contest, sporting display, athletic display, cinematographic, radio or television display or performance, or the like, and
- 35 includes the supporting structure and access structures and the gear used in connection with the public stand.

(v)

Scaffolding and Lifts (Amendment).

(v) by omitting from the definition of "Supporting structure" in the same section the words "or plant" and by inserting in lieu thereof the words "plant, amusement device or public stand";

5 (b) by inserting at the end of section four the following proviso : —

Provided that—

10 (a) the provisions of this Act which apply to or in respect of amusement devices and public stands shall have effect in the whole of the State of New South Wales and for the purposes of those provisions the whole of the said State shall be deemed to be a district;

15 (b) the regulations made under this Act in so far as they apply to or in respect of amusement devices and public stands shall, unless and to the extent to which such regulations otherwise provide, apply to the whole of the said State.

20 (c) by inserting in paragraph (a) of section 4A after the word "gear" the words and symbols "(other than gear used in connection with an amusement device or public stand)";

25 (d) by omitting from section five the following words : —

30 "The Chief Inspector so appointed shall have and may exercise and discharge in or in relation to any district in which this Act has effect for the time being, the powers, authorities, duties and functions conferred and imposed by or under this Act on the Chief Inspector.

35 Each inspector so appointed shall have and may exercise and discharge in or in relation to any district in which this Act has effect for the time being, the powers, authorities, duties and functions conferred and imposed by or under this Act on an inspector."; (e)

Sec. 4.
(Places within which Act shall operate.)

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

Sec. 5.
(Appointment of inspectors.)

Scaffolding and Lifts (Amendment).

- (e) by inserting in paragraph (a) of section thirteen Sec. 13.
after the word "hoist," the words "amusement (Powers of
device, public stand,"; inspectors.)
- 5 (f) by inserting at the end of section fourteen the Sec. 14.
following new subsection : — (Inspector
may suspend
incompetent
attendant.)
- 10 (2) Where it appears to an inspector that any
person operating an amusement device is careless,
incompetent, or untrustworthy, the inspector may
direct such person to, and he shall thereupon, cease
to operate such device; and if the owner, or person
in charge, of any amusement device who has notice
of such direction employs, instructs or allows such
person to operate any amusement device without
the authority in writing of an inspector, he shall be
15 liable to a penalty not exceeding fifty pounds.
- (g) (i) by inserting in paragraph (a) of subsection one Sec. 15.
of section fifteen after the word "hoist" the (Inspector
words "or amusement device or public stand"; may give
directions
as to
scaffolding,
etc.)
- 20 (ii) by inserting in paragraph (b) of the same sub-
section after the word "hoist" the words "or
amusement device or public stand";
- (iii) by inserting in the same subsection after the
word "hoist," where thirdly occurring the words
"amusement device, public stand,";
- 25 (iv) by omitting from paragraph (b) of subsection
two of the same section the word "order";
- (v) by inserting in the same paragraph after the
word "using" wherever occurring the words "or
operating";
- 30 (vi) by inserting in the same paragraph after the
word "hoist," wherever occurring the words
"amusement device,";
- (vii)

Scaffolding and Lifts (Amendment).

- (vii) by inserting next after the same paragraph the following new paragraph :—
- 5 (b1) the owner or person in charge or apparently in charge of any public stand in respect of which such directions are given to desist from using such public stand or to refrain from permitting persons to use such public stand; or;
- 10 (viii) by omitting from paragraph (c) of the same subsection the word "order";
- (h) (i) by inserting in subsection one of section eighteen Sec. 18. after the word "hoist" where firstly, secondly, (Notice of thirdly and fifthly occurring the words "amusement accidents.) device, public stand,";
- 15 (ii) by inserting in the same subsection after the word "hoist," where fourthly occurring the words "amusement device,";
- 20 (iii) by inserting in subsection two of the same section after the word "hoist," the words "amusement device, public stand,";
- (iv) by inserting at the end of the same section the following new subsection :—
- 25 (4) A prosecution of any person for an offence under this section may, notwithstanding any limit of time prescribed by any Act for instituting proceedings, be commenced at any time within twelve months after the commission of the offence.
- 30 (i) by inserting in paragraph (c) of section nineteen Sec. 19. after the word "hoist," the words "amusement (Act not to device, public stand,"; affect rights of person to recover damages.)
- (j) (i) by inserting in paragraph (b) of subsection two Sec. 22. of section twenty-two after the word "conveyor," (Regulations.) the words "amusement device, public stand,";
- (ii)

Scaffolding and Lifts (Amendment).

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

5 (b1) prohibiting the erection or setting up or the setting or placing in position or the operation or use or alteration of any amusement device or public stand—

10 (i) in all cities, municipalities or shires or in all cities, municipalities or shires other than those specified in the regulations or in such cities, municipalities or shires or parts thereof as may be so specified, without the approval of the council of the area having first been obtained;

20 (ii) in such place, town, district or locality as may be so specified, without the approval of such authority or person or of the holder for the time being of such office as may be so specified having first been obtained,

25 and prescribing all matters necessary or convenient to be prescribed in connection with any application for such approval, and the plans and descriptions and other particulars to be lodged with any such application;

30 (iii) by inserting in paragraph (e) of the same subsection after the word “hoists” the words “, amusement devices,”;

35 (iv) by inserting in the same paragraph after the word “registration” where secondly and thirdly occurring the words “and renewal of registration”;

(v)

Scaffolding and Lifts (Amendment).

(v) by inserting next after subparagraph (i) of paragraph (f) of the same subsection the following new subparagraph :—

5 (ia) applications for approvals to erect, set up or set or place in position or operate or use amusement devices or public stands, or to alter amusement devices or public stands;

10 (vi) by inserting in the same paragraph after the word “hoists,” wherever occurring the words “amusement devices, public stands,”;

15 (vii) by inserting in subparagraphs (i), (iii) and (v) of paragraph (g) of the same subsection after the word “hoists,” wherever occurring the words “amusement devices, public stands,”;

 (viii) by inserting in subsection three of the same section after the word “hoists,” the words “amusement devices, public stands,”;

20 (ix) by inserting next after subsection (3B) of the same section the following new subsection :—

 (3C) Regulations made pursuant to paragraph (bl) of subsection two of this section may :—

25 (a) require or permit a council, authority or person before granting any approval referred to in that paragraph to satisfy itself or himself by such means as may be prescribed or where no means are prescribed by such means as it or he thinks fit—

30 (i) as to the safety of the manner of construction, erection or setting up or the setting or placing in position or the operation or use or alteration of the amusement device or public stand in respect of which the approval is sought or of such amusement device or public stand as altered;

(ii)

Scaffolding and Lifts (Amendment).

- 5 (ii) that in relation to such amuse-
ment device or public stand there
has been obtained from an
insurer carrying on in New South
Wales the business of accident
insurance a contract of insurance
or indemnity in respect of death
or personal injury resulting from
the erection, setting up, setting or
10 placing in position, operation, use
or alteration or total or partial
failure or collapse of the device
or stand, or of the device or stand
as altered, and that such contract
is expressed to be and to continue
15 in force for the period in respect
of which the approval is sought
and makes such provision as may
be prescribed or where no such
provision is prescribed as the
20 council, authority or person con-
siders satisfactory for the settle-
ment of any claim in respect of
any such death or personal
25 injury ;
- (iii) as to such matters in relation to
any matter or matters referred to
in subparagraph (i) or (ii) of this
paragraph as may be prescribed ;
- 30 (iv) as to other prescribed matters ;
and
- (b) empower the council, authority or person
to grant such approval either absolutely
or subject to prescribed or other condi-
35 tions ; and
- (c) provide for the revocation or suspension
of such approval.

Scaffolding and Lifts (Amendment).

5 In this subsection "personal injury" does not include any injury as defined in the Workers' Compensation Act, 1926, as amended by subsequent Acts, to a worker as defined in that Act, as so amended, and "death" does not include death resulting from such an injury.

10 3. The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting in subsection one of section ten after the words and figures "the Factories and Shops Act, 1912;" the words and figures "the Scaffolding and Lifts Act, 1912;".

Amendment
of Act No.
41, 1919.
Sec. 10.
(Certain
Acts not
affected.)

[1s.]

SCAFFOLDING AND LIFTS (AMENDMENT) BILL, 1959.

EXPLANATORY NOTE.

THE main objects of this Bill are to amend the Scaffolding and Lifts Act, 1912-1958—

- (1) to authorise the making of regulations controlling the design, construction and use of ferris wheels and similar amusement devices, and of temporary public stands ;
- (2) to require notice of certain accidents in connection with such amusement devices and public stands to be given to the Chief Inspector of Scaffolding and Lifts ; and
- (3) to make provisions ancillary to these matters.

SCATFOLDING AND ITS (AMENDMENT) BILL, 1978

EXPLANATORY MEMORANDUM

The Bill is intended to amend the Scatfolding Act, 1978, and to provide for the better regulation of the use of scats in the United Kingdom. It is designed to ensure that the use of scats is safe and efficient, and to provide for the better regulation of the use of scats in the United Kingdom. The Bill is designed to ensure that the use of scats is safe and efficient, and to provide for the better regulation of the use of scats in the United Kingdom.

PROOF.

No. , 1959.

A BILL

To make certain provisions in respect of the design, construction and use of amusement devices and public stands, and the notification of certain accidents happening in connection with such devices and stands; for these and other purposes to amend the Scaffolding and Lifts Act, 1912, the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith.

[MR. LANDA;—3 *September*, 1959.]

Scaffolding and Lifts (Amendment).

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 :—

1. (1) This Act may be cited as the "Scaffolding and Lifts (Amendment) Act, 1959".

Short title
and
citation.

(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, 1912-1959.

2. The Scaffolding and Lifts Act, 1912-1958, is amended—

Amendment
of Act
No. 38,
1912.

(a) (i) by inserting in section three next before the definition of "Authorised attendant" the following new definition :—

Sec. 3.
(Defini-
tions.)

"Amusement device" means a structure used or designed or intended for use or capable of being used for amusement, games, recreation, sightseeing or entertainment—

(a) whereon persons are or may be carried, raised, lowered or supported—

(i) by the structure whilst it is or may be in motion, or

(ii) by any part thereof or by any car, carriage, platform, cage, boat, plank, chair, seat, device or thing while such part, car, carriage, platform, cage, boat, plank, chair, seat, device or thing is or may be in motion, and

(b)

Scaffolding and Lifts (Amendment).

- (b) for or in connection with the operation of which power other than manual power is or may be used,
- 5 and includes the supporting structure and access structures and the machinery, equipment and gear used, designed, intended to be used, or capable of being used, in connection with the amusement
- 10 device, and every car, carriage, platform, cage, boat, plank, chair, seat, device or thing referred to in subparagraph (ii) of paragraph (a) of this definition but does not include a conveyor, crane, hoist or
- 15 lift.
- (ii) by inserting in the definition of "Gear" in the same section after the word "plant," where secondly occurring the words "amusement device, public stand,";
- 20 (iii) by inserting in the definition of "Owner" in the same section after the word "plant," the words "amusement device, public stand,";
- (iv) by inserting in the same section next after the definition of "Prescribed" the following new
- 25 definition :—
- "Public stand" means a stand temporarily erected or temporarily set up to support members of the public viewing or listening to a procession, concert, meeting,
- 30 reception, performance, exhibition, carnival, gymkhana, rodeo, sporting contest, sporting display, athletic display, cinematographic, radio or television display or performance, or the like, and includes the supporting structure and access structures and the gear used in
- 35 connection with the public stand.
- (v)

Scaffolding and Lifts (Amendment).

(v) by omitting from the definition of "Supporting structure" in the same section the words "or plant" and by inserting in lieu thereof the words "plant, amusement device or public stand";

5 (b) by inserting at the end of section four the following proviso : —

Provided that—

10 (a) the provisions of this Act which apply to or in respect of amusement devices and public stands shall have effect in the whole of the State of New South Wales and for the purposes of those provisions the whole of the said State shall be deemed to be a district;

15 (b) the regulations made under this Act in so far as they apply to or in respect of amusement devices and public stands shall, unless and to the extent to which such regulations otherwise provide, apply to the whole of the said State.

20 (c) by inserting in paragraph (a) of section 4A after the word "gear" the words and symbols "(other than gear used in connection with an amusement device or public stand)";

25 (d) by omitting from section five the following words : —

30 "The Chief Inspector so appointed shall have and may exercise and discharge in or in relation to any district in which this Act has effect for the time being, the powers, authorities, duties and functions conferred and imposed by or under this Act on the Chief Inspector.

35 Each inspector so appointed shall have and may exercise and discharge in or in relation to any district in which this Act has effect for the time being, the powers, authorities, duties and functions conferred and imposed by or under this Act on an inspector.";

(e)

Sec. 4.
(Places within which Act shall operate.)

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

Sec. 5.
(Appointment of inspectors.)

Scaffolding and Lifts (Amendment).

- (e) by inserting in paragraph (a) of section thirteen after the word "hoist," the words "amusement device, public stand,"; Sec. 13. (Powers of inspectors.)
- 5 (f) by inserting at the end of section fourteen the following new subsection : — Sec. 14. (Inspector may suspend incompetent attendant.)
- 10 (2) Where it appears to an inspector that any person operating an amusement device is careless, incompetent, or untrustworthy, the inspector may direct such person to, and he shall thereupon, cease to operate such device; and if the owner, or person in charge, of any amusement device who has notice of such direction employs, instructs or allows such person to operate any amusement device without the authority in writing of an inspector, he shall be
- 15 liable to a penalty not exceeding fifty pounds.
- (g) (i) by inserting in paragraph (a) of subsection one of section fifteen after the word "hoist" the words "or amusement device or public stand"; Sec. 15. (Inspector may give directions as to scaffolding, etc.)
- 20 (ii) by inserting in paragraph (b) of the same subsection after the word "hoist" the words "or amusement device or public stand";
- (iii) by inserting in the same subsection after the word "hoist," where thirdly occurring the words "amusement device, public stand,";
- 25 (iv) by omitting from paragraph (b) of subsection two of the same section the word "order";
- (v) by inserting in the same paragraph after the word "using" wherever occurring the words "or operating";
- 30 (vi) by inserting in the same paragraph after the word "hoist," wherever occurring the words "amusement device,";
- (vii)

Scaffolding and Lifts (Amendment).

- (vii) by inserting next after the same paragraph the following new paragraph :—
- 5 (b1) the owner or person in charge or apparently in charge of any public stand in respect of which such directions are given to desist from using such public stand or to refrain from permitting persons to use such public stand; or;
- 10 (viii) by omitting from paragraph (c) of the same subsection the word "order";
- (h) (i) by inserting in subsection one of section eighteen Sec. 18. after the word "hoist" where firstly, secondly, (Notice of thirdly and fifthly occurring the words "amusement device, public stand," accidents.)
- 15 (ii) by inserting in the same subsection after the word "hoist," where fourthly occurring the words "amusement device,";
- (iii) by inserting in subsection two of the same section after the word "hoist," the words "amusement device, public stand,";
- 20 (iv) by inserting at the end of the same section the following new subsection :—
- 25 (4) A prosecution of any person for an offence under this section may, notwithstanding any limit of time prescribed by any Act for instituting proceedings, be commenced at any time within twelve months after the commission of the offence.
- 30 (i) by inserting in paragraph (c) of section nineteen Sec. 19. after the word "hoist," the words "amusement device, public stand,"; (Act not to affect rights of person to recover damages.)
- (j) (i) by inserting in paragraph (b) of subsection two Sec. 22. of section twenty-two after the word "conveyor," (Regulations.) the words "amusement device, public stand,";
- (ii)

Scaffolding and Lifts (Amendment).

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

5 (b1) prohibiting the erection or setting up or the setting or placing in position or the operation or use or alteration of any amusement device or public stand—

10 (i) in all cities, municipalities or shires or in all cities, municipalities or shires other than those specified in the regulations or in such cities, municipalities or shires or parts thereof as may be so specified, without the approval of the council of the area having first been obtained ;

15

(ii) in such place, town, district or locality as may be so specified, without the approval of such authority or person or of the holder for the time being of such office as may be so specified having first been obtained,

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25 and prescribing all matters necessary or convenient to be prescribed in connection with any application for such approval, and the plans and descriptions and other particulars to be lodged with any such application ;

30 (iii) by inserting in paragraph (e) of the same subsection after the word “hoists” the words “, amusement devices,” ;

(iv) by inserting in the same paragraph after the word “registration” where secondly and thirdly occurring the words “and renewal of registration” ;

35

(v)

Scaffolding and Lifts (Amendment).

- 5 (ii) that in relation to such amuse-
ment device or public stand there
has been obtained from an
insurer carrying on in New South
Wales the business of accident
insurance a contract of insurance
or indemnity in respect of death
or personal injury resulting from
the erection, setting up, setting or
10 placing in position, operation, use
or alteration or total or partial
failure or collapse of the device
or stand, or of the device or stand
as altered, and that such contract
15 is expressed to be and to continue
in force for the period in respect
of which the approval is sought
and makes such provision as may
be prescribed or where no such
20 provision is prescribed as the
council, authority or person con-
siders satisfactory for the settle-
ment of any claim in respect of
any such death or personal
25 injury;
- (iii) as to such matters in relation to
any matter or matters referred to
in subparagraph (i) or (ii) of this
paragraph as may be prescribed;
- 30 (iv) as to other prescribed matters;
and
- (b) empower the council, authority or person
to grant such approval either absolutely
or subject to prescribed or other condi-
35 tions; and
- (c) provide for the revocation or suspension
of such approval.

Scaffolding and Lifts (Amendment).

In this subsection "personal injury" does not include any injury as defined in the Workers' Compensation Act, 1926, as amended by subsequent Acts, to a worker as defined in that Act, as so amended, and "death" does not include death resulting from such an injury.

5

3. The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting in subsection one of section ten after the words and figures "the Factories and Shops Act, 1912;" the words and figures "the Scaffolding and Lifts Act, 1912;".

Amendment
of Act No.
41, 1919.
Sec. 10.
(Certain
Acts not
affected.)