

# CONCURRENCE COPY

## SCAFFOLDING AND LIFTS (AMENDMENT) BILL, 1978

### EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to change the short title of the Scaffolding and Lifts Act, 1912 (hereinafter referred to as the "Principal Act") so that it may be cited as the Construction Safety Act, 1912 (Schedule 1 (2));
- (b) to amalgamate Parts II and III of the Principal Act and to change the headings to the Parts of that Act, other than the heading to Part I (Schedule 1 (2));
- (c) to insert definitions of "construction work", "constructor", "diving work", "escalator", "moving walk", "regulation" and "vessel" in the Principal Act; to re-define "amusement device", "building work", "compressed air work", "excavation work" and "plant" for the purposes of that Act and to amend the definitions of certain other expressions used therein (Schedule 1 (4));
- (d) to provide that the Principal Act shall apply to certain equipment used in, and any construction work carried out in, a mine or part of a mine exempted from the operation of the Mines Inspection Act, 1901 (Schedule 1 (6) (d));
- (e) to create the offices of Chief Inspector of Construction Safety and Deputy Chief Inspector of Construction Safety under the Principal Act (Schedule 1 (7));
- (f) to increase to \$500 the maximum penalty for a failure to serve a notice of intention to carry out certain work under section 6 (1) of the Principal Act (Schedule 1 (9) (d));
- (g) to increase to \$1,000 the maximum penalty for a failure to pay a notification fee payable under section 6A of the Principal Act (Schedule 1 (10) (a));
- (h) to increase to \$500 the maximum penalty for a failure to serve a notice of intention to erect or alter certain works under section 10 (1) of the Principal Act (Schedule 1 (12) (c));
- (i) to omit sections 11 and 12 of the Principal Act which related to the operation of passenger lifts by authorised attendants (Schedule 1 (13));
- (j) to increase to \$500 the maximum penalty for persons operating conveyors, escalators, moving walks or lifts contrary to the directions of an inspector (Schedule 1 (16) (a)-(c));

- (k) to increase to \$1,000 the maximum penalty for persons operating amusement devices contrary to the directions of an inspector (Schedule 1 (16) (d));
- (l) to increase to \$1,000 the maximum penalty for failure to comply with a direction or order given by an inspector or an order made by the Minister under section 15 of the Principal Act (Schedule 1 (17) (m));
- (m) to constitute an offence of using threatening, abusive or insulting language to an inspector and to increase the maximum penalty for obstructing inspectors exercising their powers or performing their duties under the Principal Act to \$1,000 (Schedule 1 (18));
- (n) to remove the requirement for a prescribed examination and enquiry before a certificate of competency under section 17 or 17A of the Principal Act is issued (Schedule 1 (20) (b) and (21) (k));
- (o) to provide for an appeal to the Minister where a person's certificate of competency issued under section 17 or 17A of the Principal Act has been suspended, cancelled or varied by the Chief Inspector of Construction Safety (hereinafter referred to as the "Chief Inspector") (Schedule 1 (20) (c) and (21) (p));
- (p) to empower the Chief Inspector to suspend, cancel or vary a certificate of competency issued under section 17 or 17A of the Principal Act (Schedule 1 (20) (f) and (21) (r));
- (q) to empower the Chief Inspector instead of the Minister, as presently provided, to grant exemptions under section 17 (8) and 17A (5A) of the Principal Act (Schedule 1 (20) (g) and (21) (s));
- (r) to provide that the exemptions referred to in paragraph (q) shall be granted by order instead of by notification and notice, as presently provided, and that an appeal against such an order made by the Chief Inspector, or his refusal to make such an order, may be made to the Minister (Schedule 1 (20) (i) and (j) and (21) (w) and (z));
- (s) to enable certificates of competency as divers, powdermen and explosive-powered tool operators to be issued under section 17A of the Principal Act (Schedule 1 (21) (l));
- (t) to provide for the cancellation or endorsement of certificates of competency that have been cancelled, suspended or varied by the Chief Inspector (Schedule 1 (22));
- (u) to increase to \$500 the maximum penalty for a breach of section 18 of the Principal Act (Schedule 1 (24) (g));
- (v) to provide that regulations may be made exempting persons from compliance with the requirements of sections 6, 6A, 10, 17 and 17A of the Principal Act, as amended by the proposed Act (Schedule 1 (25));
- (w) to facilitate the proof of certain printed rules, codes and specifications (Schedule 1 (28));

- (x) to create offences with respect to the forgery of, or the making of false entries in, certain instruments purporting to have been issued, made, kept, granted or served under the Principal Act or the regulations and with respect to the personation of inspectors or other persons named in instruments in fact issued, made or granted under the Principal Act (Schedule 1 (28));
  - (y) to empower the making of regulations fixing the terms of certificates of competency or of renewals thereof and the fees payable therefor (Schedule 1 (29) (i) and (s));
  - (z) to enable the regulations to fix fees for the setting up or placing in position of certain devices and apparatus where notice of intention to do so is required to be given by the Principal Act (Schedule 1 (29) (k));
  - (aa) to increase to \$500 the maximum penalty that may be imposed for a breach of the regulations (Schedule 1 (29) (x));
  - (ab) to deem certain exemptions given by the Minister under section 17 (8) and 17A (5A) of the Principal Act to have been effected by orders made by the Chief Inspector under the Principal Act, as amended by the proposed Act (clauses 9 and 10); and
  - (ac) to make other provisions of a minor, consequential or saving nature.
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(x) to state otherwise with respect to the terms of the making of law  
cases in or the judicial authority to have been issued, made  
with respect to the law of the United States and on the regulations and  
with respect to the jurisdiction of the courts of the United States  
in matters in law, equity and admiralty and maritime law  
(Schedule 1 (28))

(y) to empower the making of regulations having the force of law  
concurrently or in addition thereto and the law, equity, admiralty  
(Schedule 1 (29) (i) and (j))

(z) to enable the regulations to fix or for the same no matter in how  
the of the law and subjecting what office of minister to do  
to be required to be given by the Federal Act (29) (k);

(aa) to fix or to 200 the maximum penalty that may be imposed for a  
breach of the regulations (Schedule 1 (29) (l))

(ap) to give certain authority to the Minister under section 17 (2)  
and 17A (2) of the Migration Act to have power conferred by orders  
made by the Minister under the Migration Act to suspend or vary  
provisions of the Act and 17A and

(aq) to give the Minister power to suspend or vary the provisions of

Act No. 1978  
**SCAFFOLDING AND LIFTS (AMENDMENT) BILL,  
1978**

No. , 1978.

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**A BILL FOR**

An Act to amend the Scaffolding and Lifts Act, 1912,  
and to amend the Local Government Act, 1919, the  
Factories, Shops and Industries Act, 1962, and the Dangerous  
Goods Act, 1975, consequentially.

[MR HILLS—2 March, 1978.]

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*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 :—

5 **1.** This Act may be cited as the "Scaffolding and Lifts Short title. (Amendment) Act, 1978".

**2.** (1) Except as provided in subsections (2)–(7), this Act shall commence on the date of assent to this Act. Commence-  
ment.

10 (2) Section 5 (1) shall, in its application to a provision of Schedule 1, commence on the day on which that provision commences.

(3) The several provisions of Schedule 1 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published 15 in the Gazette.

(4) Sections 5 (2), 6 and 7 and Schedule 2 shall commence on the day on which Schedule 1 (2) commences.

(5) Section 8 shall commence on the day on which Schedule 1 (7) commences.

20 (6) Section 9 shall commence on the day on which Schedule 1 (20) commences.

(7) Section 10 shall commence on the day on which Schedule 1 (21) commences.

**3.** The Scaffolding and Lifts Act, 1912, is referred to in this Principal  
Act.  
25 Act as the Principal Act.

*Scaffolding and Lifts (Amendment).*

4. This Act contains the following Schedules :— Schedules.
- SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.
- SCHEDULE 2.—AMENDMENTS TO OTHER ACTS.
5. (1) The Principal Act is amended in the manner set forth Amendment of Act No. 38, 1912.  
5 in Schedule 1.
- (2) Each Act specified in Column 1 of Schedule 2 is Amendment of other Acts.  
amended in the manner specified opposite that Act in Column 2 of Schedule 2.
6. Where the Principal Act, an instrument made under that Act, or any provision thereof, is referred to in any Act (other than this Act or the Principal Act) or in any instrument other than an Act (whether made under an Act or not) the reference shall be construed (except for the purposes of any proceedings arising out of a breach of the provisions of the Principal Act or of the regulations made thereunder and alleged to have occurred before the commencement of this section) as a reference to the Construction Safety Act, 1912, an instrument made under that Act or the corresponding provision thereof. References to prior short title, etc.
7. A regulation in force under the Principal Act immediately before the commencement of this section shall be deemed to be a regulation made under the Construction Safety Act, 1912. Saving of regulations.
8. On the commencement of this section— Certain persons deemed appointed.
- (a) any person appointed as an inspector under section 5 of the Principal Act who held that office immediately before that commencement shall be deemed to have been appointed under section 5 (1) of the Principal Act, as amended by this Act, as an inspector; and
- 25

*Scaffolding and Lifts (Amendment).*

5 (b) the person appointed as Chief Inspector of Scaffolding and Lifts under section 5 of the Principal Act who held that office immediately before that commencement shall be deemed to have been appointed under section 5 (2) of the Principal Act, as amended by this Act, as Chief Inspector of Construction Safety.

10 9. (1) Where a certificate of competency has been suspended by order of the Minister under section 17 (7) of the Principal Act for a period that expires after the commencement of this section, the certificate shall, on that commencement, be deemed to have been suspended by order of the Chief Inspector of Construction Safety under section 17 (7A) of that Act, as amended by this Act, until the expiration of that period. Saving of certain orders, etc., under section 17 of the Principal Act.

15 (2) A notification or notice under section 17 (8) (a) or (b) of the Principal Act that was in force immediately before the commencement of this section shall, on that commencement, be deemed to be an order under section 17 (8) (a) or (b) of that Act, as amended by this Act, as the case may require.

20 10. (1) Where a certificate of competency has been suspended by order of the Minister under section 17A (5) of the Principal Act for a period that expires after the commencement of this section, the certificate shall, on that commencement, be deemed to have been suspended by order of the Chief Inspector of Construction Safety under section 17A (5AA) of that Act, as amended by this Act, until the expiration of that period. Saving of certain orders, etc., under section 17A of the Principal Act.

30 (2) A notification or notice under section 17A (5A) (a) or (b) of the Principal Act that was in force immediately before the commencement of this section shall, on that commencement, be deemed to be an order under section 17A (5A) (a) or (b) of that Act, as amended by this Act, as the case may require.



*Scaffolding and Lifts (Amendment).*

SCHEDULE 1.

Sec. 5 (1).

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Long title—

5 After “An Act”, insert “to provide for the regulation and inspection of construction work and”.

(2) Sections 1, 1A—

Omit section 1, insert instead :—

1. This Act may be cited as the “Construction Safety Short title Act, 1912”.

10 1A. This Act is divided as follows :—

Division of Act.

PART I.—PRELIMINARY—ss. 1–5A.

PART II.—NOTIFICATION OF CERTAIN WORK—ss. 6–10.

PART III.—INSPECTION—ss. 13–16.

15 PART IV.—CERTIFICATES OF COMPETENCY—ss. 17–17B.

PART V.—MISCELLANEOUS—ss. 18–22.

FIRST SCHEDULE.

(3) Section 2 (2), (3)—

20 Omit the subsections.

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*Scaffolding and Lifts (Amendment)*

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SCHEDULE 1—*continued*.AMENDMENTS TO THE PRINCIPAL ACT—*continued*.

(4) (a) Section 3, definition of “Amusement device”—

Omit the definition, insert instead :—

5           “Amusement device” means anything mobile or  
fixed made available to members of the public  
on which, or on any part of which, or by  
10 means of which, they may ascend or descend,  
or be carried, transported, raised, lowered or  
supported for the purposes of amusement,  
games, recreation, sightseeing or entertain-  
ment but does not include—

(a) anything that—

15           (i) is not power-operated; or  
(ii) that may only be operated by  
manual power,

unless a fee is payable for its use, or for  
entry therein or thereon, or for entry to  
the place where it is situated;

20           (b) a conveyor, crane, escalator, hoist, lift  
or moving walk;

25           (c) a railway system in so far as it uses a  
locomotive for its motive power and  
has a track gauge of more than 650  
mm;

(d) a vehicle required to be registered  
under the Motor Traffic Act, 1909, or  
the Transport Act, 1930;

30           (e) a vessel used on waters navigable for  
the purpose of trade;

*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 (f) an aircraft subject to the regulations made under the Air Navigation Act 1920 of the Parliament of the Commonwealth and any Act amending or replacing that Act; or
- (g) anything prescribed as being excluded from this definition.
- 10 (b) Section 3, definitions of “Authorised attendant”, “Automatic lift”—  
Omit the definitions.
- (c) Section 3, definition of “Building work”—  
Omit the definition, insert instead :—
- 15 “Building work” means—
- (a) work in constructing, erecting, installing, adding to, altering, repairing, equipping, finishing, painting, cleaning, signwriting, sheathing, spraying, dismantling or demolishing or any other prescribed operation that—
- 20 (i) is done in relation to a building or structure, at or adjacent to the site thereof; or
- 25 (ii) is done in relation to a vessel on or adjacent to the vessel while it is at a wharf, in dock or on slips; and
- 30 (b) work in lining any shaft, well or tunnel.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(d) Section 3, definition of “Chief Inspector”—

5 Omit “Scaffolding and Lifts”, insert instead “Construction Safety”.

(e) Section 3, definition of “Compressed air work”—

Omit the definition, insert instead :—

10 “Compressed air work” means work (other than diving work) done in, or in connection with, construction work or other prescribed work by a person while breathing any gas or mixture of gases at a greater pressure than atmospheric pressure.

(f) Section 3, definition of “Construction work”—

15 After the definition of “Compressed air work”, insert :—

“Construction work” means—

- 20 (a) building work, excavation work, compressed air work and diving work;
- (b) work in or in connection with the construction or maintenance of roads, airfields or airstrips, or of the permanent way of a railway or tramway;
- 25 (c) dredging or salvaging work;
- (d) the laying, lining or maintenance of pipes or cables;
- (e) earth moving carried out with equipment for or in connection with the operation of which power other than manual power is used;
- 30 (f) land clearing in preparation for any work referred to in paragraph (a), (b), (d) or (e);

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (g) any work in which explosives are used;  
and  
5 (h) any other prescribed work.
- (g) Section 3, definition of “Constructor”—  
Omit the definition of “Contractor”, insert instead :—  
“Constructor”, in relation to any construction work,  
10 means the person who by himself (otherwise  
than as a servant or agent of the person carry-  
ing out that work) or by his servants or agents  
carries out that work.
- (h) Section 3, definition of “Crane”—  
15 (i) After “telpher crane,”, insert “boom crane, tower  
crane, stacking crane, loading crane integral with  
a vehicle, elevating work platform,”.  
(ii) After “conveyor,”, insert “escalator, moving  
walk,”.
- (i) Section 3, definition of “Diving work”—  
20 After the definition of “Crane”, insert :—  
“Diving work” means diving work done in, or in  
connection with, other construction work or  
other prescribed work.
- (j) Section 3, definition of “Escalator”—  
25 Before the definition of “Excavation work”, insert :—  
“Escalator” means an apparatus or contrivance by  
which persons are, or are capable of being,  
raised or lowered while standing on the treads  
of an endless stairway, and includes the

*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 supporting structure, machinery, equipment  
and gear used in connection with any such  
apparatus or contrivance.

(k) Section 3, definition of "Excavation work"—

Omit the definition, insert instead :—

10 "Excavation work" means work involved in the  
excavation or filling of trenches, ditches,  
shafts, drifts, rises, tunnels, pier holes, cuttings,  
benches, wells or canals or any similar work.

(l) Section 3, definition of "Gear"—

(i) Omit "lift, crane, hoist", insert instead "escalator,  
moving walk, crane, hoist, lift".

15 (ii) Omit ", building work, excavation work or  
compressed air work", insert instead "or  
construction work".

(m) Section 3, definition of "Hoist"—

20 Omit "hand chain block", insert instead "rope and  
pulley system, chain block, tripod hoist, construction  
hoist, men-and-materials hoist, vehicle towing hoist".

(n) Section 3, definition of "Lift"—

After "conveyor," insert "escalator, moving walk,".

(o) Section 3, definition of "Moving walk"—

25 After the definition of "Lift", insert :—

30 "Moving walk" means an apparatus or contrivance  
(other than an escalator) by which persons  
are, or are capable of being, transported while  
standing on a moving surface, and includes the  
supporting structure, machinery, equipment  
and gear used in connection with any such  
apparatus or contrivance.

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*Scaffolding and Lifts (Amendment)*

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SCHEDULE 1—*continued*.

AMENDMENTS TO THE PRINCIPAL ACT—*continued*.

(p) Section 3, definition of "Owner"—

After "conveyor," insert "escalator, moving walk,".

5 (q) Section 3, definition of "Passenger lift"—

Omit the definition.

(r) Section 3, definition of "Plant"—

Omit the definition, insert instead :—

"Plant" means—

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(a) any—

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

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(ii) air lock and welding equip-  
ment,

used or intended for use in construction  
work;

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(b) the gear used in connection with, and  
the supporting structure of, anything  
referred to in paragraph (a); and

(c) any explosive powered tool,

but does not include a conveyor, escalator,  
moving walk, crane, hoist or lift.

(s) Section 3, definition of "Public stand"—

25

Omit "to support members of the public viewing or  
listening to", insert instead :—

to support—

(a) members of the public viewing or  
listening to; or

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) performers or other participants taking part in,
- 5 (t) Section 3, definition of “Regulation”—  
After the definition of “Public stand”, insert :—  
“Regulation” means regulation made under this Act.
- (u) Section 3, definition of “Scaffolding”—
- 10 (i) From paragraph (a), omit “or swinging stage”, insert instead “, framework, run, ramp, gangway, swinging stage”.
- (ii) Omit paragraph (a) (i), insert instead :—  
(i) the carrying out of construction work;
- 15 (iii) From paragraph (a) (ii), omit “or dismantling”, insert instead “, dismantling, repair or maintenance”.
- (iv) From paragraph (a), omit “and”.
- (v) After paragraph (a), insert :—
- 20 (a1) building maintenance unit attached to a building and used for cleaning or other maintenance; and
- (vi) Omit paragraph (b), insert instead :—  
(b) form work set up or used for or in connection with the carrying out of construction work,
- 25 (vii) Omit “and gear”, insert instead “, equipment, gear and machinery (if any)”.
- (v) Section 3, definition of “Supporting structure”—
- 30 After “conveyor,”, insert “escalator, moving walk,”.



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*Scaffolding and Lifts (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (w) Section 3, definition of "Vessel"—

5 After the definition of "Supporting structure",  
insert :—

"Vessel" means any ship, barge, pontoon or other  
construction designed to float.

## (x) Section 3 (2)—

10 At the end of section 3, insert :—

(2) In this Act, a reference to—

(a) an amusement device, includes a reference  
to—

15 (i) each part of the assembly, if any,  
comprising the device; and

(ii) any supporting structure, structure  
giving access to the device,  
20 machinery, equipment, gear, con-  
veyance, platform, cage, seat or  
other thing used, designed for use,  
intended to be used or capable of  
being used in connection with the  
device; or

25 (b) an explosive-powered tool, includes a refer-  
ence to any attachment or device used or  
intended for use in connection with the  
tool.

## (5) Section 4—

Omit the section.

*Scaffolding and Lifts (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(6) (a) Section 4A (a)—

After “conveyor,” insert “escalator, moving walk.”

5 (b) Section 4A—

Omit “Mining Act, 1906, the Mines Inspection Act, 1901, the Coal Mines Regulation Act, 1912, or any Act amending the said Acts” wherever occurring, insert instead “Mines Inspection Act, 1901, or the Coal Mines Regulation Act, 1912”.

10

(c) Section 4A (b)—

Omit “building work, excavation work, or compressed air”, insert instead “construction”.

(d) Section 4A (2)—

15 At the end of section 4A, insert :—

(2) Notwithstanding subsection (1), this Act applies to—

20

(a) any conveyor, escalator, moving walk, crane, gear, hoist, lift, plant or scaffolding used wholly or principally in; and

(b) any construction work carried out in,

a mine or part of a mine for the time being exempted from the operation of the Mines Inspection Act, 1901, under the proviso to section 1 (2) of that Act.

*Scaffolding and Lifts (Amendment).*

**SCHEDULE 1—continued.**

**AMENDMENTS TO THE PRINCIPAL ACT—continued.**

(7) (a) Section 5—

5 Omit "One of such inspectors shall be appointed Chief Inspector of Scaffolding and Lifts."

(b) Section 5 (2)–(4)—

At the end of section 5, insert :—

10 (2) Of the inspectors appointed under subsection (1), one shall be appointed as Chief Inspector of Construction Safety and another as Deputy Chief Inspector of Construction Safety.

15 (3) The Deputy Chief Inspector of Construction Safety shall have, and may exercise and perform, all the powers, authorities, duties and functions of the Chief Inspector.

20 (4) In the exercise or performance of any of the powers, authorities, duties and functions granted to him by subsection (3), the Deputy Chief Inspector of Construction Safety shall be subject to the control and direction of the Chief Inspector.

25 (5) In relation to a person affected by a decision of the Deputy Chief Inspector of Construction Safety, that decision shall be deemed to be a decision of the Chief Inspector whether or not it complies with any directions given by the Chief Inspector.

(8) Part II, heading—

Omit the heading, insert instead :—

**PART II.**

**NOTIFICATION OF CERTAIN WORK.**

*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (9) (a) Section 6 (1)—

Omit "in any district" wherever occurring.

## 5 (b) Section 6 (1)—

Omit "building work, excavation work or compressed air" wherever occurring, insert instead "construction".

## 10 (c) Section 6 (1) (a1)—

After "that", insert "comprising construction work of a kind".

## (d) Section 6 (2)—

Omit "one hundred dollars", insert instead "\$500".

## (e) Section 6 (4)—

Omit "this section", insert instead "subsection (1)".

## 15 (f) Section 6 (4) (c)—

Omit "person.", insert instead "person; or".

## (g) Section 6 (4) (d)—

After section 6 (4) (c), insert :—

## 20 (d) excavation work comprising the making of an excavation that is—

(i) less than 1.5 metres in depth;

(ii) a drilled or bored hole of such dimensions that persons cannot enter it;

*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (iii) a grave for the burial of a deceased person; or
- 5 (iv) of a prescribed kind.
- (10) (a) Section 6A (1), (2)—
- Omit the subsections, insert instead :—
- (1) This section applies to any work referred to in section 6 (1) (a) or (a1) in respect of which any person is or has been required, by section 6 (1), to serve a notice of his intention to carry out the work.
- 10 (2) Any person who commences or continues to carry out any work to which this section applies while the whole or any part of a notification fee payable in respect of the work is due and has not been paid, shall be liable to a penalty not exceeding \$1,000.
- 15 (b) Section 6A (3)—
- Omit “Small Debts Recovery Act, 1912, as amended by subsequent Acts”, insert instead “Courts of Petty Sessions (Civil Claims) Act, 1970”.
- 20 (c) Section 6A (3) —
- Omit “, as so amended”.
- (d) Section 6A (4) (a)—
- Omit the paragraph, insert instead :—
- 25 (a) Any notification fee payable in respect of any work to which this section applies shall be paid to the Under Secretary, Department of Labour and Industry, and shall be paid by the constructor by whom the work is required to be carried out or continued, as
- 30 the case may require.

*Scaffolding and Lifts (Amendment).*

**SCHEDULE 1—continued.**

**AMENDMENTS TO THE PRINCIPAL ACT—continued.**

(e) Section 6A (5)—

Omit the subsection, insert instead :—

5 (5) In this section, “notification fee”, in respect of any work to which this section applies, means the prescribed fee payable in respect of that work.

(11) Part III, heading—

Omit the following matter appearing before section 10 :—

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**PART III.**

**LIFTS AND CONVEYORS.**

(12) (a) Section 10 (1)—

Omit “lift or conveyor in a district”, insert instead “conveyor, escalator, moving walk or lift”.

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(b) Section 10 (1)—

Omit “such lift or conveyor” insert instead “the conveyor, escalator, moving walk or lift”.

(c) Section 10 (2)—

Omit “one hundred dollars”, insert instead “\$500”.

20 (13) Sections 11, 12—

Omit the sections.

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*Scaffolding and Lifts (Amendment).*


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 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (14) Part III, heading—  
 5 From the matter "PART IV. INSPECTION." before section 13, omit "IV", insert instead "III".
- (15) (a) Section 13 (a)—  
 Omit "lift, conveyor", insert instead "conveyor, escalator, moving walk, lift".
- (b) Section 13 (a)—  
 10 Omit "building work, excavation work or compressed air", insert instead "construction".
- (c) Section 13 (a)—  
 Omit "in any district".
- (d) Section 13 (b)—  
 15 After "Act", insert "and the regulations".
- (16) (a) Section 14 (1)—  
 Omit "passenger or goods lift or a conveyor", insert instead "conveyor, escalator, moving walk or lift".
- (b) Section 14 (1)—  
 20 Omit "lift or conveyor" wherever occurring, insert instead "conveyor, escalator, moving walk or lift".
- (c) Section 14 (1)—  
 Omit "one hundred dollars", insert instead "\$500".

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (d) Section 14 (2)—  
Omit “one hundred dollars”, insert instead “\$1,000”.
- 5 (17) (a) Section 15 (1) (a)—  
Omit “in any district, or”.
- (b) Section 15 (1) (a)—  
Omit “in any district,” where secondly occurring.
- (c) Section 15—  
10 Omit “lift or conveyor” wherever occurring, insert  
instead “conveyor, escalator, moving walk or lift”.
- (d) Section 15 (1)—  
Omit “building work excavation work or compressed  
air” wherever occurring, insert instead “construction”.
- 15 (e) Section 15 (1) (b)—  
Omit “in any district, the regulations made under this  
Act”, insert instead “, the regulations”.
- (f) Section 15 (1)—  
Omit “contractor,”, insert instead “constructor or”.
- 20 (g) Section 15 (1)—  
Omit “such regulations”, insert instead “the  
regulations”.
- (h) Section 15 (2) (a)—  
25 Omit “lift or conveyor” wherever occurring, insert  
instead “conveyor, escalator, moving walk or lift”.



*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (i) Section 15 (2) (c)—  
Omit “contractor”, insert instead “constructor”.
- 5 (j) Section 15 (2) (c)—  
Omit “building work, excavation work or compressed air”, insert instead “construction”.
- (k) Section 15 (2) (c)—  
10 After “given”, insert “, or any contractor carrying out the work or any part of the work,”.
- (l) Section 15 (4)—  
Omit “under this Act”.
- (m) Section 15 (5)—  
Omit “five hundred dollars”, insert instead “\$1,000”.
- 15 (18) (a) Section 16—  
Omit “who interferes with or obstructs any inspector in the execution of”, insert instead :—  
who—  
(a) assaults, resists or obstructs; or  
20 (b) uses threatening, abusive or insulting language to,  
an inspector while the inspector is acting under
- (b) Section 16—  
Omit “one hundred dollars”, insert instead “\$1,000”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (19) Part IV, heading—

5 Omit the matter appearing after section 16 and before section 17, insert instead :—

## PART IV.

## CERTIFICATES OF COMPETENCY.

## (20) (a) Section 17—

Omit “in any district” wherever occurring.

## 10 (b) Section 17 (4) (a)—

Omit “, after inquiry and examination as prescribed,”.

## (c) Section 17 (6)—

15 Omit “with the decision of the Chief Inspector in respect of the issue or refusal to issue to him a certificate of competency under this section may appeal”, insert instead :—

with—

(a) a decision of the Chief Inspector in respect of—

20 (i) the issue to him of; or

(ii) the refusal to issue to him, a certificate of competency under this section; or

25 (b) an order made in respect of his certificate of competency by the Chief Inspector under subsection (7A),

may appeal

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*Scaffolding and Lifts (Amendment)*


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 SCHEDULE 1—*continued*.

 AMENDMENTS TO THE PRINCIPAL ACT—*continued*.

## (d) Section 17 (6)—

5 After “conclusive”, insert “and shall be carried into effect by the Chief Inspector”.

## (e) Section 17 (6)—

Omit “under this Act”.

## (f) Section 17 (7)–(7B)—

Omit section 17 (7), insert instead :—

10 (7) Where, upon report by an inspector or otherwise, it appears to the Chief Inspector that the holder of a certificate of competency issued under this section has ceased to be sufficiently trustworthy or competent to hold his certificate of competency, the Chief Inspector may, by notice in writing served on the holder, require the holder to appear before him at a time and place specified in the notice to show cause why—

- 20 (a) the certificate of competency issued to him should not be suspended or cancelled; or
- (b) the type or motive power of the power cranes or power hoists to which his certificate of competency relates or the purposes for which the power cranes or power hoists
- 25 — may be used should not be varied.

(7A) If the Chief Inspector is not satisfied with the matters, if any, put to him by the holder of a certificate of competency who has been served with a notice under subsection (7), he may, by order under his hand served on the holder—

30

- (a) suspend the certificate of competency for such period not exceeding 12 months as he may determine;

*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) cancel the certificate of competency; or

5 (c) vary the type or motive power of the power cranes or power hoists to which the certificate of competency relates or the purposes for which those power cranes or power hoists may be used.

10 (7B) A person whose certificate of competency has been suspended under subsection (7A) shall be deemed not to be the holder of the certificate of competency during the period of its suspension.

(g) Section 17 (8)—

15 Omit “Minister” wherever occurring, insert instead “Chief Inspector”.

(h) Section 17 (8) (a)—

Omit “notification” wherever occurring, insert instead “order”.

(i) Section 17 (8) (b)—

20 Omit “notice”, insert instead “order”.

(j) Section 17 (8A)–(8C)—

After section 17 (8), insert :—

(8A) Any person who is dissatisfied with—

25 (a) an order made by the Chief Inspector under subsection (8) or with any condition of any such order; or

(b) the refusal of the Chief Inspector to make an order under subsection (8),

30 may appeal to the Minister in accordance with the regulations.

*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 (8B) After hearing an appeal under subsection (8A), the Minister may direct the Chief Inspector to revoke, alter or vary an order made under subsection (8) or to make such an order, as the case may require, and any such direction shall be carried into effect by the Chief Inspector.
- 10 (8C) The Minister may, in a direction given under subsection (8B), require the Chief Inspector to—
- 15 (a) insert conditions specified in the direction in an order made under subsection (8) when altering or varying the order; or
- (b) make an order under subsection (8) that is specified in the direction.
- (21) (a) Section 17A (1)—  
Omit “, in any district,”.
- (b) Section 17A (1)—  
20 Omit “or crane chaser” wherever occurring, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.
- (c) Section 17A (1A), (1B)—  
Omit “in any district” wherever occurring.
- (d) Section 17A (1A) (c)—  
25 Omit “of crane,”, insert instead “of crane;”.

*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(e) Section 17A (1A) (d), (e)—

After section 17A (1A) (c), insert :—

(d) as a diver or powderman and who acts as a diver or powderman, as the case may be, in relation to any type of construction work; or

(e) as an explosive-powered tool operator and who acts as an explosive-powered tool operator in relation to any type of explosive-powered tool,

(f) Section 17A (1A)—

Omit “or crane chaser” where lastly occurring, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

(g) Section 17A (1B) (a)—

Omit “or crane chaser”, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

(h) Section 17A (1B) (b) (iii)—

Omit “of crane,”; insert instead “of crane;”.

(i) Section 17A (1B) (b) (iv), (v)—

After section 17 (1B) (b) (iii), insert :—

(iv) as a diver or powderman, to act as a diver or powderman, as the case may be, in relation to any type of construction work; or

(v) as an explosive-powered tool operator, to act as an explosive-powered tool operator in relation to any type of explosive-powered tool,

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*Scaffolding and Lifts (Amendment)*


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 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (j) Section 17A (1B)—

5 Omit “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.”, insert instead :—

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

## 15 (k) Section 17A (2) (a)—

Omit “after inquiry and examination as prescribed”.

## (l) Section 17A (2) (a)—

20 Omit “or crane chaser” wherever occurring, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

## (m) Section 17A (2) (b) (iii)—

Omit “of crane,”, insert instead “of crane;”.

## (n) Section 17A (2) (b) (iv), (v)—

After section 17A (2) (b) (iii), insert :—

25 (iv) as a diver or powderman, may specify the type of construction work; or

(v) as an explosive-powered tool operator, may specify the type of explosive-powered tool,

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (o) Section 17A (2) (b)—

5 Omit “or crane chaser” where lastly occurring, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

## (p) Section 17A (4)—

10 Omit “with the decision of the Chief Inspector in respect of the issue or refusal to issue to him a certificate of competency under this section may appeal”, insert instead :—

with—

(a) a decision of the Chief Inspector in respect of—

15

(i) the issue to him of; or

(ii) the refusal to issue to him,

a certificate of competency under this section; or—

20

(b) an order made in respect of his certificate of competency by the Chief Inspector under subsection (5AA),

may appeal

## (q) Section 17A (4)—

25

After “conclusive”, insert “and shall be carried into effect by the Chief Inspector”.

## (r) Section 17A (5)–(5AB)—

Omit section 17A (5), insert instead :—

30

(5) Where, upon report of an inspector or otherwise, it appears to the Chief Inspector that the holder of a certificate of competency issued under this section



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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 has ceased to be sufficiently trustworthy or competent to hold his certificate of competency, the Chief Inspector may, by notice in writing served on the holder, require the holder to appear before him at a time and place specified in the notice to show cause why—

- 10 (a) the certificate of competency issued to him should not be suspended or cancelled; or
- (b) the type of building, structure, crane or hoist, the type of scaffolding, the type of crane, the type of construction work or the type of explosive-powered tool to which his
- 15 certificate of competency relates should not be varied.

(5AA) If the Chief Inspector is not satisfied with the matters, if any, put to him by the holder of a certificate of competency who has been served with a notice under subsection (5), he may, by order under his hand served on the holder—

20

- (a) suspend the certificate of competency for such period not exceeding 12 months as he may determine;
- 25 (b) cancel the certificate of competency; or
- (c) vary the type of building, structure, crane or hoist, the type of scaffolding, the type of crane, the type of construction work or the type of explosive-powered tool to which the
- 30 certificate of competency relates.

(5AB) A person whose certificate of competency has been suspended under subsection (5AA) shall be deemed not to be the holder of the certificate of competency during the period of its suspension.

*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(s) Section 17A (5A)—

5 Omit “Minister” wherever occurring, insert instead  
“Chief Inspector”.

(t) Section 17A (5A) (a)—

Omit “notification” wherever occurring, insert instead  
“order”.

(u) Section 17A (5A) (a) (iii)—

10 Omit “specified.”, insert instead “specified;”.

(v) Section 17A (5A) (a) (iv), (v)—

After section 17A (5A) (a) (iii), insert :—

15 (iv) persons acting as divers or powdermen in  
relation to any type of construction work  
specified in the order, from the operation of  
the provisions of subsections (1) and (1A)  
whilst they are so acting, and persons who  
employ, instruct or allow persons to act as  
20 aforesaid from the operation of the provisions  
of subsection (1B) in respect of persons acting  
as divers or powdermen, as the case may be,  
in relation to the type of construction work so  
specified; or

25 (v) persons acting as explosive-powered tool  
operators in relation to any type of explosive-  
powered tool specified in the order, from the  
operation of the provisions of subsections (1)  
and (1A) whilst they are so acting, and  
30 persons who employ, instruct or allow persons  
to act as aforesaid from the operation of the  
provisions of subsection (1B) in respect of

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*Scaffolding and Lifts (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 persons acting as explosive-powered tool operators, in relation to the type of explosive-powered tool so specified.
- (w) Section 17A (5A) (b)—  
Omit “notice”, insert instead “order”.
- (x) Section 17A (5A) (b) (iii)—  
Omit “crane.”, insert instead “crane;”.
- 10 (y) Section 17A (5A) (b) (iv), (v)—  
After section 17A (5A) (b) (iii), insert :—
- (iv) to the person carrying out or proposing to carry out any particular construction work exempt persons acting as divers, powdermen or explosive-powered tool operators in relation to the construction work from the operation of the provisions of subsections (1) and (1A) 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) in respect of persons acting as divers, powdermen or explosive-powered tool operators, as the case may be, in relation to that particular construction work; or
- 15
- 20
- 25 (v) to the owner of any particular explosive-powered tool exempt persons acting as explosive-powered tool operators in relation to the tool from the operation of the provisions of subsections (1) and (1A) 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)
- 30

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 in respect of persons acting as explosive-powered tool operators in relation to that particular explosive-powered tool.

(z) Section 17A (5BA)–(5BC)—

After section 17A (5A), insert :—

(5BA) Any person who is dissatisfied with—

10 (a) an order made by the Chief Inspector under subsection (5A) or with any condition of any such order; or

(b) the refusal of the Chief Inspector to make an order under subsection (5A),

15 may appeal to the Minister in accordance with the regulations.

(5BB) After hearing an appeal under subsection (5BA), the Minister may direct the Chief Inspector to revoke, alter or vary an order made under subsection (5A) or to make such an order, as the case may require, and any such direction shall be carried into effect by the Chief Inspector.

(5BC) The Minister may, in a direction given under subsection (5BB), require the Chief Inspector to—

25 (a) insert conditions specified in the direction in an order made under subsection (5A) when altering or varying the order; or

(b) make an order under subsection (5A) that is specified in the direction.

30 (aa) Section 17A (5B)—

Omit “or crane chaser” wherever occurring, insert instead “, crane chaser, diver or powderman”.

*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (ab) Section 17A (5C)—

After section 17A (5B), insert :—

- 5 (5C) Nothing in subsection (1) or (1B) shall apply to or in respect of any work done by a person using an explosive-powered tool in prescribed circumstances.

## (ac) Section 17A (6)—

- 10 Omit the subsection, insert instead :—

## (6) In this section—

- 15 “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.

“Diver” means a diver carrying out diving work.

- 20 “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.

“Powderman” means a person engaged in the preparation or firing of charges of explosives in the course of construction work.

- 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 those members, for dismantling or demolishing buildings or structures, other than scaffolding, or for  
30 setting up or dismantling cranes or hoists.

*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 “Scaffolder” means a person engaged in the work of erecting, altering or demolishing scaffolding which is so placed that a person or object falling therefrom could fall a distance of 3 metres or more.

## (22) Section 17B—

After section 17A, insert :—

10 17B. (1) Where the Chief Inspector makes an order under section 17 (7A) or 17A (5AA), he may, in the order, require the person to whom the certificate of competency to which the order relates was issued to deliver the certificate of competency to him within a time specified in the order for the purpose of the certificate of competency being endorsed or cancelled. Endorsement of certificates.

15 (2) A person who, without reasonable excuse, fails to comply with a requirement made under subsection (1) shall be liable to a penalty not exceeding \$100.

## 20 (23) Part V, heading—

From the matter “PART VI.—MISCELLANEOUS.” before section 18, omit “VI”, insert instead “V”.

## (24) (a) Section 18—

25 After “conveyor,” wherever occurring, insert “escalator, moving walk,”.

## (b) Section 18 (1)—

Omit “, building work, excavation work, or compressed air”, insert instead “or construction”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (c) Section 18 (1) (c)—

5 Omit “, building work, excavation work or compressed air”, insert instead “or construction”.

## (d) Section 18 (1)—

After “of such conveyor”, insert “, escalator, moving walk,”.

## (e) Section 18 (1)—

10 Omit “contractor”, insert instead “constructor”.

## (f) Section 18 (1)—

Omit “such building work, excavation work or compressed air”, insert instead “the construction”.

## (g) Section 18 (3)—

15 Omit “two hundred dollars”, insert instead “\$500”.

## (25) Section 18A—

After section 18, insert :—

20 18A. Where the regulations so provide, a specified person or a specified class of persons is, subject to such conditions as are prescribed, exempt from the operation of section 6, 6A, 10, 17 or 17A. Exemptions.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (26) (a) Section 19 (b)—

Omit the paragraph, insert instead :—

- 5 (b) acting as a crane chaser, diver, dogman,  
explosive-powered tool operator, powderman,  
rigger or scaffolder (in each case, within the  
meaning of section 17A); or

## (b) Section 19 (c)—

- 10 Omit “building work, compressed air work, excava-  
tion”, insert instead “construction”.

## (c) Section 19 (c)—

After “conveyor,” insert “escalator, moving walk.”

## (27) (a) Section 21 (1)—

- 15 Omit “two hundred dollars”, insert instead “\$1,000”.

## (b) Section 21 (3)—

Omit “building work, excavation work or compressed  
air”, insert instead “construction”.

## (c) Section 21 (3)—

- 20 Omit “contractor for”, insert instead “constructor of”.

## (28) Sections 21A, 21B—

After section 21, insert :—

- 25 21A. In proceedings for an offence against this Act or Proof of  
the regulations a printed document that is or purports to be standards.  
a standard rule, code or specification of a body or authority  
referred to in section 22 (3) and that has been or purports



*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 to have been published or issued by or on behalf of that body or authority is admissible as evidence in those proceedings and, in the absence of evidence to the contrary, is proof of that standard rule, code or specification.

21B. (1) A person who—

- 10 (a) forges or counterfeits any instrument that purports to have been issued, made or granted under this Act or the regulations;
- (b) knowingly utters or makes use of any instrument so forged or counterfeited;
- 15 (c) personates any person named in an instrument that has in fact been so issued, made or granted; or
- (d) falsely pretends to be an inspector,

Forgery of certificates or permits, etc.

shall be guilty of an offence against this Act and be liable to imprisonment for a term not exceeding 12 months.

(2) A person who—

- 20 (a) wilfully makes a false entry in any book, register, notice, certificate, list, record or document required by this Act or the regulations to be kept or served;
- 25 (b) wilfully makes or signs a false return under this Act or the regulations;
- (c) wilfully makes or signs any false statement—
- (i) in any application; or
- (ii) in any notice required to be given by him, under this Act or the regulations; or
- 30 (d) knowingly makes use of any false entry, return or statement referred to in paragraph (a), (b) or (c),

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 shall be guilty of an offence against this Act and be liable to a penalty not exceeding \$500 for each offence, or to be imprisoned for a term not exceeding 3 months.

(29) (a) Section 22 (2) (a)—

Omit “lift or conveyor”, insert instead “conveyor, escalator, moving walk or lift”.

(b) Section 22 (2)—

10 Omit “building work, excavation work or compressed air” wherever occurring, insert instead “construction”.

(c) Section 22 (2) (b)—

Omit “lift, conveyor”, insert instead “conveyor, escalator, moving walk, lift”.

15 (d) Section 22 (2) (c)—

Omit the paragraph.

(e) Section 22 (2) (d)—

Omit “lift or conveyor”, insert instead “conveyor, escalator, moving walk or lift”.

20 (f) Section 22 (2) (e)—

After “conveyors,”, insert “escalators, moving walks,”.

(g) Section 22 (2) (f) (i)—

Omit “lifts or conveyors”, insert instead “conveyors, escalators, moving walks or lifts”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (h) Section 22 (2) (f) (ii)—

5 After “conveyors,” wherever occurring, insert  
“escalators, moving walks,”.

## (i) Section 22 (2) (f) (iii), (iv)—

Omit the subparagraphs, insert instead :—

10 (iii) applications for the issue and renewal of  
certificates of competency as power crane or  
power hoist drivers;

(iv) applications for the issue and renewal of  
certificates of competency as riggers, dogmen,  
scaffolders, crane chasers, divers, powdermen  
and explosive-powered tool operators;

## (j) Section 22 (2) (f) (vi)—

15 Omit “or crane chasers”, insert instead “, crane  
chasers, divers or powdermen”.

## (k) Section 22 (2) (f) (vii)—

After section 22 (2) (f) (vi), insert :—

20 (vii) the setting up, building or setting or placing  
in position of any crane, hoist, plant or  
scaffolding or the erection or alteration of any  
conveyor, escalator, moving walk or lift in any  
25 case where notice of intention in relation  
thereto is, or is required to be, given under this  
Act;

## (l) Section 22 (2) (g)—

After “conveyors,” wherever occurring, insert  
“escalators, moving walks,”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (m) Section 22 (2) (g) (ii)—  
After “conveyors”, insert “, escalators, moving walks”.
- 5 (n) Section 22 (2) (g) (ii)—  
Omit “and crane chasers”, insert instead “, crane chasers, divers, powdermen and explosive-powered tool operators”.
- 10 (o) Section 22 (2) (g1)—  
Omit “diver, diver’s attendant or powderman”, insert instead “diver’s attendant”.
- (p) Section 22 (2) (g1) (i)—  
Omit “divers, divers’ attendants and powdermen”, insert instead “divers’ attendants”.
- 15 (q) Section 22 (2) (g1) (i)—  
Omit “and issue”, insert instead “, issue and renewal”.
- (r) Section 22 (2) (g1) (ii)—  
After “issue”, insert “and renewal”.
- (s) Section 22 (2) (g2)—  
20 After section 22 (2) (g1), insert :—  
(g2) prescribing the terms for which certificates of competency issued under section 17 or 17A or any renewals thereof shall be in force and providing for renewal of any such certificate of competency;
- 25 (t) Section 22 (3)—  
After “conveyors,” insert “escalators, moving walks,”.

*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (u) Section 22 (3A) (f)—

Omit “contractors”, insert instead “constructors”.

## 5 (v) Section 22 (3B)—

Omit the subsection.

## (w) Section 22 (3D)—

After section 22 (3C), insert :—

(3D) A regulation may—

- 10 (a) apply differently according to such factors as may be specified in the regulation; and
- (b) impose duties upon constructors, contractors, principal contractors, sub-contractors or other persons.

## 15 (x) Section 22 (4)—

Omit “two hundred dollars”, insert instead “\$500”.

## (y) Section 22 (5)—

Omit the subsection, insert instead :—

- 20 (5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

*Scaffolding and Lifts (Amendment).*

## SCHEDULE 2.

Sec. 5 (2).

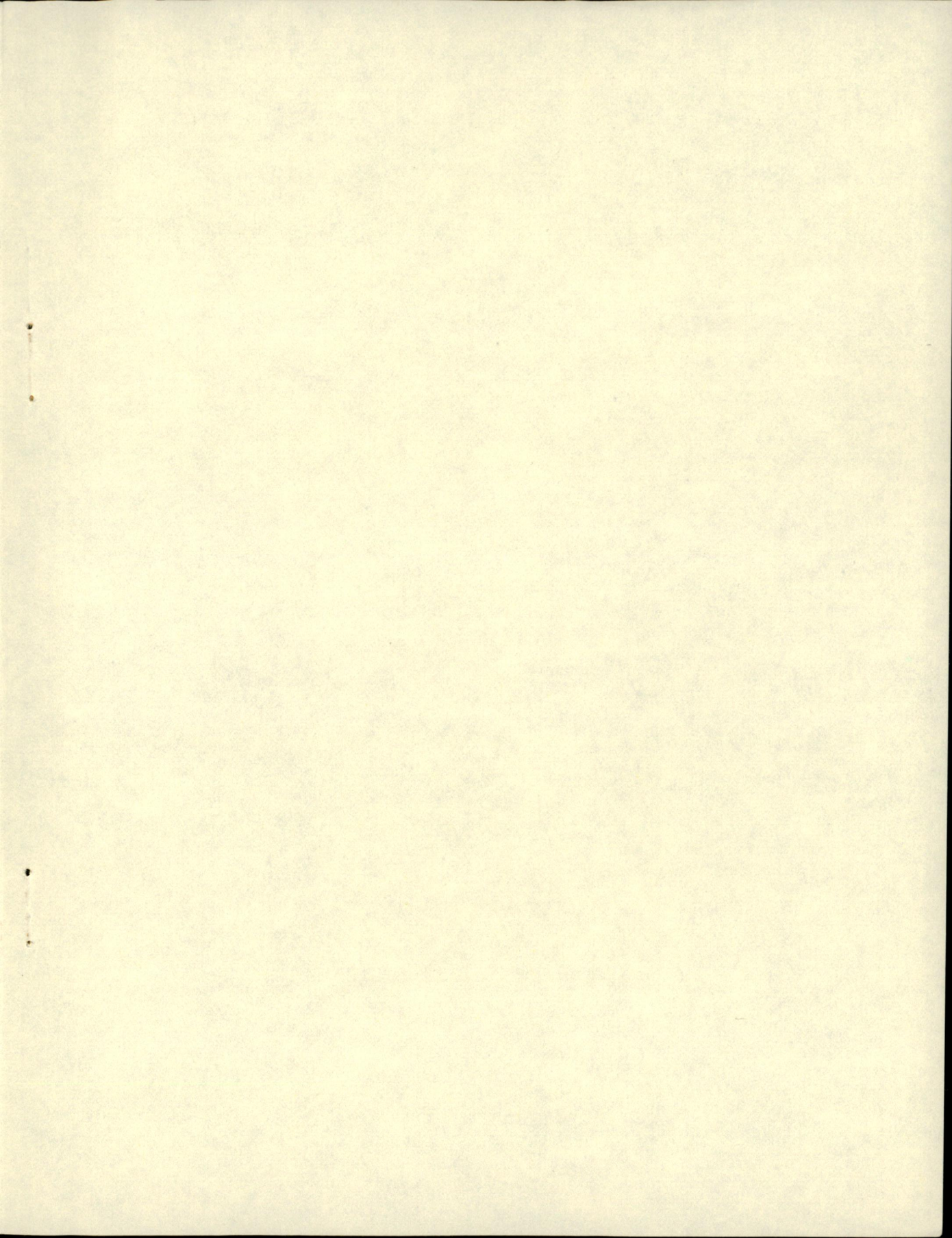
## AMENDMENTS TO OTHER ACTS.

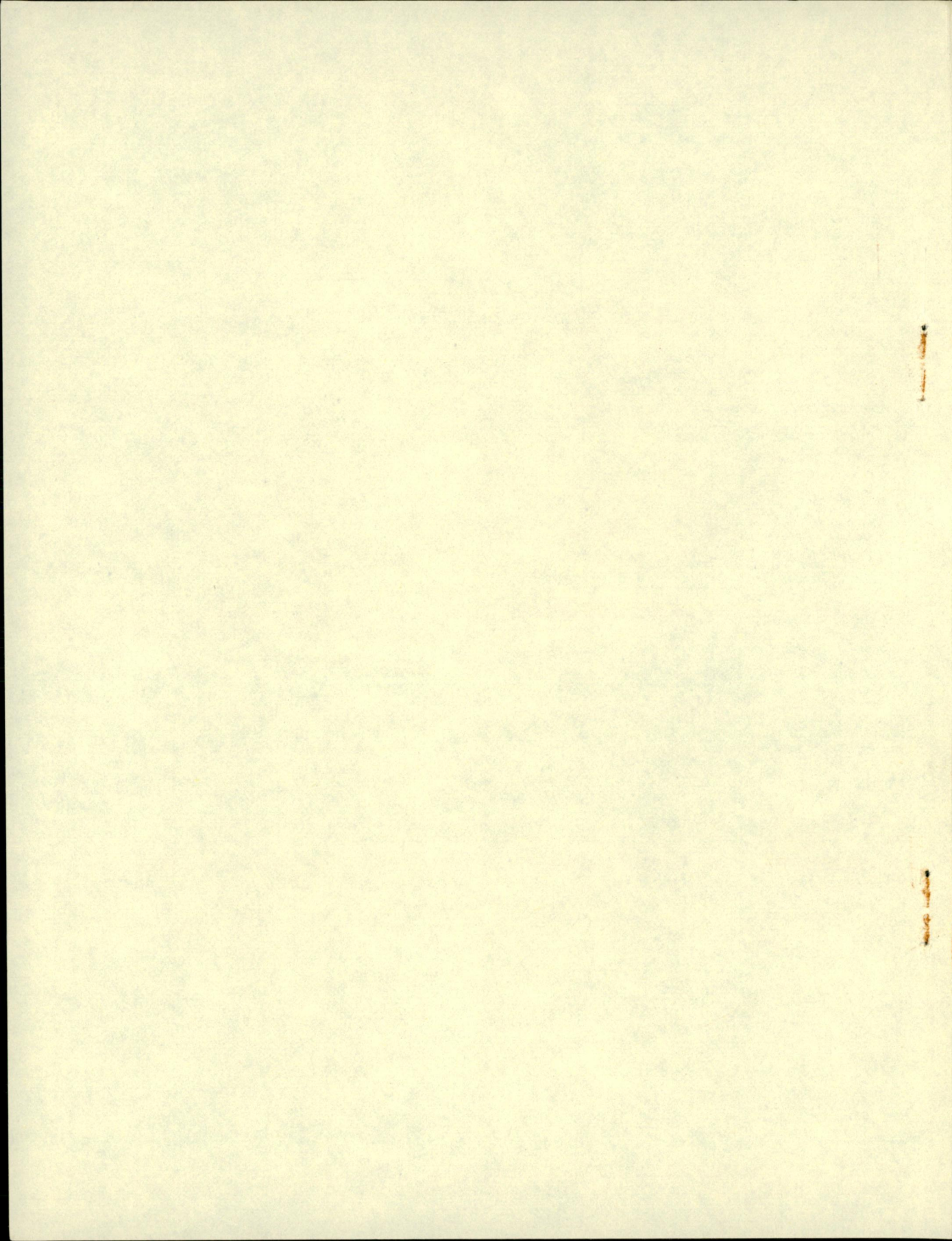
Column 1.		Column 2.
5	Year and number of Act.	Short title of Act. Amendment.
10	1919, No. 41 .. Local Government Act, 1919.	Section 10 (1)— Omit "Scaffolding and Lifts", insert instead "Construction Safety".
15	1962, No. 43 .. Factories, Shops and Industries Act, 1962.	Section 6 (2)— Omit "Scaffolding and Lifts", insert instead "Construction Safety". Section 33 (4)— Omit "in any district or area in which the Scaffolding and Lifts Act, 1912, as amended by subsequent Acts, has effect", insert instead "to which the Construction Safety Act, 1912, applies". Omit "the said Act, as so amended", insert instead "that Act".
25	1975, No. 68 .. Dangerous Goods Act, 1975.	Section 5 (3)— Omit "Scaffolding and Lifts", insert instead "Construction Safety".

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

[48c]







# SCAFFOLDING AND LIFTS (AMENDMENT) BILL, 1978

## EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to change the short title of the Scaffolding and Lifts Act, 1912 (hereinafter referred to as the "Principal Act") so that it may be cited as the Construction Safety Act, 1912 (Schedule 1 (2));
- (b) to amalgamate Parts II and III of the Principal Act and to change the headings to the Parts of that Act, other than the heading to Part I (Schedule 1 (2));
- (c) to insert definitions of "construction work", "constructor", "diving work", "escalator", "moving walk", "regulation" and "vessel" in the Principal Act; to re-define "amusement device", "building work", "compressed air work", "excavation work" and "plant" for the purposes of that Act and to amend the definitions of certain other expressions used therein (Schedule 1 (4));
- (d) to provide that the Principal Act shall apply to certain equipment used in, and any construction work carried out in, a mine or part of a mine exempted from the operation of the Mines Inspection Act, 1901 (Schedule 1 (6) (d));
- (e) to create the offices of Chief Inspector of Construction Safety and Deputy Chief Inspector of Construction Safety under the Principal Act (Schedule 1 (7));
- (f) to increase to \$500 the maximum penalty for a failure to serve a notice of intention to carry out certain work under section 6 (1) of the Principal Act (Schedule 1 (9) (d));
- (g) to increase to \$1,000 the maximum penalty for a failure to pay a notification fee payable under section 6A of the Principal Act (Schedule 1 (10) (a));
- (h) to increase to \$500 the maximum penalty for a failure to serve a notice of intention to erect or alter certain works under section 10 (1) of the Principal Act (Schedule 1 (12) (c));
- (i) to omit sections 11 and 12 of the Principal Act which related to the operation of passenger lifts by authorised attendants (Schedule 1 (13));
- (j) to increase to \$500 the maximum penalty for persons operating conveyors, escalators, moving walks or lifts contrary to the directions of an inspector (Schedule 1 (16) (a)-(c));

- (k) to increase to \$1,000 the maximum penalty for persons operating amusement devices contrary to the directions of an inspector (Schedule 1 (16) (d));
- (l) to increase to \$1,000 the maximum penalty for failure to comply with a direction or order given by an inspector or an order made by the Minister under section 15 of the Principal Act (Schedule 1 (17) (m));
- (m) to constitute an offence of using threatening, abusive or insulting language to an inspector and to increase the maximum penalty for obstructing inspectors exercising their powers or performing their duties under the Principal Act to \$1,000 (Schedule 1 (18));
- (n) to remove the requirement for a prescribed examination and enquiry before a certificate of competency under section 17 or 17A of the Principal Act is issued (Schedule 1 (20) (b) and (21) (k));
- (o) to provide for an appeal to the Minister where a person's certificate of competency issued under section 17 or 17A of the Principal Act has been suspended, cancelled or varied by the Chief Inspector of Construction Safety (hereinafter referred to as the "Chief Inspector") (Schedule 1 (20) (c) and (21) (p));
- (p) to empower the Chief Inspector to suspend, cancel or vary a certificate of competency issued under section 17 or 17A of the Principal Act (Schedule 1 (20) (f) and (21) (r));
- (q) to empower the Chief Inspector instead of the Minister, as presently provided, to grant exemptions under section 17 (8) and 17A (5A) of the Principal Act (Schedule 1 (20) (g) and (21) (s));
- (r) to provide that the exemptions referred to in paragraph (q) shall be granted by order instead of by notification and notice, as presently provided, and that an appeal against such an order made by the Chief Inspector, or his refusal to make such an order, may be made to the Minister (Schedule 1 (20) (i) and (j) and (21) (w) and (z));
- (s) to enable certificates of competency as divers, powdermen and explosive-powered tool operators to be issued under section 17A of the Principal Act (Schedule 1 (21) (l));
- (t) to provide for the cancellation or endorsement of certificates of competency that have been cancelled, suspended or varied by the Chief Inspector (Schedule 1 (22));
- (u) to increase to \$500 the maximum penalty for a breach of section 18 of the Principal Act (Schedule 1 (24) (g));
- (v) to provide that regulations may be made exempting persons from compliance with the requirements of sections 6, 6A, 10, 17 and 17A of the Principal Act, as amended by the proposed Act (Schedule 1 (25));
- (w) to facilitate the proof of certain printed rules, codes and specifications (Schedule 1 (28));

- (x) to create offences with respect to the forgery of, or the making of false entries in, certain instruments purporting to have been issued, made, kept, granted or served under the Principal Act or the regulations and with respect to the personation of inspectors or other persons named in instruments in fact issued, made or granted under the Principal Act (Schedule 1 (28));
  - (y) to empower the making of regulations fixing the terms of certificates of competency or of renewals thereof and the fees payable therefor (Schedule 1 (29) (i) and (s));
  - (z) to enable the regulations to fix fees for the setting up or placing in position of certain devices and apparatus where notice of intention to do so is required to be given by the Principal Act (Schedule 1 (29) (k));
  - (aa) to increase to \$500 the maximum penalty that may be imposed for a breach of the regulations (Schedule 1 (29) (x));
  - (ab) to deem certain exemptions given by the Minister under section 17 (8) and 17A (5A) of the Principal Act to have been effected by orders made by the Chief Inspector under the Principal Act, as amended by the proposed Act (clauses 9 and 10); and
  - (ac) to make other provisions of a minor, consequential or saving nature.
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Act No. 1978  
Scaffolding and Lifts (Amendment)  
**SCAFFOLDING AND LIFTS (AMENDMENT) BILL,  
1978**

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. This Act may be cited as the "Scaffolding and Lifts Short Title (Amendment) Act, 1978".

2. (1) Except as provided in subsections (2)–(7), this Act shall commence on the date of assent to this Act.

(2) Section 5 (1) shall, in its application to a provision of Schedule 1, commence on the day on which that provision commences.

No. , 1978.

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**A BILL FOR**

An Act to amend the Scaffolding and Lifts Act, 1912, and to amend the Local Government Act, 1919, the Factories, Shops and Industries Act, 1962, and the Dangerous Goods Act, 1975, consequentially.

[MR HILLS—2 March, 1978.]

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*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 :—

5 **1.** This Act may be cited as the "Scaffolding and Lifts Short title. (Amendment) Act, 1978".

**2.** (1) Except as provided in subsections (2)–(7), this Act shall commence on the date of assent to this Act. **Commence-**  
**ment.**

(2) Section 5 (1) shall, in its application to a provision  
10 of Schedule 1, commence on the day on which that provision commences.

(3) The several provisions of Schedule 1 shall commence  
on such day or days as may be appointed by the Governor in  
respect thereof and as may be notified by proclamation published  
15 in the Gazette.

(4) Sections 5 (2), 6 and 7 and Schedule 2 shall  
commence on the day on which Schedule 1 (2) commences.

(5) Section 8 shall commence on the day on which  
Schedule 1 (7) commences.

20 (6) Section 9 shall commence on the day on which  
Schedule 1 (20) commences.

(7) Section 10 shall commence on the day on which  
Schedule 1 (21) commences.

**3.** The Scaffolding and Lifts Act, 1912, is referred to in this **Principal**  
25 Act as the **Principal Act.**

*Scaffolding and Lifts (Amendment).*

4. This Act contains the following Schedules :—

Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO OTHER ACTS.

5. (1) The Principal Act is amended in the manner set forth in Schedule 1. Amendment of Act No. 38, 1912.

(2) Each Act specified in Column 1 of Schedule 2 is amended in the manner specified opposite that Act in Column 2 of Schedule 2. Amendment of other Acts.

6. Where the Principal Act, an instrument made under that Act, or any provision thereof, is referred to in any Act (other than this Act or the Principal Act) or in any instrument other than an Act (whether made under an Act or not) the reference shall be construed (except for the purposes of any proceedings arising out of a breach of the provisions of the Principal Act or of the regulations made thereunder and alleged to have occurred before the commencement of this section) as a reference to the Construction Safety Act, 1912, an instrument made under that Act or the corresponding provision thereof. References to prior short title, etc.

7. A regulation in force under the Principal Act immediately before the commencement of this section shall be deemed to be a regulation made under the Construction Safety Act, 1912. Saving of regulations.

8. On the commencement of this section—

(a) any person appointed as an inspector under section 5 of the Principal Act who held that office immediately before that commencement shall be deemed to have been appointed under section 5 (1) of the Principal Act, as amended by this Act, as an inspector; and Certain persons deemed appointed.

*Scaffolding and Lifts (Amendment).*

5 (b) the person appointed as Chief Inspector of Scaffolding and Lifts under section 5 of the Principal Act who held that office immediately before that commencement shall be deemed to have been appointed under section 5 (2) of the Principal Act, as amended by this Act, as Chief Inspector of Construction Safety.

10 9. (1) Where a certificate of competency has been suspended by order of the Minister under section 17 (7) of the Principal Act for a period that expires after the commencement of this section, the certificate shall, on that commencement, be deemed to have been suspended by order of the Chief Inspector of Construction Safety under section 17 (7A) of that Act, as amended by this Act, until the expiration of that period. Saving of certain orders, etc., under section 17 of the Principal Act.

15 (2) A notification or notice under section 17 (8) (a) or (b) of the Principal Act that was in force immediately before the commencement of this section shall, on that commencement, be deemed to be an order under section 17 (8) (a) or (b) of that Act, as amended by this Act, as the case may require.

20 10. (1) Where a certificate of competency has been suspended by order of the Minister under section 17A (5) of the Principal Act for a period that expires after the commencement of this section, the certificate shall, on that commencement, be deemed to have been suspended by order of the Chief Inspector of Construction Safety under section 17A (5AA) of that Act, as amended by this Act, until the expiration of that period. Saving of certain orders, etc., under section 17A of the Principal Act.

25 (2) A notification or notice under section 17A (5A) (a) or (b) of the Principal Act that was in force immediately before the commencement of this section shall, on that commencement, be deemed to be an order under section 17A (5A) (a) or (b) of that Act, as amended by this Act, as the case may require.



*Scaffolding and Lifts (Amendment).*

## SCHEDULE 1.

Sec. 5 (1).

## AMENDMENTS TO THE PRINCIPAL ACT.

## (1) Long title—

5 After “An Act”, insert “to provide for the regulation and inspection of construction work and”.

## (2) Sections 1, 1A—

Omit section 1, insert instead :—

1. This Act may be cited as the “Construction Safety Short title Act, 1912”.

10 1A. This Act is divided as follows :—

Division of Act.

PART I.—PRELIMINARY—ss. 1–5A.

PART II.—NOTIFICATION OF CERTAIN WORK—ss. 6–10.

PART III.—INSPECTION—ss. 13–16.

15 PART IV.—CERTIFICATES OF COMPETENCY—ss. 17–17B.

PART V.—MISCELLANEOUS—ss. 18–22.

FIRST SCHEDULE.

## (3) Section 2 (2), (3)—

20 Omit the subsections.

*Scaffolding and Lifts (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) (a) Section 3, definition of “Amusement device”—

Omit the definition, insert instead :—

5                   “Amusement device” means anything mobile or  
fixed made available to members of the public  
on which, or on any part of which, or by  
means of which, they may ascend or descend,  
10                   or be carried, transported, raised, lowered or  
supported for the purposes of amusement,  
games, recreation, sightseeing or entertain-  
ment but does not include—

(a) anything that—

15                   (i) is not power-operated; or  
(ii) that may only be operated by  
manual power,

unless a fee is payable for its use, or for  
entry therein or thereon, or for entry to  
the place where it is situated;

20                   (b) a conveyor, crane, escalator, hoist, lift  
or moving walk;

25                   (c) a railway system in so far as it uses a  
locomotive for its motive power and  
has a track gauge of more than 650  
mm;

(d) a vehicle required to be registered  
under the Motor Traffic Act, 1909, or  
the Transport Act, 1930;

30                   (e) a vessel used on waters navigable for  
the purpose of trade;

*Scaffolding and Lifts (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 (f) an aircraft subject to the regulations made under the Air Navigation Act 1920 of the Parliament of the Commonwealth and any Act amending or replacing that Act; or
- (g) anything prescribed as being excluded from this definition.
- 10 (b) Section 3, definitions of “Authorised attendant”, “Automatic lift”—  
Omit the definitions.
- (c) Section 3, definition of “Building work”—  
Omit the definition, insert instead :—
- 15 “Building work” means—
- (a) work in constructing, erecting, installing, adding to, altering, repairing, equipping, finishing, painting, cleaning, signwriting, sheathing, spraying, dismantling or demolishing or any other prescribed operation that—
- 20 (i) is done in relation to a building or structure, at or adjacent to the site thereof; or
- 25 (ii) is done in relation to a vessel on or adjacent to the vessel while it is at a wharf, in dock or on slips; and
- 30 (b) work in lining any shaft, well or tunnel.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (d) Section 3, definition of “Chief Inspector”—

5 Omit “Scaffolding and Lifts”, insert instead “Construction Safety”.

## (e) Section 3, definition of “Compressed air work”—

Omit the definition, insert instead :—

10 “Compressed air work” means work (other than diving work) done in, or in connection with, construction work or other prescribed work by a person while breathing any gas or mixture of gases at a greater pressure than atmospheric pressure.

## (f) Section 3, definition of “Construction work”—

15 After the definition of “Compressed air work”, insert :—

“Construction work” means—

- 20 (a) building work, excavation work, compressed air work and diving work;
- (b) work in or in connection with the construction or maintenance of roads, airfields or airstrips, or of the permanent way of a railway or tramway;
- 25 (c) dredging or salvaging work;
- (d) the laying, lining or maintenance of pipes or cables;
- 30 (e) earth moving carried out with equipment for or in connection with the operation of which power other than manual power is used;
- (f) land clearing in preparation for any work referred to in paragraph (a), (b), (d) or (e);

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (g) any work in which explosives are used;  
and
- 5 (h) any other prescribed work.
- (g) Section 3, definition of “Constructor”—  
Omit the definition of “Contractor”, insert instead :—  
“Constructor”, in relation to any construction work,  
10 means the person 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.
- (h) Section 3, definition of “Crane”—
- (i) After “telpher crane,”, insert “boom crane, tower crane, stacking crane, loading crane integral with a vehicle, elevating work platform,”.
- 15 (ii) After “conveyor,”, insert “escalator, moving walk,”.
- (i) Section 3, definition of “Diving work”—  
After the definition of “Crane”, insert :—  
20 “Diving work” means diving work done in, or in connection with, other construction work or other prescribed work.
- (j) Section 3, definition of “Escalator”—  
25 Before the definition of “Excavation work”, insert :—  
“Escalator” means an apparatus or contrivance by which persons are, or are capable of being, raised or lowered while standing on the treads of an endless stairway, and includes the

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 supporting structure, machinery, equipment  
and gear used in connection with any such  
apparatus or contrivance.

## (k) Section 3, definition of "Excavation work"—

Omit the definition, insert instead :—

10 "Excavation work" means work involved in the  
excavation or filling of trenches, ditches,  
shafts, drifts, rises, tunnels, pier holes, cuttings,  
benches, wells or canals or any similar work.

## (l) Section 3, definition of "Gear"—

- 15 (i) Omit "lift, crane, hoist", insert instead "escalator,  
moving walk, crane, hoist, lift".
- (ii) Omit ", building work, excavation work or  
compressed air work", insert instead "or  
construction work".

## (m) Section 3, definition of "Hoist"—

20 Omit "hand chain block", insert instead "rope and  
pulley system, chain block, tripod hoist, construction  
hoist, men-and-materials hoist, vehicle towing hoist".

## (n) Section 3, definition of "Lift"—

After "conveyor," insert "escalator, moving walk,".

## (o) Section 3, definition of "Moving walk"—

25 After the definition of "Lift", insert :—

30 "Moving walk" means an apparatus or contrivance  
(other than an escalator) by which persons  
are, or are capable of being, transported while  
standing on a moving surface, and includes the  
supporting structure, machinery, equipment  
and gear used in connection with any such  
apparatus or contrivance.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(p) Section 3, definition of "Owner"—

After "conveyor," insert "escalator, moving walk,".

5 (q) Section 3, definition of "Passenger lift"—

Omit the definition.

(r) Section 3, definition of "Plant"—

Omit the definition, insert instead :—

"Plant" means—

10 (a) any—

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

15 (ii) air lock and welding equipment,  
used or intended for use in construction work;

20 (b) the gear used in connection with, and the supporting structure of, anything referred to in paragraph (a); and

(c) any explosive powered tool,

but does not include a conveyor, escalator, moving walk, crane, hoist or lift.

(s) Section 3, definition of "Public stand"—

25 Omit "to support members of the public viewing or listening to", insert instead :—

to support—

(a) members of the public viewing or listening to; or

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) performers or other participants taking part in,
- 5 (t) Section 3, definition of “Regulation”—  
After the definition of “Public stand”, insert :—  
“Regulation” means regulation made under this Act.
- (u) Section 3, definition of “Scaffolding”—
- 10 (i) From paragraph (a), omit “or swinging stage”, insert instead “, framework, run, ramp, gangway, swinging stage”.
- (ii) Omit paragraph (a) (i), insert instead :—  
(i) the carrying out of construction work;
- 15 (iii) From paragraph (a) (ii), omit “or dismantling”, insert instead “, dismantling, repair or maintenance”.
- (iv) From paragraph (a), omit “and”.
- (v) After paragraph (a), insert :—
- 20 (a1) building maintenance unit attached to a building and used for cleaning or other maintenance; and
- (vi) Omit paragraph (b), insert instead :—  
(b) form work set up or used for or in connection with the carrying out of construction work,
- 25 (vii) Omit “and gear”, insert instead “, equipment, gear and machinery (if any)”.
- (v) Section 3, definition of “Supporting structure”—
- 30 After “conveyor,”, insert “escalator, moving walk,”.



*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (w) Section 3, definition of "Vessel"—

5 After the definition of "Supporting structure",  
insert :—

"Vessel" means any ship, barge, pontoon or other  
construction designed to float.

## (x) Section 3 (2)—

At the end of section 3, insert :—

10 (2) In this Act, a reference to—

(a) an amusement device, includes a reference  
to—

15 (i) each part of the assembly, if any,  
comprising the device; and

(ii) any supporting structure, structure  
giving access to the device,  
20 machinery, equipment, gear, con-  
veyance, platform, cage, seat or  
other thing used, designed for use,  
intended to be used or capable of  
being used in connection with the  
device; or

25 (b) an explosive-powered tool, includes a refer-  
ence to any attachment or device used or  
intended for use in connection with the  
tool.

## (5) Section 4—

Omit the section.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (6) (a) Section 4A (a)—

After “conveyor,” insert “escalator, moving walk,”.

## 5 (b) Section 4A—

10 Omit “Mining Act, 1906, the Mines Inspection Act, 1901, the Coal Mines Regulation Act, 1912, or any Act amending the said Acts” wherever occurring, insert instead “Mines Inspection Act, 1901, or the Coal Mines Regulation Act, 1912”.

## (c) Section 4A (b)—

Omit “building work, excavation work, or compressed air”, insert instead “construction”.

## (d) Section 4A (2)—

15 At the end of section 4A, insert :—

(2) Notwithstanding subsection (1), this Act applies to—

20 (a) any conveyor, escalator, moving walk, crane, gear, hoist, lift, plant or scaffolding used wholly or principally in; and

(b) any construction work carried out in,

a mine or part of a mine for the time being exempted from the operation of the Mines Inspection Act, 1901, under the proviso to section 1 (2) of that Act.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (7) (a) Section 5—

5 Omit "One of such inspectors shall be appointed Chief Inspector of Scaffolding and Lifts."

## (b) Section 5 (2)–(4)—

At the end of section 5, insert :—

10 (2) Of the inspectors appointed under subsection (1), one shall be appointed as Chief Inspector of Construction Safety and another as Deputy Chief Inspector of Construction Safety.

15 (3) The Deputy Chief Inspector of Construction Safety shall have, and may exercise and perform, all the powers, authorities, duties and functions of the Chief Inspector.

20 (4) In the exercise or performance of any of the powers, authorities, duties and functions granted to him by subsection (3), the Deputy Chief Inspector of Construction Safety shall be subject to the control and direction of the Chief Inspector.

25 (5) In relation to a person affected by a decision of the Deputy Chief Inspector of Construction Safety, that decision shall be deemed to be a decision of the Chief Inspector whether or not it complies with any directions given by the Chief Inspector.

## (8) Part II, heading—

Omit the heading, insert instead :—

**PART II.****NOTIFICATION OF CERTAIN WORK.**

*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (9) (a) Section 6 (1)—

Omit "in any district" wherever occurring.

## 5 (b) Section 6 (1)—

Omit "building work, excavation work or compressed air" wherever occurring, insert instead "construction".

## (c) Section 6 (1) (a1)—

10

After "that", insert "comprising construction work of a kind".

## (d) Section 6 (2)—

Omit "one hundred dollars", insert instead "\$500".

## (e) Section 6 (4)—

Omit "this section", insert instead "subsection (1)".

## 15 (f) Section 6 (4) (c)—

Omit "person.", insert instead "person; or".

## (g) Section 6 (4) (d)—

After section 6 (4) (c), insert :—

20

(d) excavation work comprising the making of an excavation that is—

(i) less than 1.5 metres in depth;

(ii) a drilled or bored hole of such dimensions that persons cannot enter it;

*Scaffolding and Lifts (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(iii) a grave for the burial of a deceased person; or

5 (iv) of a prescribed kind.

(10) (a) Section 6A (1), (2)—

Omit the subsections, insert instead :—

10 (1) This section applies to any work referred to in section 6 (1) (a) or (a1) in respect of which any person is or has been required, by section 6 (1), to serve a notice of his intention to carry out the work.

15 (2) Any person who commences or continues to carry out any work to which this section applies while the whole or any part of a notification fee payable in respect of the work is due and has not been paid, shall be liable to a penalty not exceeding \$1,000.

(b) Section 6A (3)—

20 Omit “Small Debts Recovery Act, 1912, as amended by subsequent Acts”, insert instead “Courts of Petty Sessions (Civil Claims) Act, 1970”.

(c) Section 6A (3) —

Omit “, as so amended”.

(d) Section 6A (4) (a)—

Omit the paragraph, insert instead :—

25 (a) Any notification fee payable in respect of any work to which this section applies shall be paid to the Under Secretary, Department of Labour and Industry, and shall be paid by the constructor by whom the work is required to be carried out or continued, as  
30 the case may require.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(e) Section 6A (5)—

Omit the subsection, insert instead :—

- 5 (5) In this section, “notification fee”, in respect of any work to which this section applies, means the prescribed fee payable in respect of that work.

(11) Part III, heading—

Omit the following matter appearing before section 10 :—

10

PART III.

LIFTS AND CONVEYORS.

(12) (a) Section 10 (1)—

Omit “lift or conveyor in a district”, insert instead “conveyor, escalator, moving walk or lift”.

15

(b) Section 10 (1)—

Omit “such lift or conveyor” insert instead “the conveyor, escalator, moving walk or lift”.

(c) Section 10 (2)—

Omit “one hundred dollars”, insert instead “\$500”.

20 (13) Sections 11, 12—

Omit the sections.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (14) Part III, heading—  
5 From the matter “PART IV. INSPECTION.” before section 13, omit “IV”, insert instead “III”.
- (15) (a) Section 13 (a)—  
Omit “lift, conveyor”, insert instead “conveyor, escalator, moving walk, lift”.
- (b) Section 13 (a)—  
10 Omit “building work, excavation work or compressed air”, insert instead “construction”.
- (c) Section 13 (a)—  
Omit “in any district”.
- (d) Section 13 (b)—  
15 After “Act”, insert “and the regulations”.
- (16) (a) Section 14 (1)—  
Omit “passenger or goods lift or a conveyor”, insert instead “conveyor, escalator, moving walk or lift”.
- (b) Section 14 (1)—  
20 Omit “lift or conveyor” wherever occurring, insert instead “conveyor, escalator, moving walk or lift”.
- (c) Section 14 (1)—  
Omit “one hundred dollars”, insert instead “\$500”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (d) Section 14 (2)—  
Omit “one hundred dollars”, insert instead “\$1,000”.
- 5 (17) (a) Section 15 (1) (a)—  
Omit “in any district, or”.
- (b) Section 15 (1) (a)—  
Omit “in any district,” where secondly occurring.
- (c) Section 15—  
10 Omit “lift or conveyor” wherever occurring, insert  
instead “conveyor, escalator, moving walk or lift”.
- (d) Section 15 (1)—  
Omit “building work excavation work or compressed  
air” wherever occurring, insert instead “construction”.
- 15 (e) Section 15 (1) (b)—  
Omit “in any district, the regulations made under this  
Act”, insert instead “, the regulations”.
- (f) Section 15 (1)—  
Omit “contractor,”, insert instead “constructor or”.
- 20 (g) Section 15 (1)—  
Omit “such regulations”, insert instead “the  
regulations”.
- (h) Section 15 (2) (a)—  
25 Omit “lift or conveyor” wherever occurring, insert  
instead “conveyor, escalator, moving walk or lift”.



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*Scaffolding and Lifts (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (i) Section 15 (2) (c)—  
Omit “contractor”, insert instead “constructor”.
- 5 (j) Section 15 (2) (c)—  
Omit “building work, excavation work or compressed air”, insert instead “construction”.
- (k) Section 15 (2) (c)—  
10 After “given”, insert “, or any contractor carrying out the work or any part of the work,”.
- (l) Section 15 (4)—  
Omit “under this Act”.
- (m) Section 15 (5)—  
Omit “five hundred dollars”, insert instead “\$1,000”.
- 15 (18) (a) Section 16—  
Omit “who interferes with or obstructs any inspector in the execution of”, insert instead :—  
who—  
(a) assaults, resists or obstructs; or  
20 (b) uses threatening, abusive or insulting language to,  
an inspector while the inspector is acting under
- (b) Section 16—  
Omit “one hundred dollars”, insert instead “\$1,000”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(19) Part IV, heading—

5 Omit the matter appearing after section 16 and before section 17, insert instead :—

PART IV.

CERTIFICATES OF COMPETENCY.

(20) (a) Section 17—

Omit “in any district” wherever occurring.

10 (b) Section 17 (4) (a)—

Omit “, after inquiry and examination as prescribed,”.

(c) Section 17 (6)—

15 Omit “with the decision of the Chief Inspector in respect of the issue or refusal to issue to him a certificate of competency under this section may appeal”, insert instead :—

with—

(a) a decision of the Chief Inspector in respect of—

20 (i) the issue to him of;

(ii) the refusal to issue to him,

a certificate of competency under this section; or

25 (b) an order made in respect of his certificate of competency by the Chief Inspector under subsection (7A),

may appeal

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (d) Section 17 (6)—

5 After “conclusive”, insert “and shall be carried into effect by the Chief Inspector”.

## (e) Section 17 (6)—

Omit “under this Act”.

## (f) Section 17 (7)—(7B)—

Omit section 17 (7), insert instead :—

10 (7) Where, upon report by an inspector or otherwise, it appears to the Chief Inspector that the holder of a certificate of competency issued under this section has ceased to be sufficiently trustworthy or competent  
15 to hold his certificate of competency, the Chief Inspector may, by notice in writing served on the holder, require the holder to appear before him at a time and place specified in the notice to show cause why—

20 (a) the certificate of competency issued to him should not be suspended or cancelled; or

25 (b) the type or motive power of the power cranes or power hoists to which his certificate of competency relates or the purposes for which the power cranes or power hoists may be used should not be varied.

(7A) If the Chief Inspector is not satisfied with the matters, if any, put to him by the holder of a certificate of competency who has been served with a notice under subsection (7), he may, by order under his  
30 hand served on the holder—

(a) suspend the certificate of competency for such period not exceeding 12 months as he may determine;

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) cancel the certificate of competency; or

5

(c) vary the type or motive power of the power cranes or power hoists to which the certificate of competency relates or the purposes for which those power cranes or power hoists may be used.

10

(7B) A person whose certificate of competency has been suspended under subsection (7A) shall be deemed not to be the holder of the certificate of competency during the period of its suspension.

(g) Section 17 (8)—

15

Omit “Minister” wherever occurring, insert instead “Chief Inspector”.

(h) Section 17 (8) (a)—

Omit “notification” wherever occurring, insert instead “order”.

(i) Section 17 (8) (b)—

20

Omit “notice”, insert instead “order”.

(j) Section 17 (8A)–(8C)—

After section 17 (8), insert :—

(8A) Any person who is dissatisfied with—

25

(a) an order made by the Chief Inspector under subsection (8) or with any condition of any such order; or

(b) the refusal of the Chief Inspector to make an order under subsection (8),

30

may appeal to the Minister in accordance with the regulations.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 (8B) After hearing an appeal under subsection (8A), the Minister may direct the Chief Inspector to revoke, alter or vary an order made under subsection (8) or to make such an order, as the case may require, and any such direction shall be carried into effect by the Chief Inspector.

10 (8C) The Minister may, in a direction given under subsection (8B), require the Chief Inspector to—

(a) insert conditions specified in the direction in an order made under subsection (8) when altering or varying the order; or

15 (b) make an order under subsection (8) that is specified in the direction.

(21) (a) Section 17A (1)—

Omit “, in any district.”.

(b) Section 17A (1)—

20 Omit “or crane chaser” wherever occurring, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

(c) Section 17A (1A), (1B)—

Omit “in any district” wherever occurring.

(d) Section 17A (1A) (c)—

25 Omit “of crane.”, insert instead “of crane;”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (e) Section 17A (1A) (d), (e)—

After section 17A (1A) (c), insert :—

- 5 (d) as a diver or powderman and who acts as a  
diver or powderman, as the case may be, in  
relation to any type of construction work; or
- 10 (e) as an explosive-powered tool operator and who  
acts as an explosive-powered tool operator in  
relation to any type of explosive-powered tool,

## (f) Section 17A (1A)—

Omit “or crane chaser” where lastly occurring, insert  
instead “, crane chaser, diver, powderman or  
explosive-powered tool operator”.

## 15 (g) Section 17A (1B) (a)—

Omit “or crane chaser”, insert instead “, crane chaser,  
diver, powderman or explosive-powered tool  
operator”.

## 20 (h) Section 17A (1B) (b) (iii)—

Omit “of crane;”, insert instead “of crane;”.

## (i) Section 17A (1B) (b) (iv), (v)—

After section 17 (1B) (b) (iii), insert :—

- 25 (iv) as a diver or powderman, to act as a diver or  
powderman, as the case may be, in relation to  
any type of construction work; or
- (v) as an explosive-powered tool operator, to act  
as an explosive-powered tool operator in  
relation to any type of explosive-powered tool,

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (j) Section 17A (1B)—

5 Omit “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.”, insert instead :—

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

## 15 (k) Section 17A (2) (a)—

Omit “after inquiry and examination as prescribed”.

## (l) Section 17A (2) (a)—

20 Omit “or crane chaser” wherever occurring, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

## (m) Section 17A (2) (b) (iii)—

Omit “of crane,”, insert instead “of crane;”.

## (n) Section 17A (2) (b) (iv), (v)—

After section 17A (2) (b) (iii), insert :—

25 (iv) as a diver or powderman, may specify the type of construction work; or

(v) as an explosive-powered tool operator, may specify the type of explosive-powered tool,

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (o) Section 17A (2) (b)—

5 Omit “or crane chaser” where lastly occurring, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

## (p) Section 17A (4)—

10 Omit “with the decision of the Chief Inspector in respect of the issue or refusal to issue to him a certificate of competency under this section may appeal”, insert instead :—

with—

(a) a decision of the Chief Inspector in respect of—

15 (i) the issue to him of; or

(ii) the refusal to issue to him,

a certificate of competency under this section; or

20 (b) an order made in respect of his certificate of competency by the Chief Inspector under subsection (5AA),

may appeal

## (q) Section 17A (4)—

25 After “conclusive”, insert “and shall be carried into effect by the Chief Inspector”.

## (r) Section 17A (5)–(5AB)—

Omit section 17A (5), insert instead :—

30 (5) Where, upon report of an inspector or otherwise, it appears to the Chief Inspector that the holder of a certificate of competency issued under this section



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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 has ceased to be sufficiently trustworthy or competent to hold his certificate of competency, the Chief Inspector may, by notice in writing served on the holder, require the holder to appear before him at a time and place specified in the notice to show cause why—

10 (a) the certificate of competency issued to him should not be suspended or cancelled; or

15 (b) the type of building, structure, crane or hoist, the type of scaffolding, the type of crane, the type of construction work or the type of explosive-powered tool to which his certificate of competency relates should not be varied.

20 (5AA) If the Chief Inspector is not satisfied with the matters, if any, put to him by the holder of a certificate of competency who has been served with a notice under subsection (5), he may, by order under his hand served on the holder—

25 (a) suspend the certificate of competency for such period not exceeding 12 months as he may determine;

(b) cancel the certificate of competency; or

30 (c) vary the type of building, structure, crane or hoist, the type of scaffolding, the type of crane, the type of construction work or the type of explosive-powered tool to which the certificate of competency relates.

(5AB) A person whose certificate of competency has been suspended under subsection (5AA) shall be deemed not to be the holder of the certificate of competency during the period of its suspension.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (s) Section 17A (5A)—

5 Omit “Minister” wherever occurring, insert instead  
“Chief Inspector”.

## (t) Section 17A (5A) (a)—

Omit “notification” wherever occurring, insert instead  
“order”.

## (u) Section 17A (5A) (a) (iii)—

10 Omit “specified.”, insert instead “specified;”.

## (v) Section 17A (5A) (a) (iv), (v)—

After section 17A (5A) (a) (iii), insert :—

15 (iv) persons acting as divers or powdermen in  
relation to any type of construction work  
specified in the order, from the operation of  
the provisions of subsections (1) and (1A)  
whilst they are so acting, and persons who  
employ, instruct or allow persons to act as  
20 aforesaid from the operation of the provisions  
of subsection (1B) in respect of persons acting  
as divers or powdermen, as the case may be,  
in relation to the type of construction work so  
specified; or

25 (v) persons acting as explosive-powered tool  
operators in relation to any type of explosive-  
powered tool specified in the order, from the  
operation of the provisions of subsections (1)  
and (1A) whilst they are so acting, and  
persons who employ, instruct or allow persons  
30 to act as aforesaid from the operation of the  
provisions of subsection (1B) in respect of

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 persons acting as explosive-powered tool operators, in relation to the type of explosive-powered tool so specified.

(w) Section 17A (5A) (b)—

Omit “notice”, insert instead “order”.

(x) Section 17A (5A) (b) (iii)—

Omit “crane.”, insert instead “crane;”.

10 (y) Section 17A (5A) (b) (iv), (v)—

After section 17A (5A) (b) (iii), insert :—

15 (iv) to the person carrying out or proposing to carry out any particular construction work exempt persons acting as divers, powdermen or explosive-powered tool operators in relation to the construction work from the operation of the provisions of subsections (1) and (1A) 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) in respect of persons acting as divers, powdermen or explosive-powered tool operators, as the case may be, in relation to that particular construction work; or

25 (v) to the owner of any particular explosive-powered tool exempt persons acting as explosive-powered tool operators in relation to the tool from the operation of the provisions of subsections (1) and (1A) 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)

30

*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

in respect of persons acting as explosive-  
powered tool operators in relation to that  
particular explosive-powered tool.

## (z) Section 17A (5BA)–(5BC)—

After section 17A (5A), insert :—

(5BA) Any person who is dissatisfied with—

(a) an order made by the Chief Inspector under  
subsection (5A) or with any condition of  
any such order; or

(b) the refusal of the Chief Inspector to make  
an order under subsection (5A),

may appeal to the Minister in accordance with the  
regulations.

(5BB) After hearing an appeal under subsection  
(5BA), the Minister may direct the Chief Inspector to  
revoke, alter or vary an order made under subsection  
(5A) or to make such an order, as the case may  
require, and any such direction shall be carried into  
effect by the Chief Inspector.

(5BC) The Minister may, in a direction given  
under subsection (5BB), require the Chief Inspector  
to—

(a) insert conditions specified in the direction in  
an order made under subsection (5A) when  
altering or varying the order; or

(b) make an order under subsection (5A) that  
is specified in the direction.

## (aa) Section 17A (5B)—

Omit “or crane chaser” wherever occurring, insert  
instead “, crane chaser, diver or powderman”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (ab) Section 17A (5C)—

After section 17A (5B), insert :—

- 5 (5C) Nothing in subsection (1) or (1B) shall apply to or in respect of any work done by a person using an explosive-powered tool in prescribed circumstances.

## (ac) Section 17A (6)—

- 10 Omit the subsection, insert instead :—

## (6) In this section—

- 15 “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.

“Diver” means a diver carrying out diving work.

- 20 “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.

“Powderman” means a person engaged in the preparation or firing of charges of explosives in the course of construction work.

- 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 those members, for dismantling or demolishing buildings or structures, other than scaffolding, or for  
30 setting up or dismantling cranes or hoists.

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*Scaffolding and Lifts (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 “Scaffolder” means a person engaged in the work of erecting, altering or demolishing scaffolding which is so placed that a person or object falling therefrom could fall a distance of 3 metres or more.

## (22) Section 17B—

After section 17A, insert :—

10 17B. (1) Where the Chief Inspector makes an order under section 17 (7A) or 17A (5AA), he may, in the order, require the person to whom the certificate of competency to which the order relates was issued to deliver the certificate of competency to him within a time specified in the order for the purpose of the certificate of competency being endorsed or cancelled. Endorsement of certificates.

15 (2) A person who, without reasonable excuse, fails to comply with a requirement made under subsection (1) shall be liable to a penalty not exceeding \$100.

## 20 (23) Part V, heading—

From the matter “PART VI.—MISCELLANEOUS.” before section 18, omit “VI”, insert instead “V”.

## (24) (a) Section 18—

25 After “conveyor,” wherever occurring, insert “escalator, moving walk,”.

## (b) Section 18 (1)—

Omit “, building work, excavation work, or compressed air”, insert instead “or construction”.

---

*Scaffolding and Lifts (Amendment).*

---

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (c) Section 18 (1) (c)—

5 Omit “, building work, excavation work or compressed air”, insert instead “or construction”.

## (d) Section 18 (1)—

After “of such conveyor”, insert “, escalator, moving walk,”.

## (e) Section 18 (1)—

10 Omit “contractor”, insert instead “constructor”.

## (f) Section 18 (1)—

Omit “such building work, excavation work or compressed air”, insert instead “the construction”.

## (g) Section 18 (3)—

15 Omit “two hundred dollars”, insert instead “\$500”.

## (25) Section 18A—

After section 18, insert :—

20 18A. Where the regulations so provide, a specified person or a specified class of persons is, subject to such conditions as are prescribed, exempt from the operation of section 6, 6A, 10, 17 or 17A. Exemptions.

*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (26) (a) Section 19 (b)—

Omit the paragraph, insert instead :—

- 5 (b) acting as a crane chaser, diver, dogman, explosive-powered tool operator, powderman, rigger or scaffolder (in each case, within the meaning of section 17A); or

## (b) Section 19 (c)—

- 10 Omit “building work, compressed air work, excavation”, insert instead “construction”.

## (c) Section 19 (c)—

After “conveyor,” insert “escalator, moving walk,”.

## (27) (a) Section 21 (1)—

- 15 Omit “two hundred dollars”, insert instead “\$1,000”.

## (b) Section 21 (3)—

Omit “building work, excavation work or compressed air”, insert instead “construction”.

## (c) Section 21 (3)—

- 20 Omit “contractor for”, insert instead “constructor of”.

## (28) Sections 21A, 21B—

After section 21, insert :—

- 25 21A. In proceedings for an offence against this Act or the regulations a printed document that is or purports to be a standard rule, code or specification of a body or authority referred to in section 22 (3) and that has been or purports
- Proof of standards.



*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 to have been published or issued by or on behalf of that body or authority is admissible as evidence in those proceedings and, in the absence of evidence to the contrary, is proof of that standard rule, code or specification.

21B. (1) A person who—

- 10 (a) forges or counterfeits any instrument that purports to have been issued, made or granted under this Act or the regulations; Forgery of certificates or permits, etc.
- (b) knowingly utters or makes use of any instrument so forged or counterfeited;
- 15 (c) personates any person named in an instrument that has in fact been so issued, made or granted; or
- (d) falsely pretends to be an inspector,

shall be guilty of an offence against this Act and be liable to imprisonment for a term not exceeding 12 months.

(2) A person who—

- 20 (a) wilfully makes a false entry in any book, register, notice, certificate, list, record or document required by this Act or the regulations to be kept or served;
- 25 (b) wilfully makes or signs a false return under this Act or the regulations;
- (c) wilfully makes or signs any false statement—  
     (i) in any application; or  
     (ii) in any notice required to be given by him, under this Act or the regulations; or
- 30 (d) knowingly makes use of any false entry, return or statement referred to in paragraph (a), (b) or (c),

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 shall be guilty of an offence against this Act and be liable to a penalty not exceeding \$500 for each offence, or to be imprisoned for a term not exceeding 3 months.

(29) (a) Section 22 (2) (a)—

Omit “lift or conveyor”, insert instead “conveyor, escalator, moving walk or lift”.

(b) Section 22 (2)—

10 Omit “building work, excavation work or compressed air” wherever occurring, insert instead “construction”.

(c) Section 22 (2) (b)—

Omit “lift, conveyor”, insert instead “conveyor, escalator, moving walk, lift”.

15 (d) Section 22 (2) (c)—

Omit the paragraph.

(e) Section 22 (2) (d)—

Omit “lift or conveyor”, insert instead “conveyor, escalator, moving walk or lift”.

20 (f) Section 22 (2) (e)—

After “conveyors,”, insert “escalators, moving walks,”.

(g) Section 22 (2) (f) (i)—

Omit “lifts or conveyors”, insert instead “conveyors, escalators, moving walks or lifts”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (h) Section 22 (2) (f) (ii)—

5 After “conveyors,” wherever occurring, insert  
“escalators, moving walks.”

## (i) Section 22 (2) (f) (iii), (iv)—

Omit the subparagraphs, insert instead :—

10 (iii) applications for the issue and renewal of  
certificates of competency as power crane or  
power hoist drivers;

(iv) applications for the issue and renewal of  
certificates of competency as riggers, dogmen,  
scaffolders, crane chasers, divers, powdermen  
and explosive-powered tool operators;

## (j) Section 22 (2) (f) (vi)—

15 Omit “or crane chasers”, insert instead “, crane  
chasers, divers or powdermen”.

## (k) Section 22 (2) (f) (vii)—

After section 22 (2) (f) (vi), insert :—

20 (vii) the setting up, building or setting or placing  
in position of any crane, hoist, plant or  
scaffolding or the erection or alteration of any  
conveyor, escalator, moving walk or lift in any  
25 case where notice of intention in relation  
thereto is, or is required to be, given under this  
Act;

## (l) Section 22 (2) (g)—

After “conveyors,” wherever occurring, insert  
“escalators, moving walks.”

---

*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (m) Section 22 (2) (g) (ii)—  
After “conveyors”, insert “, escalators, moving walks”.
- 5 (n) Section 22 (2) (g) (ii)—  
Omit “and crane chasers”, insert instead “, crane chasers, divers, powdermen and explosive-powered tool operators”.
- 10 (o) Section 22 (2) (g1)—  
Omit “diver, diver’s attendant or powderman”, insert instead “diver’s attendant”.
- (p) Section 22 (2) (g1) (i)—  
Omit “divers, divers’ attendants and powdermen”, insert instead “divers’ attendants”.
- 15 (q) Section 22 (2) (g1) (i)—  
Omit “and issue”, insert instead “, issue and renewal”.
- (r) Section 22 (2) (g1) (ii)—  
After “issue”, insert “and renewal”.
- (s) Section 22 (2) (g2)—  
20 After section 22 (2) (g1), insert :—  
(g2) prescribing the terms for which certificates of competency issued under section 17 or 17A or any renewals thereof shall be in force and providing for renewal of any such certificate of competency;  
25
- (t) Section 22 (3)—  
After “conveyors,” insert “escalators, moving walks,”.

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*Scaffolding and Lifts (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(u) Section 22 (3A) (f)—

Omit “contractors”, insert instead “constructors”.

5

(v) Section 22 (3B)—

Omit the subsection.

(w) Section 22 (3D)—

After section 22 (3C), insert :—

(3D) A regulation may—

10

- (a) apply differently according to such factors as may be specified in the regulation; and
- (b) impose duties upon constructors, contractors, principal contractors, sub-contractors or other persons.

15

(x) Section 22 (4)—

Omit “two hundred dollars”, insert instead “\$500”.

(y) Section 22 (5)—

Omit the subsection, insert instead :—

20

(5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

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*Scaffolding and Lifts (Amendment).*

## SCHEDULE 2.

Sec. 5 (2).

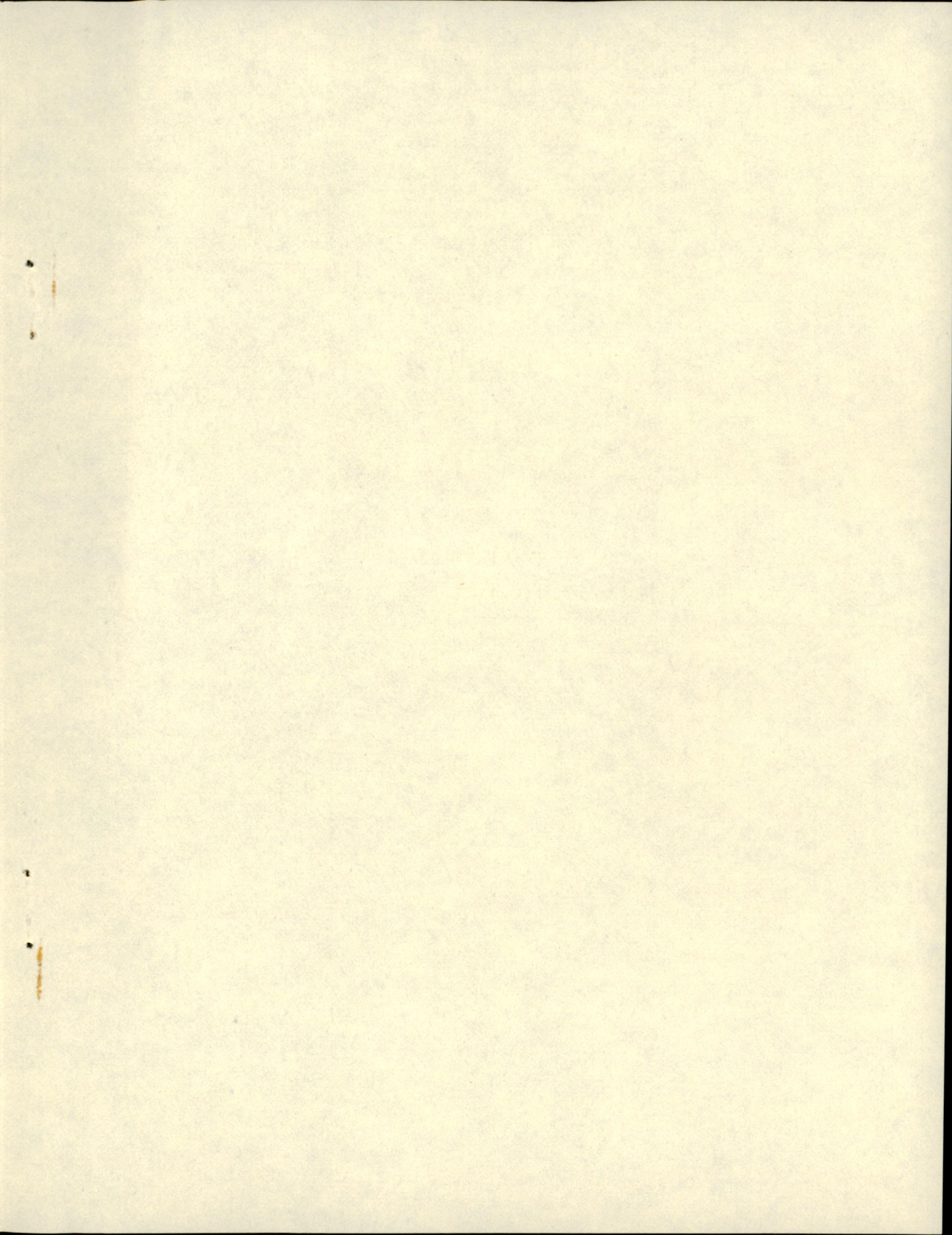
## AMENDMENTS TO OTHER ACTS.

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10		Amendment.
10	1919, No. 41 ..	Local Government Act, 1919.
15	1962, No. 43 ..	Factories, Shops and Industries Act, 1962.
20	1975, No. 68 ..	Dangerous Goods Act, 1975.
25		

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

[48c]







**SCAFFOLDING AND LIFTS (AMENDMENT) BILL, 1978****EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The objects of this Bill are—

- (a) to change the short title of the Scaffolding and Lifts Act, 1912 (hereinafter referred to as the "Principal Act") so that it may be cited as the Construction Safety Act, 1912 (Schedule 1 (2));
- (b) to amalgamate Parts II and III of the Principal Act and to change the headings to the Parts of that Act, other than the heading to Part I (Schedule 1 (2));
- (c) to insert definitions of "construction work", "constructor", "diving work", "escalator", "moving walk", "regulation" and "vessel" in the Principal Act; to re-define "amusement device", "building work", "compressed air work", "excavation work" and "plant" for the purposes of that Act and to amend the definitions of certain other expressions used therein (Schedule 1 (4));
- (d) to provide that the Principal Act shall apply to certain equipment used in, and any construction work carried out in, a mine or part of a mine exempted from the operation of the Mines Inspection Act, 1901 (Schedule 1 (6) (d));
- (e) to create the offices of Chief Inspector of Construction Safety and Deputy Chief Inspector of Construction Safety under the Principal Act (Schedule 1 (7));
- (f) to increase to \$500 the maximum penalty for a failure to serve a notice of intention to carry out certain work under section 6 (1) of the Principal Act (Schedule 1 (9) (d));
- (g) to increase to \$1,000 the maximum penalty for a failure to pay a notification fee payable under section 6A of the Principal Act (Schedule 1 (10) (a));
- (h) to increase to \$500 the maximum penalty for a failure to serve a notice of intention to erect or alter certain works under section 10 (1) of the Principal Act (Schedule 1 (12) (c));
- (i) to omit sections 11 and 12 of the Principal Act which related to the operation of passenger lifts by authorised attendants (Schedule 1 (13));
- (j) to increase to \$500 the maximum penalty for persons operating conveyors, escalators, moving walks or lifts contrary to the directions of an inspector (Schedule 1 (16) (a)-(c));

- (k) to increase to \$1,000 the maximum penalty for persons operating amusement devices contrary to the directions of an inspector (Schedule 1 (16) (d));
- (l) to increase to \$1,000 the maximum penalty for failure to comply with a direction or order given by an inspector or an order made by the Minister under section 15 of the Principal Act (Schedule 1 (17) (m));
- (m) to constitute an offence of using threatening, abusive or insulting language to an inspector and to increase the maximum penalty for obstructing inspectors exercising their powers or performing their duties under the Principal Act to \$1,000 (Schedule 1 (18));
- (n) to remove the requirement for a prescribed examination and enquiry before a certificate of competency under section 17 or 17A of the Principal Act is issued (Schedule 1 (20) (b) and (21) (k));
- (o) to provide for an appeal to the Minister where a person's certificate of competency issued under section 17 or 17A of the Principal Act has been suspended, cancelled or varied by the Chief Inspector of Construction Safety (hereinafter referred to as the "Chief Inspector") (Schedule 1 (20) (c) and (21) (p));
- (p) to empower the Chief Inspector to suspend, cancel or vary a certificate of competency issued under section 17 or 17A of the Principal Act (Schedule 1 (20) (f) and (21) (r));
- (q) to empower the Chief Inspector instead of the Minister, as presently provided, to grant exemptions under section 17 (8) and 17A (5A) of the Principal Act (Schedule 1 (20) (g) and (21) (s));
- (r) to provide that the exemptions referred to in paragraph (q) shall be granted by order instead of by notification and notice, as presently provided, and that an appeal against such an order made by the Chief Inspector, or his refusal to make such an order, may be made to the Minister (Schedule 1 (20) (i) and (j) and (21) (w) and (z));
- (s) to enable certificates of competency as divers, powdermen and explosive-powered tool operators to be issued under section 17A of the Principal Act (Schedule 1 (21) (l));
- (t) to provide for the cancellation or endorsement of certificates of competency that have been cancelled, suspended or varied by the Chief Inspector (Schedule 1 (22));
- (u) to increase to \$500 the maximum penalty for a breach of section 18 of the Principal Act (Schedule 1 (24) (g));
- (v) to provide that regulations may be made exempting persons from compliance with the requirements of sections 6, 6A, 10, 17 and 17A of the Principal Act, as amended by the proposed Act (Schedule 1 (25));
- (w) to facilitate the proof of certain printed rules, codes and specifications (Schedule 1 (28));

- (x) to create offences with respect to the forgery of, or the making of false entries in, certain instruments purporting to have been issued, made, kept, granted or served under the Principal Act or the regulations and with respect to the personation of inspectors or other persons named in instruments in fact issued, made or granted under the Principal Act (Schedule 1 (28));
  - (y) to empower the making of regulations fixing the terms of certificates of competency or of renewals thereof and the fees payable therefor (Schedule 1 (29) (i) and (s));
  - (z) to enable the regulations to fix fees for the setting up or placing in position of certain devices and apparatus where notice of intention to do so is required to be given by the Principal Act (Schedule 1 (29) (k));
  - (aa) to increase to \$500 the maximum penalty that may be imposed for a breach of the regulations (Schedule 1 (29) (x));
  - (ab) to deem certain exemptions given by the Minister under section 17 (8) and 17A (5A) of the Principal Act to have been effected by orders made by the Chief Inspector under the Principal Act, as amended by the proposed Act (clauses 9 and 10); and
  - (ac) to make other provisions of a minor, consequential or saving nature.
-

(2) In any order which is issued to the Secretary under the authority of this section, the Secretary shall, in addition to the information required by section 102 of the Federal Reserve Act, include the following information:

(a) The name of the institution, the name of the person or persons who are the owners or officers of the institution, and the name of the person or persons who are the directors of the institution.

(b) The name of the institution, the name of the person or persons who are the owners or officers of the institution, and the name of the person or persons who are the directors of the institution.

(c) The name of the institution, the name of the person or persons who are the owners or officers of the institution, and the name of the person or persons who are the directors of the institution.

(d) The name of the institution, the name of the person or persons who are the owners or officers of the institution, and the name of the person or persons who are the directors of the institution.

(e) The name of the institution, the name of the person or persons who are the owners or officers of the institution, and the name of the person or persons who are the directors of the institution.

**SCAFFOLDING AND LIFTS (AMENDMENT) BILL,  
1978**

No. , 1978.

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**A BILL FOR**

An Act to amend the Scaffolding and Lifts Act, 1912,  
and to amend the Local Government Act, 1919, the  
Factories, Shops and Industries Act, 1962, and the Dangerous  
Goods Act, 1975, consequentially.

[MR HILLS—2 *March*, 1978.]

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*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 :—

5 **1.** This Act may be cited as the "Scaffolding and Lifts Short title. (Amendment) Act, 1978".

**2.** (1) Except as provided in subsections (2)–(7), this Act Commence-  
ment. shall commence on the date of assent to this Act.

10 (2) Section 5 (1) shall, in its application to a provision of Schedule 1, commence on the day on which that provision commences.

15 (3) The several provisions of Schedule 1 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Sections 5 (2), 6 and 7 and Schedule 2 shall commence on the day on which Schedule 1 (2) commences.

(5) Section 8 shall commence on the day on which Schedule 1 (7) commences.

20 (6) Section 9 shall commence on the day on which Schedule 1 (20) commences.

(7) Section 10 shall commence on the day on which Schedule 1 (21) commences.

25 **3.** The Scaffolding and Lifts Act, 1912, is referred to in this Principal  
Act. Act as the Principal Act.

*Scaffolding and Lifts (Amendment).*

4. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO OTHER ACTS.

5. (1) The Principal Act is amended in the manner set forth in Schedule 1. Amendment of Act No. 38, 1912.

(2) Each Act specified in Column 1 of Schedule 2 is amended in the manner specified opposite that Act in Column 2 of Schedule 2. Amendment of other Acts.

6. Where the Principal Act, an instrument made under that Act, or any provision thereof, is referred to in any Act (other than this Act or the Principal Act) or in any instrument other than an Act (whether made under an Act or not) the reference shall be construed (except for the purposes of any proceedings arising out of a breach of the provisions of the Principal Act or of the regulations made thereunder and alleged to have occurred before the commencement of this section) as a reference to the Construction Safety Act, 1912, an instrument made under that Act or the corresponding provision thereof. References to prior short title, etc.

7. A regulation in force under the Principal Act immediately before the commencement of this section shall be deemed to be a regulation made under the Construction Safety Act, 1912. Saving of regulations.

8. On the commencement of this section—

25 (a) any person appointed as an inspector under section 5 of the Principal Act who held that office immediately before that commencement shall be deemed to have been appointed under section 5 (1) of the Principal Act, as amended by this Act, as an inspector; and Certain persons deemed appointed.

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*Scaffolding and Lifts (Amendment).*

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5 (b) the person appointed as Chief Inspector of Scaffolding and Lifts under section 5 of the Principal Act who held that office immediately before that commencement shall be deemed to have been appointed under section 5 (2) of the Principal Act, as amended by this Act, as Chief Inspector of Construction Safety.

9. (1) Where a certificate of competency has been suspended by order of the Minister under section 17 (7) of the Principal Act for a period that expires after the commencement of this section, the certificate shall, on that commencement, be deemed to have been suspended by order of the Chief Inspector of Construction Safety under section 17 (7A) of that Act, as amended by this Act, until the expiration of that period.

*Saving of certain orders, etc., under section 17 of the Principal Act.*

15 (2) A notification or notice under section 17 (8) (a) or (b) of the Principal Act that was in force immediately before the commencement of this section shall, on that commencement, be deemed to be an order under section 17 (8) (a) or (b) of that Act, as amended by this Act, as the case may require.

20 10. (1) Where a certificate of competency has been suspended by order of the Minister under section 17A (5) of the Principal Act for a period that expires after the commencement of this section, the certificate shall, on that commencement, be deemed to have been suspended by order of the Chief Inspector of Construction Safety under section 17A (5AA) of that Act, as amended by this Act, until the expiration of that period.

*Saving of certain orders, etc., under section 17A of the Principal Act.*

30 (2) A notification or notice under section 17A (5A) (a) or (b) of the Principal Act that was in force immediately before the commencement of this section shall, on that commencement, be deemed to be an order under section 17A (5A) (a) or (b) of that Act, as amended by this Act, as the case may require.



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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1.

Sec. 5 (1).

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Long title—

5 After “An Act”, insert “to provide for the regulation and inspection of construction work and”.

(2) Sections 1, 1A—

Omit section 1, insert instead :—

1. This Act may be cited as the “Construction Safety Short title. Act, 1912”.

10 1A. This Act is divided as follows :—

Division of Act.

PART I.—PRELIMINARY—ss. 1–5A.

PART II.—NOTIFICATION OF CERTAIN WORK—ss. 6–10.

PART III.—INSPECTION—ss. 13–16.

15 PART IV.—CERTIFICATES OF COMPETENCY—ss. 17–17B.

PART V.—MISCELLANEOUS—ss. 18–22.

FIRST SCHEDULE.

(3) Section 2 (2), (3)—

20 Omit the subsections.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) (a) Section 3, definition of “Amusement device”—

Omit the definition, insert instead :—

5           “Amusement device” means anything mobile or  
fixed made available to members of the public  
on which, or on any part of which, or by  
10           means of which, they may ascend or descend,  
or be carried, transported, raised, lowered or  
supported for the purposes of amusement,  
games, recreation, sightseeing or entertain-  
ment but does not include—

(a) anything that—

(i) is not power-operated; or

15           (ii) that may only be operated by  
manual power,

unless a fee is payable for its use, or for  
entry therein or thereon, or for entry to  
the place where it is situated;

20           (b) a conveyor, crane, escalator, hoist, lift  
or moving walk;

25           (c) a railway system in so far as it uses a  
locomotive for its motive power and  
has a track gauge of more than 650  
mm;

(d) a vehicle required to be registered  
under the Motor Traffic Act, 1909, or  
the Transport Act, 1930;

30           (e) a vessel used on waters navigable for  
the purpose of trade;

*Scaffolding and Lifts (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 (f) an aircraft subject to the regulations made under the Air Navigation Act 1920 of the Parliament of the Commonwealth and any Act amending or replacing that Act; or
- (g) anything prescribed as being excluded from this definition.
- 10 (b) Section 3, definitions of “Authorised attendant”, “Automatic lift”—  
Omit the definitions.
- (c) Section 3, definition of “Building work”—  
Omit the definition, insert instead :—
- 15 “Building work” means—
- (a) work in constructing, erecting, installing, adding to, altering, repairing, equipping, finishing, painting, cleaning, signwriting, sheathing, spraying, dismantling or demolishing or any other prescribed operation that—
- 20 (i) is done in relation to a building or structure, at or adjacent to the site thereof; or
- 25 (ii) is done in relation to a vessel on or adjacent to the vessel while it is at a wharf, in dock or on slips; and
- 30 (b) work in lining any shaft, well or tunnel.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(d) Section 3, definition of “Chief Inspector”—

5 Omit “Scaffolding and Lifts”, insert instead “Construction Safety”.

(e) Section 3, definition of “Compressed air work”—

Omit the definition, insert instead :—

10 “Compressed air work” means work (other than diving work) done in, or in connection with, construction work or other prescribed work by a person while breathing any gas or mixture of gases at a greater pressure than atmospheric pressure.

(f) Section 3, definition of “Construction work”—

15 After the definition of “Compressed air work”, insert :—

“Construction work” means—

- 20 (a) building work, excavation work, compressed air work and diving work;
- (b) work in or in connection with the construction or maintenance of roads, airfields or airstrips, or of the permanent way of a railway or tramway;
- 25 (c) dredging or salvaging work;
- (d) the laying, lining or maintenance of pipes or cables;
- (e) earth moving carried out with equipment for or in connection with the operation of which power other than
- 30 manual power is used;
- (f) land clearing in preparation for any work referred to in paragraph (a), (b), (d) or (e);

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (g) any work in which explosives are used;  
and
- 5 (h) any other prescribed work.
- (g) Section 3, definition of “Constructor”—  
Omit the definition of “Contractor”, insert instead :—  
“Constructor”, in relation to any construction work,  
10 means the person who by himself (otherwise  
than as a servant or agent of the person carry-  
ing out that work) or by his servants or agents  
carries out that work.
- (h) Section 3, definition of “Crane”—
- 15 (i) After “telpher crane,” insert “boom crane, tower  
crane, stacking crane, loading crane integral with  
a vehicle, elevating work platform,”.
- (ii) After “conveyor,” insert “escalator, moving  
walk,”.
- (i) Section 3, definition of “Diving work”—  
20 After the definition of “Crane”, insert :—  
“Diving work” means diving work done in, or in  
connection with, other construction work or  
other prescribed work.
- (j) Section 3, definition of “Escalator”—  
25 Before the definition of “Excavation work”, insert :—  
“Escalator” means an apparatus or contrivance by  
which persons are, or are capable of being,  
raised or lowered while standing on the treads  
of an endless stairway, and includes the

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 supporting structure, machinery, equipment  
and gear used in connection with any such  
apparatus or contrivance.

## (k) Section 3, definition of "Excavation work"—

Omit the definition, insert instead :—

10 "Excavation work" means work involved in the  
excavation or filling of trenches, ditches,  
shafts, drifts, rises, tunnels, pier holes, cuttings,  
benches, wells or canals or any similar work.

## (l) Section 3, definition of "Gear"—

(i) Omit "lift, crane, hoist", insert instead "escalator,  
moving walk, crane, hoist, lift".

15 (ii) Omit ", building work, excavation work or  
compressed air work", insert instead "or  
construction work".

## (m) Section 3, definition of "Hoist"—

20 Omit "hand chain block", insert instead "rope and  
pulley system, chain block, tripod hoist, construction  
hoist, men-and-materials hoist, vehicle towing hoist".

## (n) Section 3, definition of "Lift"—

After "conveyor," insert "escalator, moving walk,".

## (o) Section 3, definition of "Moving walk"—

25 After the definition of "Lift", insert :—  
"Moving walk" means an apparatus or contrivance  
(other than an escalator) by which persons  
are, or are capable of being, transported while  
30 standing on a moving surface, and includes the  
supporting structure, machinery, equipment  
and gear used in connection with any such  
apparatus or contrivance.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(p) Section 3, definition of "Owner"—

After "conveyor," insert "escalator, moving walk,".

5 (q) Section 3, definition of "Passenger lift"—

Omit the definition.

(r) Section 3, definition of "Plant"—

Omit the definition, insert instead :—

"Plant" means—

10 (a) any—

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

15

(ii) air lock and welding equip-  
ment,

used or intended for use in construction  
work;

20

(b) the gear used in connection with, and  
the supporting structure of, anything  
referred to in paragraph (a); and

(c) any explosive powered tool,

but does not include a conveyor, escalator,  
moving walk, crane, hoist or lift.

(s) Section 3, definition of "Public stand"—

25

Omit "to support members of the public viewing or  
listening to", insert instead :—

to support—

(a) members of the public viewing or  
listening to; or

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) performers or other participants taking part in,
- 5 (t) Section 3, definition of “Regulation”—  
After the definition of “Public stand”, insert :—  
“Regulation” means regulation made under this Act.
- (u) Section 3, definition of “Scaffolding”—
- 10 (i) From paragraph (a), omit “or swinging stage”, insert instead “, framework, run, ramp, gangway, swinging stage”.
- (ii) Omit paragraph (a) (i), insert instead :—  
(i) the carrying out of construction work;
- 15 (iii) From paragraph (a) (ii), omit “or dismantling”, insert instead “, dismantling, repair or maintenance”.
- (iv) From paragraph (a), omit “and”.
- (v) After paragraph (a), insert :—
- 20 (a1) building maintenance unit attached to a building and used for cleaning or other maintenance; and
- (vi) Omit paragraph (b), insert instead :—  
(b) form work set up or used for or in connection with the carrying out of construction work,
- 25 (vii) Omit “and gear”, insert instead “, equipment, gear and machinery (if any)”.
- (v) Section 3, definition of “Supporting structure”—
- 30 After “conveyor,”, insert “escalator, moving walk,”.



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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (w) Section 3, definition of “Vessel”—

5 After the definition of “Supporting structure”,  
insert :—

“Vessel” means any ship, barge, pontoon or other  
construction designed to float.

## (x) Section 3 (2)—

At the end of section 3, insert :—

10 (2) In this Act, a reference to—

(a) an amusement device, includes a reference  
to—

- 15 (i) each part of the assembly, if any,  
comprising the device; and
- (ii) any supporting structure, structure  
giving access to the device,  
20 machinery, equipment, gear, con-  
veyance, platform, cage, seat or  
other thing used, designed for use,  
intended to be used or capable of  
being used in connection with the  
device; or

25 (b) an explosive-powered tool, includes a refer-  
ence to any attachment or device used or  
intended for use in connection with the  
tool.

## (5) Section 4—

Omit the section.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(6) (a) Section 4A (a)—

After “conveyor,”, insert “escalator, moving walk,”.

5 (b) Section 4A—

10 Omit “Mining Act, 1906, the Mines Inspection Act, 1901, the Coal Mines Regulation Act, 1912, or any Act amending the said Acts” wherever occurring, insert instead “Mines Inspection Act, 1901, or the Coal Mines Regulation Act, 1912”.

(c) Section 4A (b)—

Omit “building work, excavation work, or compressed air”, insert instead “construction”.

(d) Section 4A (2)—

15 At the end of section 4A, insert :—

(2) Notwithstanding subsection (1), this Act applies to—

20 (a) any conveyor, escalator, moving walk, crane, gear, hoist, lift, plant or scaffolding used wholly or principally in; and

(b) any construction work carried out in,

a mine or part of a mine for the time being exempted from the operation of the Mines Inspection Act, 1901, under the proviso to section 1 (2) of that Act.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(7) (a) Section 5—

5 Omit "One of such inspectors shall be appointed Chief Inspector of Scaffolding and Lifts."

(b) Section 5 (2)–(4)—

At the end of section 5, insert :—

10 (2) Of the inspectors appointed under subsection (1), one shall be appointed as Chief Inspector of Construction Safety and another as Deputy Chief Inspector of Construction Safety.

15 (3) The Deputy Chief Inspector of Construction Safety shall have, and may exercise and perform, all the powers, authorities, duties and functions of the Chief Inspector.

20 (4) In the exercise or performance of any of the powers, authorities, duties and functions granted to him by subsection (3), the Deputy Chief Inspector of Construction Safety shall be subject to the control and direction of the Chief Inspector.

25 (5) In relation to a person affected by a decision of the Deputy Chief Inspector of Construction Safety, that decision shall be deemed to be a decision of the Chief Inspector whether or not it complies with any directions given by the Chief Inspector.

(8) Part II, heading—

Omit the heading, insert instead :—

**PART II.**

**NOTIFICATION OF CERTAIN WORK.**

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (9) (a) Section 6 (1)—

Omit “in any district” wherever occurring.

## 5 (b) Section 6 (1)—

Omit “building work, excavation work or compressed air” wherever occurring, insert instead “construction”.

## (c) Section 6 (1) (a1)—

10 After “that”, insert “comprising construction work of a kind”.

## (d) Section 6 (2)—

Omit “one hundred dollars”, insert instead “\$500”.

## (e) Section 6 (4)—

Omit “this section”, insert instead “subsection (1)”.

## 15 (f) Section 6 (4) (c)—

Omit “person.”, insert instead “person; or”.

## (g) Section 6 (4) (d)—

After section 6 (4) (c), insert :—

20 (d) excavation work comprising the making of an excavation that is—

(i) less than 1.5 metres in depth;

(ii) a drilled or bored hole of such dimensions that persons cannot enter it;

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (iii) a grave for the burial of a deceased person; or
- 5 (iv) of a prescribed kind.
- (10) (a) Section 6A (1), (2)—
- Omit the subsections, insert instead :—
- (1) This section applies to any work referred to in section 6 (1) (a) or (a1) in respect of which any
- 10 person is or has been required, by section 6 (1), to serve a notice of his intention to carry out the work.
- (2) Any person who commences or continues to carry out any work to which this section applies while the whole or any part of a notification fee payable in
- 15 respect of the work is due and has not been paid, shall be liable to a penalty not exceeding \$1,000.
- (b) Section 6A (3)—
- Omit "Small Debts Recovery Act, 1912, as amended by subsequent Acts", insert instead "Courts of Petty
- 20 Sessions (Civil Claims) Act, 1970".
- (c) Section 6A (3) —
- Omit ", as so amended".
- (d) Section 6A (4) (a)—
- Omit the paragraph, insert instead :—
- 25 (a) Any notification fee payable in respect of any work to which this section applies shall be paid to the Under Secretary, Department of Labour and Industry, and shall be paid by the constructor by whom the work is required to be carried out or continued, as
- 30 the case may require.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (e) Section 6A (5)—

Omit the subsection, insert instead :—

- 5 (5) In this section, “notification fee”, in respect of any work to which this section applies, means the prescribed fee payable in respect of that work.

## (11) Part III, heading—

Omit the following matter appearing before section 10 :—

## 10 PART III.

## LIFTS AND CONVEYORS.

## (12) (a) Section 10 (1)—

Omit “lift or conveyor in a district”, insert instead “conveyor, escalator, moving walk or lift”.

## 15 (b) Section 10 (1)—

Omit “such lift or conveyor” insert instead “the conveyor, escalator, moving walk or lift”.

## (c) Section 10 (2)—

Omit “one hundred dollars”, insert instead “\$500”.

## 20 (13) Sections 11, 12—

Omit the sections.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (14) Part III, heading—  
From the matter “PART IV. INSPECTION.” before section  
5 13, omit “IV”, insert instead “III”.
- (15) (a) Section 13 (a)—  
Omit “lift, conveyor”, insert instead “conveyor, escala-  
tor, moving walk, lift”.
- (b) Section 13 (a)—  
10 Omit “building work, excavation work or compressed  
air”, insert instead “construction”.
- (c) Section 13 (a)—  
Omit “in any district”.
- (d) Section 13 (b)—  
15 After “Act”, insert “and the regulations”.
- (16) (a) Section 14 (1)—  
Omit “passenger or goods lift or a conveyor”, insert  
instead “conveyor, escalator, moving walk or lift”.
- (b) Section 14 (1)—  
20 Omit “lift or conveyor” wherever occurring, insert  
instead “conveyor, escalator, moving walk or lift”.
- (c) Section 14 (1)—  
Omit “one hundred dollars”, insert instead “\$500”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (d) Section 14 (2)—  
Omit “one hundred dollars”, insert instead “\$1,000”.
- 5 (17) (a) Section 15 (1) (a)—  
Omit “in any district, or”.
- (b) Section 15 (1) (a)—  
Omit “in any district,” where secondly occurring.
- (c) Section 15—  
10 Omit “lift or conveyor” wherever occurring, insert  
instead “conveyor, escalator, moving walk or lift”.
- (d) Section 15 (1)—  
Omit “building work excavation work or compressed  
air” wherever occurring, insert instead “construction”.
- 15 (e) Section 15 (1) (b)—  
Omit “in any district, the regulations made under this  
Act”, insert instead “, the regulations”.
- (f) Section 15 (1)—  
Omit “contractor,”, insert instead “constructor or”.
- 20 (g) Section 15 (1)—  
Omit “such regulations”, insert instead “the  
regulations”.
- (h) Section 15 (2) (a)—  
25 Omit “lift or conveyor” wherever occurring, insert  
instead “conveyor, escalator, moving walk or lift”.



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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (i) Section 15 (2) (c)—  
Omit “contractor”, insert instead “constructor”.
- 5 (j) Section 15 (2) (c)—  
Omit “building work, excavation work or compressed air”, insert instead “construction”.
- (k) Section 15 (2) (c)—  
10 After “given”, insert “, or any contractor carrying out the work or any part of the work.”.
- (l) Section 15 (4)—  
Omit “under this Act”.
- (m) Section 15 (5)—  
Omit “five hundred dollars”, insert instead “\$1,000”.
- 15 (18) (a) Section 16—  
Omit “who interferes with or obstructs any inspector in the execution of”, insert instead :—  
who—  
(a) assaults, resists or obstructs; or  
20 (b) uses threatening, abusive or insulting language to,  
an inspector while the inspector is acting under
- (b) Section 16—  
Omit “one hundred dollars”, insert instead “\$1,000”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (19) Part IV, heading—

5 Omit the matter appearing after section 16 and before section 17, insert instead :—

## PART IV.

## CERTIFICATES OF COMPETENCY.

## (20) (a) Section 17—

Omit “in any district” wherever occurring.

## 10 (b) Section 17 (4) (a)—

Omit “, after inquiry and examination as prescribed,”.

## (c) Section 17 (6)—

15 Omit “with the decision of the Chief Inspector in respect of the issue or refusal to issue to him a certificate of competency under this section may appeal”, insert instead :—

with—

(a) a decision of the Chief Inspector in respect of—

20 (i) the issue to him of; or

(ii) the refusal to issue to him,

a certificate of competency under this section; or

25 (b) an order made in respect of his certificate of competency by the Chief Inspector under subsection (7A),

may appeal

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (d) Section 17 (6)—

5 After “conclusive”, insert “and shall be carried into effect by the Chief Inspector”.

## (e) Section 17 (6)—

Omit “under this Act”.

## (f) Section 17 (7)—(7B)—

Omit section 17 (7), insert instead :—

10 (7) Where, upon report by an inspector or otherwise, it appears to the Chief Inspector that the holder of a certificate of competency issued under this section has ceased to be sufficiently trustworthy or competent to hold his certificate of competency, the Chief  
15 Inspector may, by notice in writing served on the holder, require the holder to appear before him at a time and place specified in the notice to show cause why—

20 (a) the certificate of competency issued to him should not be suspended or cancelled; or

(b) the type or motive power of the power cranes or power hoists to which his certificate of competency relates or the purposes for which the power cranes or power hoists  
25 may be used should not be varied.

(7A) If the Chief Inspector is not satisfied with the matters, if any, put to him by the holder of a certificate of competency who has been served with a notice under subsection (7), he may, by order under his  
30 hand served on the holder—

(a) suspend the certificate of competency for such period not exceeding 12 months as he may determine;

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) cancel the certificate of competency; or
- 5 (c) vary the type or motive power of the power cranes or power hoists to which the certificate of competency relates or the purposes for which those power cranes or power hoists may be used.
- 10 (7B) A person whose certificate of competency has been suspended under subsection (7A) shall be deemed not to be the holder of the certificate of competency during the period of its suspension.
- (g) Section 17 (8)—
- 15 Omit “Minister” wherever occurring, insert instead “Chief Inspector”.
- (h) Section 17 (8) (a)—
- Omit “notification” wherever occurring, insert instead “order”.
- (i) Section 17 (8) (b)—
- 20 Omit “notice”, insert instead “order”.
- (j) Section 17 (8A)–(8C)—
- After section 17 (8), insert :—
- (8A) Any person who is dissatisfied with—
- 25 (a) an order made by the Chief Inspector under subsection (8) or with any condition of any such order; or
- (b) the refusal of the Chief Inspector to make an order under subsection (8),
- 30 may appeal to the Minister in accordance with the regulations.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 (8B) After hearing an appeal under subsection (8A), the Minister may direct the Chief Inspector to revoke, alter or vary an order made under subsection (8) or to make such an order, as the case may require, and any such direction shall be carried into effect by the Chief Inspector.
- 10 (8C) The Minister may, in a direction given under subsection (8B), require the Chief Inspector to—
- (a) insert conditions specified in the direction in an order made under subsection (8) when altering or varying the order; or
- 15 (b) make an order under subsection (8) that is specified in the direction.
- (21) (a) Section 17A (1)—  
Omit “, in any district,”.
- (b) Section 17A (1)—  
20 Omit “or crane chaser” wherever occurring, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.
- (c) Section 17A (1A), (1B)—  
Omit “in any district” wherever occurring.
- (d) Section 17A (1A) (c)—  
25 Omit “of crane,”, insert instead “of crane;”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (e) Section 17A (1A) (d), (e)—

After section 17A (1) (c), insert :—

- 5 (d) as a diver or powderman and who acts as a  
diver or powderman, as the case may be, in  
relation to any type of construction work; or
- 10 (e) as an explosive-powered tool operator and who  
acts as an explosive-powered tool operator in  
relation to any type of explosive-powered tool,

## (f) Section 17A (1A)—

Omit “or crane chaser” where lastly occurring, insert  
instead “, crane chaser, diver, powderman or  
explosive-powered tool operator”.

## 15 (g) Section 17A (1B) (a)—

Omit “or crane chaser”, insert instead “, crane chaser,  
diver, powderman or explosive-powered tool  
operator”.

## (h) Section 17A (1B) (b) (iii)—

20 Omit “of crane,”, insert instead “of crane;”.

## (i) Section 17A (1B) (b) (iv), (v)—

After section 17 (1B) (b) (iii), insert :—

- 25 (iv) as a diver or powderman, to act as a diver or  
powderman, as the case may be, in relation to  
any type of construction work; or
- (v) as an explosive-powered tool operator, to act  
as an explosive-powered tool operator in  
relation to any type of explosive-powered tool,

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (j) Section 17A (1B)—

5 Omit “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.”, insert instead :—

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

## 15 (k) Section 17A (2) (a)—

Omit “after inquiry and examination as prescribed”.

## (l) Section 17A (2) (a)—

20 Omit “or crane chaser” wherever occurring, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

## (m) Section 17A (2) (b) (iii)—

Omit “of crane;”, insert instead “of crane;”.

## (n) Section 17A (2) (b) (iv), (v)—

After section 17A (2) (b) (iii), insert :—

25 (iv) as a diver or powderman, may specify the type of construction work; or

(v) as an explosive-powered tool operator, may specify the type of explosive-powered tool,

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (o) Section 17A (2) (b)—

5 Omit “or crane chaser” where lastly occurring, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

## (p) Section 17A (4)—

10 Omit “with the decision of the Chief Inspector in respect of the issue or refusal to issue to him a certificate of competency under this section may appeal”, insert instead :—

with—

(a) a decision of the Chief Inspector in respect of—

15 (i) the issue to him of; or

(ii) the refusal to issue to him,  
a certificate of competency under this section; or

20 (b) an order made in respect of his certificate of competency by the Chief Inspector under subsection (5AA),

may appeal

## (q) Section 17A (4)—

25 After “conclusive”, insert “and shall be carried into effect by the Chief Inspector”.

## (r) Section 17A (5)–(5AB)—

Omit section 17A (5), insert instead :—

30 (5) Where, upon report of an inspector or otherwise, it appears to the Chief Inspector that the holder of a certificate of competency issued under this section



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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 has ceased to be sufficiently trustworthy or competent to hold his certificate of competency, the Chief Inspector may, by notice in writing served on the holder, require the holder to appear before him at a time and place specified in the notice to show cause why—
- 10 (a) the certificate of competency issued to him should not be suspended or cancelled; or
- 15 (b) the type of building, structure, crane or hoist, the type of scaffolding, the type of crane, the type of construction work or the type of explosive-powered tool to which his certificate of competency relates should not be varied.
- 20 (5AA) If the Chief Inspector is not satisfied with the matters, if any, put to him by the holder of a certificate of competency who has been served with a notice under subsection (5), he may, by order under his hand served on the holder—
- 25 (a) suspend the certificate of competency for such period not exceeding 12 months as he may determine;
- (b) cancel the certificate of competency; or
- 30 (c) vary the type of building, structure, crane or hoist, the type of scaffolding, the type of crane, the type of construction work or the type of explosive-powered tool to which the certificate of competency relates.
- (5AB) A person whose certificate of competency has been suspended under subsection (5AA) shall be deemed not to be the holder of the certificate of competency during the period of its suspension.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (s) Section 17A (5A)—

5 Omit “Minister” wherever occurring, insert instead  
“Chief Inspector”.

## (t) Section 17A (5A) (a)—

Omit “notification” wherever occurring, insert instead  
“order”.

## (u) Section 17A (5A) (a) (iii)—

10 Omit “specified.”, insert instead “specified;”.

## (v) Section 17A (5A) (a) (iv), (v)—

After section 17A (5A) (a) (iii), insert :—

15 (iv) persons acting as divers or powdermen in  
relation to any type of construction work  
specified in the order, from the operation of  
the provisions of subsections (1) and (1A)  
whilst they are so acting, and persons who  
employ, instruct or allow persons to act as  
aforesaid from the operation of the provisions  
20 of subsection (1B) in respect of persons acting  
as divers or powdermen, as the case may be,  
in relation to the type of construction work so  
specified; or

25 (v) persons acting as explosive-powered tool  
operators in relation to any type of explosive-  
powered tool specified in the order, from the  
operation of the provisions of subsections (1)  
and (1A) whilst they are so acting, and  
persons who employ, instruct or allow persons  
30 to act as aforesaid from the operation of the  
provisions of subsection (1B) in respect of

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 persons acting as explosive-powered tool operators, in relation to the type of explosive-powered tool so specified.

(w) Section 17A (5A) (b)—

Omit “notice”, insert instead “order”.

(x) Section 17A (5A) (b) (iii)—

Omit “crane.”, insert instead “crane;”.

10 (y) Section 17A (5A) (b) (iv), (v)—

After section 17A (5A) (b) (iii), insert :—

15 (iv) to the person carrying out or proposing to carry out any particular construction work exempt persons acting as divers, powdermen or explosive-powered tool operators in relation to the construction work from the operation of the provisions of subsections (1) and (1A) 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) in respect of persons acting as divers, powdermen or explosive-powered tool operators, as the case may be, in relation to that particular construction work; or

25 (v) to the owner of any particular explosive-powered tool exempt persons acting as explosive-powered tool operators in relation to the tool from the operation of the provisions of subsections (1) and (1A) whilst they are  
30 so acting, and persons who employ, instruct or allow persons to act as aforesaid from the operation of the provisions of subsection (1B)

*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

in respect of persons acting as explosive-  
powered tool operators in relation to that  
particular explosive-powered tool.

5

(z) Section 17A (5BA)–(5BC)—

After section 17A (5A), insert :—

(5BA) Any person who is dissatisfied with—

10

(a) an order made by the Chief Inspector under  
subsection (5A) or with any condition of  
any such order; or

(b) the refusal of the Chief Inspector to make  
an order under subsection (5A),

15

may appeal to the Minister in accordance with the  
regulations.

(5BB) After hearing an appeal under subsection  
(5BA), the Minister may direct the Chief Inspector to  
revoke, alter or vary an order made under subsection  
(5A) or to make such an order, as the case may  
require, and any such direction shall be carried into  
effect by the Chief Inspector.

20

(5BC) The Minister may, in a direction given  
under subsection (5BB), require the Chief Inspector  
to—

25

(a) insert conditions specified in the direction in  
an order made under subsection (5A) when  
altering or varying the order; or

(b) make an order under subsection (5A) that  
is specified in the direction.

30

(aa) Section 17A (5B)—

Omit “or crane chaser” wherever occurring, insert  
instead “, crane chaser, diver or powderman”.

*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (ab) Section 17A (5C)—

After section 17A (5B), insert :—

- 5 (5C) Nothing in subsection (1) or (1B) shall apply to or in respect of any work done by a person using an explosive-powered tool in prescribed circumstances.

## (ac) Section 17A (6)—

- 10 Omit the subsection, insert instead :—

(6) In this section—

- 15 “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.

“Diver” means a diver carrying out diving work.

- 20 “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.

“Powderman” means a person engaged in the preparation or firing of charges of explosives in the course of construction work.

- 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 those members, for dismantling or demolishing buildings or structures, other than scaffolding, or for  
30 setting up or dismantling cranes or hoists.

*Scaffolding and Lifts (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 “Scaffolder” means a person engaged in the work of erecting, altering or demolishing scaffolding which is so placed that a person or object falling therefrom could fall a distance of 3 metres or more.

(22) Section 17B—

After section 17A, insert :—

10 17B. (1) Where the Chief Inspector makes an order under section 17 (7A) or 17A (5AA), he may, in the order, require the person to whom the certificate of competency to which the order relates was issued to deliver the certificate of competency to him within a time specified in the order for the purpose of the certificate of competency being endorsed or cancelled. Endorsement of certificates.

15 (2) A person who, without reasonable excuse, fails to comply with a requirement made under subsection (1) shall be liable to a penalty not exceeding \$100.

20 (23) Part V, heading—

From the matter “PART VI.—MISCELLANEOUS.” before section 18, omit “VI”, insert instead “V”.

(24) (a) Section 18—

25 After “conveyor,” wherever occurring, insert “escalator, moving walk,”.

(b) Section 18 (1)—

Omit “, building work, excavation work, or compressed air”, insert instead “or construction”.

*Scaffolding and Lifts (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 18 (1) (c)—

5 Omit “, building work, excavation work or compressed air”, insert instead “or construction”.

(d) Section 18 (1)—

After “of such conveyor”, insert “, escalator, moving walk,”.

(e) Section 18 (1)—

10 Omit “contractor”, insert instead “constructor”.

(f) Section 18 (1)—

Omit “such building work, excavation work or compressed air”, insert instead “the construction”.

(g) Section 18 (3)—

15 Omit “two hundred dollars”, insert instead “\$500”.

(25) Section 18A—

After section 18, insert :—

20 18A. Where the regulations so provide, a specified person or a specified class of persons is, subject to such conditions as are prescribed, exempt from the operation of section 6, 6A, 10, 17 or 17A. Exemptions.

*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (26) (a) Section 19 (b)—

Omit the paragraph, insert instead :—

- 5 (b) acting as a crane chaser, diver, dogman, explosive-powered tool operator, powderman, rigger or scaffolder (in each case, within the meaning of section 17A); or

## (b) Section 19 (c)—

- 10 Omit “building work, compressed air work, excavation”, insert instead “construction”.

## (c) Section 19 (c)—

After “conveyor,” insert “escalator, moving walk,”.

## (27) (a) Section 21 (1)—

- 15 Omit “two hundred dollars”, insert instead “\$1,000”.

## (b) Section 21 (3)—

Omit “building work, excavation work or compressed air”, insert instead “construction”.

## (c) Section 21 (3)—

- 20 Omit “contractor for”, insert instead “constructor of”.

## (28) Sections 21A, 21B—

After section 21, insert :—

- 25 21A. In proceedings for an offence against this Act or the regulations a printed document that is or purports to be a standard rule, code or specification of a body or authority referred to in section 22 (3) and that has been or purports

Proof of standards.



*Scaffolding and Lifts (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 to have been published or issued by or on behalf of that body or authority is admissible as evidence in those proceedings and, in the absence of evidence to the contrary, is proof of that standard rule, code or specification.

21B. (1) A person who—

- 10 (a) forges or counterfeits any instrument that purports to have been issued, made or granted under this Act or the regulations; Forgery of certificates or permits, etc.
- (b) knowingly utters or makes use of any instrument so forged or counterfeited;
- 15 (c) personates any person named in an instrument that has in fact been so issued, made or granted; or
- (d) falsely pretends to be an inspector,

shall be guilty of an offence against this Act and be liable to imprisonment for a term not exceeding 12 months.

(2) A person who—

- 20 (a) wilfully makes a false entry in any book, register, notice, certificate, list, record or document required by this Act or the regulations to be kept or served;
- 25 (b) wilfully makes or signs a false return under this Act or the regulations;
- (c) wilfully makes or signs any false statement—
- (i) in any application; or
- (ii) in any notice required to be given by him, under this Act or the regulations; or
- 30 (d) knowingly makes use of any false entry, return or statement referred to in paragraph (a), (b) or (c),

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 shall be guilty of an offence against this Act and be liable to a penalty not exceeding \$500 for each offence, or to be imprisoned for a term not exceeding 3 months.

(29) (a) Section 22 (2) (a)—

Omit “lift or conveyor”, insert instead “conveyor, escalator, moving walk or lift”.

(b) Section 22 (2)—

10 Omit “building work, excavation work or compressed air” wherever occurring, insert instead “construction”.

(c) Section 22 (2) (b)—

Omit “lift, conveyor”, insert instead “conveyor, escalator, moving walk, lift”.

15 (d) Section 22 (2) (c)—

Omit the paragraph.

(e) Section 22 (2) (d)—

Omit “lift or conveyor”, insert instead “conveyor, escalator, moving walk or lift”.

20 (f) Section 22 (2) (e)—

After “conveyors,”, insert “escalators, moving walks,”.

(g) Section 22 (2) (f) (i)—

Omit “lifts or conveyors”, insert instead “conveyors, escalators, moving walks or lifts”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (h) Section 22 (2) (f) (ii)—

5 After “conveyors,” wherever occurring, insert  
“escalators, moving walks,”.

## (i) Section 22 (2) (f) (iii), (iv)—

Omit the subparagraphs, insert instead :—

10 (iii) applications for the issue and renewal of  
certificates of competency as power crane or  
power hoist drivers;

(iv) applications for the issue and renewal of  
certificates of competency as riggers, dogmen,  
scaffolders, crane chasers, divers, powdermen  
and explosive-powered tool operators;

## 15 (j) Section 22 (2) (f) (vi)—

Omit “or crane chasers”, insert instead “, crane  
chasers, divers or powdermen”.

## (k) Section 22 (2) (f) (vii)—

After section 22 (2) (f) (vi), insert :—

20 (vii) the setting up, building or setting or placing  
in position of any crane, hoist, plant or  
scaffolding or the erection or alteration of any  
conveyor, escalator, moving walk or lift in any  
25 case where notice of intention in relation  
thereto is, or is required to be, given under this  
Act;

## (l) Section 22 (2) (g)—

After “conveyors,” wherever occurring, insert  
“escalators, moving walks,”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (m) Section 22 (2) (g) (ii)—  
After “conveyors”, insert “, escalators, moving walks”.
- 5 (n) Section 22 (2) (g) (ii)—  
Omit “and crane chasers”, insert instead “, crane chasers, divers, powdermen and explosive-powered tool operators”.
- 10 (o) Section 22 (2) (g1)—  
Omit “diver, diver’s attendant or powderman”, insert instead “diver’s attendant”.
- (p) Section 22 (2) (g1) (i)—  
Omit “divers, divers’ attendants and powdermen”, insert instead “divers’ attendants”.
- 15 (q) Section 22 (2) (g1) (i)—  
Omit “and issue”, insert instead “, issue and renewal”.
- (r) Section 22 (2) (g1) (ii)—  
After “issue”, insert “and renewal”.
- (s) Section 22 (2) (g2)—  
20 After section 22 (2) (g1), insert :—  
(g2) prescribing the terms for which certificates of competency issued under section 17 or 17A or any renewals thereof shall be in force and providing for renewal of any such certificate of competency;
- 25 (t) Section 22 (3)—  
After “conveyors,” insert “escalators, moving walks,”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (u) Section 22 (3A) (f)—  
Omit “contractors”, insert instead “constructors”.
- 5 (v) Section 22 (3B)—  
Omit the subsection.
- (w) Section 22 (3D)—  
After section 22 (3C), insert :—  
10 (3D) A regulation may—  
(a) apply differently according to such factors  
as may be specified in the regulation; and  
(b) impose duties upon constructors, contrac-  
tors, principal contractors, sub-contractors  
or other persons.
- 15 (x) Section 22 (4)—  
Omit “two hundred dollars”, insert instead “\$500”.
- (y) Section 22 (5)—  
Omit the subsection, insert instead :—  
20 (5) Section 41 of the Interpretation Act, 1897,  
applies in respect of a regulation as if this Act had  
been passed after the commencement of the  
Interpretation (Amendment) Act, 1969.
-

*Scaffolding and Lifts (Amendment).*

SCHEDULE 2.

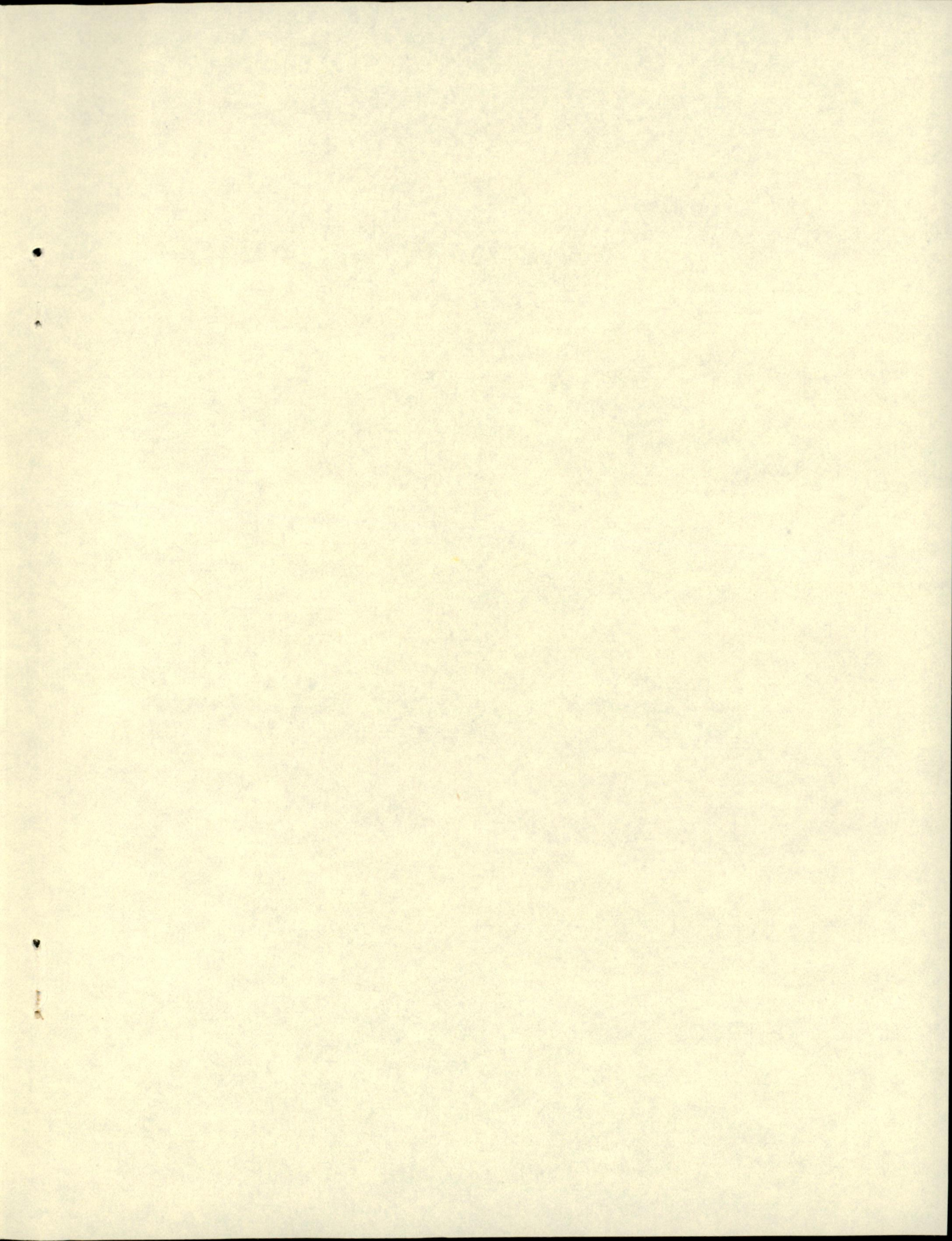
Sec. 5 (2).

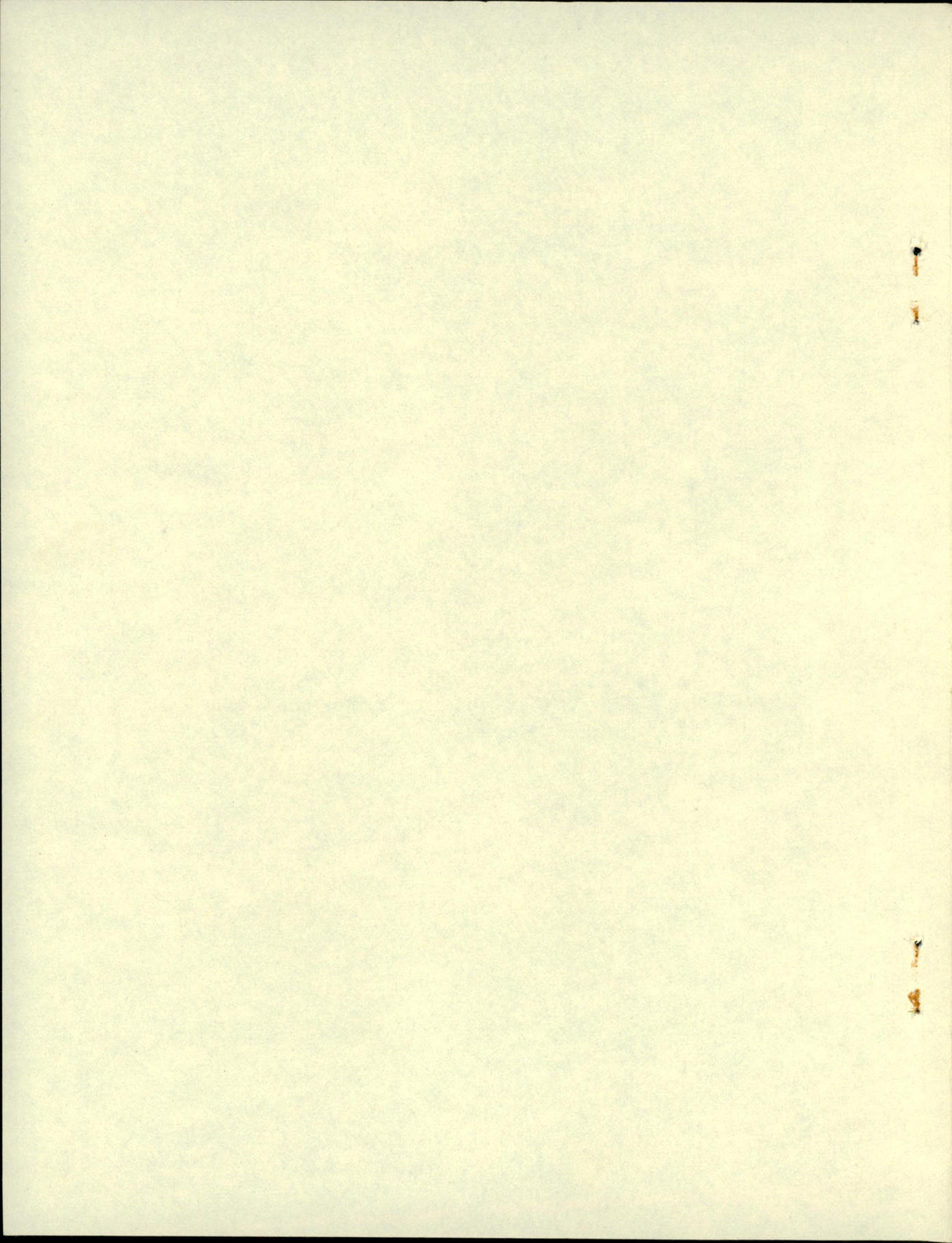
AMENDMENTS TO OTHER ACTS.

Column 1.		Column 2.	
5	Year and number of Act.	Short title of Act.	
10	15	20	
25	Amendment.		
10	1919, No. 41 ..	Local Government Act, 1919.	Section 10 (1)— Omit "Scaffolding and Lifts", insert instead "Construction Safety".
15	1962, No. 43 ..	Factories, Shops and Industries Act, 1962.	Section 6 (2)— Omit "Scaffolding and Lifts", insert instead "Construction Safety".
20			Section 33 (4)— Omit "in any district or area in which the Scaffolding and Lifts Act, 1912, as amended by subsequent Acts, has effect", insert instead "to which the Construction Safety Act, 1912, applies".
25	1975, No. 68 ..	Dangerous Goods Act, 1975.	Omit "the said Act, as so amended", insert instead "that Act". Section 5 (3)— Omit "Scaffolding and Lifts", insert instead "Construction Safety".

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978







**SCAFFOLDING AND LIFTS (AMENDMENT) ACT,  
1978, No. 69**

**New South Wales**



ANNO VICESIMO SEPTIMO

**ELIZABETHÆ II REGINÆ**

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**Act No, 69, 1978.**

An Act to amend the Scaffolding and Lifts Act, 1912, and to amend the Local Government Act, 1919, the Factories, Shops and Industries Act, 1962, and the Dangerous Goods Act, 1975, consequentially. [Assented to, 6th April, 1978.]

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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.      **1.** This Act may be cited as the "Scaffolding and Lifts (Amendment) Act, 1978".

Commence-  
ment.            **2.** (1) Except as provided in subsections (2)–(7), this Act shall commence on the date of assent to this Act.

(2) Section 5 (1) shall, in its application to a provision of Schedule 1, commence on the day on which that provision commences.

(3) The several provisions of Schedule 1 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Sections 5 (2), 6 and 7 and Schedule 2 shall commence on the day on which Schedule 1 (2) commences.

(5) Section 8 shall commence on the day on which Schedule 1 (7) commences.

(6) Section 9 shall commence on the day on which Schedule 1 (20) commences.

(7) Section 10 shall commence on the day on which Schedule 1 (21) commences.

Principal  
Act.              **3.** The Scaffolding and Lifts Act, 1912, is referred to in this Act as the Principal Act.

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*Scaffolding and Lifts (Amendment).*

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4. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO OTHER ACTS.

5. (1) The Principal Act is amended in the manner set forth in Schedule 1. Amendment of Act No. 38, 1912.

(2) Each Act specified in Column 1 of Schedule 2 is amended in the manner specified opposite that Act in Column 2 of Schedule 2. Amendment of other Acts.

6. Where the Principal Act, an instrument made under that Act, or any provision thereof, is referred to in any Act (other than this Act or the Principal Act) or in any instrument other than an Act (whether made under an Act or not) the reference shall be construed (except for the purposes of any proceedings arising out of a breach of the provisions of the Principal Act or of the regulations made thereunder and alleged to have occurred before the commencement of this section) as a reference to the Construction Safety Act, 1912, an instrument made under that Act or the corresponding provision thereof. References to prior short title, etc.

7. A regulation in force under the Principal Act immediately before the commencement of this section shall be deemed to be a regulation made under the Construction Safety Act, 1912. Saving of regulations.

8. On the commencement of this section—

(a) any person appointed as an inspector under section 5 of the Principal Act who held that office immediately before that commencement shall be deemed to have been appointed under section 5 (1) of the Principal Act, as amended by this Act, as an inspector; and Certain persons deemed appointed.

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*Scaffolding and Lifts (Amendment).*

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- (b) the person appointed as Chief Inspector of Scaffolding and Lifts under section 5 of the Principal Act who held that office immediately before that commencement shall be deemed to have been appointed under section 5 (2) of the Principal Act, as amended by this Act, as Chief Inspector of Construction Safety.

Saving of certain orders, etc., under section 17 of the Principal Act.

9. (1) Where a certificate of competency has been suspended by order of the Minister under section 17 (7) of the Principal Act for a period that expires after the commencement of this section, the certificate shall, on that commencement, be deemed to have been suspended by order of the Chief Inspector of Construction Safety under section 17 (7A) of that Act, as amended by this Act, until the expiration of that period.

(2) A notification or notice under section 17 (8) (a) or (b) of the Principal Act that was in force immediately before the commencement of this section shall, on that commencement, be deemed to be an order under section 17 (8) (a) or (b) of that Act, as amended by this Act, as the case may require.

Saving of certain orders, etc., under section 17A of the Principal Act.

10. (1) Where a certificate of competency has been suspended by order of the Minister under section 17A (5) of the Principal Act for a period that expires after the commencement of this section, the certificate shall, on that commencement, be deemed to have been suspended by order of the Chief Inspector of Construction Safety under section 17A (5AA) of that Act, as amended by this Act, until the expiration of that period.

(2) A notification or notice under section 17A (5A) (a) or (b) of the Principal Act that was in force immediately before the commencement of this section shall, on that commencement, be deemed to be an order under section 17A (5A) (a) or (b) of that Act, as amended by this Act, as the case may require.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1.

Sec. 5 (1).

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Long title—

After "An Act", insert "to provide for the regulation and inspection of construction work and".

(2) Sections 1, 1A—

Omit section 1, insert instead :—

1. This Act may be cited as the "Construction Safety Short title Act, 1912".

1A. This Act is divided as follows :—

Division of  
Act.

PART I.—PRELIMINARY—ss. 1-5A.

PART II.—NOTIFICATION OF CERTAIN WORK—ss.  
6-10.

PART III.—INSPECTION—ss. 13-16.

PART IV.—CERTIFICATES OF COMPETENCY—ss.  
17-17B.

PART V.—MISCELLANEOUS—ss. 18-22.

FIRST SCHEDULE.

(3) Section 2 (2), (3)—

Omit the subsections.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (4) (a) Section 3, definition of “Amusement device”—

Omit the definition, insert instead :—

“Amusement device” means anything mobile or fixed made available to members of the public on which, or on any part of which, or by means of which, they may ascend or descend, or be carried, transported, raised, lowered or supported for the purposes of amusement, games, recreation, sightseeing or entertainment but does not include—

- (a) anything that—
  - (i) is not power-operated; or
  - (ii) that may only be operated by manual power,  
unless a fee is payable for its use, or for entry therein or thereon, or for entry to the place where it is situated;
- (b) a conveyor, crane, escalator, hoist, lift or moving walk;
- (c) a railway system in so far as it uses a locomotive for its motive power and has a track gauge of more than 650 mm;
- (d) a vehicle required to be registered under the Motor Traffic Act, 1909, or the Transport Act, 1930;
- (e) a vessel used on waters navigable for the purpose of trade;

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (f) an aircraft subject to the regulations made under the Air Navigation Act 1920 of the Parliament of the Commonwealth and any Act amending or replacing that Act; or
  - (g) anything prescribed as being excluded from this definition.
- (b) Section 3, definitions of “Authorised attendant”, “Automatic lift”—  
Omit the definitions.
- (c) Section 3, definition of “Building work”—  
Omit the definition, insert instead :—  
“Building work” means—
- (a) work in constructing, erecting, installing, adding to, altering, repairing, equipping, finishing, painting, cleaning, signwriting, sheathing, spraying, dismantling or demolishing or any other prescribed operation that—
    - (i) is done in relation to a building or structure, at or adjacent to the site thereof; or
    - (ii) is done in relation to a vessel on or adjacent to the vessel while it is at a wharf, in dock or on slips; and
  - (b) work in lining any shaft, well or tunnel.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (d) Section 3, definition of “Chief Inspector”—

Omit “Scaffolding and Lifts”, insert instead “Construction Safety”.

## (e) Section 3, definition of “Compressed air work”—

Omit the definition, insert instead :—

“Compressed air work” means work (other than diving work) done in, or in connection with, construction work or other prescribed work by a person while breathing any gas or mixture of gases at a greater pressure than atmospheric pressure.

## (f) Section 3, definition of “Construction work”—

After the definition of “Compressed air work”, insert :—

“Construction work” means—

- (a) building work, excavation work, compressed air work and diving work;
- (b) work in or in connection with the construction or maintenance of roads, airfields or airstrips, or of the permanent way of a railway or tramway;
- (c) dredging or salvaging work;
- (d) the laying, lining or maintenance of pipes or cables;
- (e) earth moving carried out with equipment for or in connection with the operation of which power other than manual power is used;
- (f) land clearing in preparation for any work referred to in paragraph (a), (b), (d) or (e);



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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (g) any work in which explosives are used;  
and
- (h) any other prescribed work.

(g) Section 3, definition of “Constructor”—

Omit the definition of “Contractor”, insert instead :—

“Constructor”, in relation to any construction work, means the person 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.

(h) Section 3, definition of “Crane”—

- (i) After “telpher crane,”, insert “boom crane, tower crane, stacking crane, loading crane integral with a vehicle, elevating work platform,”.
- (ii) After “conveyor,”, insert “escalator, moving walk,”.

(i) Section 3, definition of “Diving work”—

After the definition of “Crane”, insert :—

“Diving work” means diving work done in, or in connection with, other construction work or other prescribed work.

(j) Section 3, definition of “Escalator”—

Before the definition of “Excavation work”, insert :—

“Escalator” means an apparatus or contrivance by which persons are, or are capable of being, raised or lowered while standing on the treads of an endless stairway, and includes the

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*Scaffolding and Lifts (Amendment).*


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 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

supporting structure, machinery, equipment and gear used in connection with any such apparatus or contrivance.

## (k) Section 3, definition of "Excavation work"—

Omit the definition, insert instead :—

"Excavation work" means work involved in the excavation or filling of trenches, ditches, shafts, drifts, rises, tunnels, pier holes, cuttings, benches, wells or canals or any similar work.

## (l) Section 3, definition of "Gear"—

(i) Omit "lift, crane, hoist", insert instead "escalator, moving walk, crane, hoist, lift".

(ii) Omit ", building work, excavation work or compressed air work", insert instead "or construction work".

## (m) Section 3, definition of "Hoist"—

Omit "hand chain block", insert instead "rope and pulley system, chain block, tripod hoist, construction hoist, men-and-materials hoist, vehicle towing hoist".

## (n) Section 3, definition of "Lift"—

After "conveyor,", insert "escalator, moving walk,".

## (o) Section 3, definition of "Moving walk"—

After the definition of "Lift", insert :—

"Moving walk" means an apparatus or contrivance (other than an escalator) by which persons are, or are capable of being, transported while standing on a moving surface, and includes the supporting structure, machinery, equipment and gear used in connection with any such apparatus or contrivance.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (p) Section 3, definition of “Owner”—  
After “conveyor,”, insert “escalator, moving walk,”.
- (q) Section 3, definition of “Passenger lift”—  
Omit the definition.
- (r) Section 3, definition of “Plant”—  
Omit the definition, insert instead :—  
“Plant” means—  
(a) any—  
(i) machine or machinery driven  
by power other than manual  
power; and  
(ii) air lock and welding equip-  
ment,  
used or intended for use in construction  
work;  
(b) the gear used in connection with, and  
the supporting structure of, anything  
referred to in paragraph (a); and  
(c) any explosive powered tool,  
but does not include a conveyor, escalator,  
moving walk, crane, hoist or lift.
- (s) Section 3, definition of “Public stand”—  
Omit “to support members of the public viewing or  
listening to”, insert instead :—  
to support—  
(a) members of the public viewing or  
listening to; or

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) performers or other participants taking part in,
- (t) Section 3, definition of “Regulation”—  
After the definition of “Public stand”, insert :—  
“Regulation” means regulation made under this Act.
- (u) Section 3, definition of “Scaffolding”—
- (i) From paragraph (a), omit “or swinging stage”, insert instead “, framework, run, ramp, gangway, swinging stage”.
  - (ii) Omit paragraph (a) (i), insert instead :—
    - (i) the carrying out of construction work;
  - (iii) From paragraph (a) (ii), omit “or dismantling”, insert instead “, dismantling, repair or maintenance”.
  - (iv) From paragraph (a), omit “and”.
  - (v) After paragraph (a), insert :—
    - (a1) building maintenance unit attached to a building and used for cleaning or other maintenance; and
  - (vi) Omit paragraph (b), insert instead :—
    - (b) form work set up or used for or in connection with the carrying out of construction work,
  - (vii) Omit “and gear”, insert instead “, equipment, gear and machinery (if any)”.
- (v) Section 3, definition of “Supporting structure”—  
After “conveyor,”, insert “escalator, moving walk,”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(w) Section 3, definition of “Vessel”—

After the definition of “Supporting structure”,  
insert :—

“Vessel” means any ship, barge, pontoon or other  
construction designed to float.

(x) Section 3 (2)—

At the end of section 3, insert :—

(2) In this Act, a reference to—

(a) an amusement device, includes a reference  
to—

(i) each part of the assembly, if any,  
comprising the device; and

(ii) any supporting structure, structure  
giving access to the device,  
machinery, equipment, gear, con-  
veyance, platform, cage, seat or  
other thing used, designed for use,  
intended to be used or capable of  
being used in connection with the  
device; or

(b) an explosive-powered tool, includes a refer-  
ence to any attachment or device used or  
intended for use in connection with the  
tool.

(5) Section 4—

Omit the section.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (6) (a) Section 4A (a)—

After “conveyor,” insert “escalator, moving walk,”.

## (b) Section 4A—

Omit “Mining Act, 1906, the Mines Inspection Act, 1901, the Coal Mines Regulation Act, 1912, or any Act amending the said Acts” wherever occurring, insert instead “Mines Inspection Act, 1901, or the Coal Mines Regulation Act, 1912”.

## (c) Section 4A (b)—

Omit “building work, excavation work, or compressed air”, insert instead “construction”.

## (d) Section 4A (2)—

At the end of section 4A, insert :—

(2) Notwithstanding subsection (1), this Act applies to—

(a) any conveyor, escalator, moving walk, crane, gear, hoist, lift, plant or scaffolding used wholly or principally in; and

(b) any construction work carried out in,

a mine or part of a mine for the time being exempted from the operation of the Mines Inspection Act, 1901, under the proviso to section 1 (2) of that Act.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(7) (a) Section 5—

Omit “One of such inspectors shall be appointed Chief Inspector of Scaffolding and Lifts.”.

(b) Section 5 (2)–(5)—

At the end of section 5, insert :—

(2) Of the inspectors appointed under subsection (1), one shall be appointed as Chief Inspector of Construction Safety and another as Deputy Chief Inspector of Construction Safety.

(3) The Deputy Chief Inspector of Construction Safety shall have, and may exercise and perform, all the powers, authorities, duties and functions of the Chief Inspector.

(4) In the exercise or performance of any of the powers, authorities, duties and functions granted to him by subsection (3), the Deputy Chief Inspector of Construction Safety shall be subject to the control and direction of the Chief Inspector.

(5) In relation to a person affected by a decision of the Deputy Chief Inspector of Construction Safety, that decision shall be deemed to be a decision of the Chief Inspector whether or not it complies with any directions given by the Chief Inspector.

(8) Part II, heading—

Omit the heading, insert instead :—

PART II.

NOTIFICATION OF CERTAIN WORK.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (9) (a) Section 6 (1)—

Omit “in any district” wherever occurring.

## (b) Section 6 (1)—

Omit “building work, excavation work or compressed air” wherever occurring, insert instead “construction”.

## (c) Section 6 (1) (a1)—

After “that”, insert “comprising construction work of a kind”.

## (d) Section 6 (2)—

Omit “one hundred dollars”, insert instead “\$500”.

## (e) Section 6 (4)—

Omit “this section”, insert instead “subsection (1)”.

## (f) Section 6 (4) (c)—

Omit “person.”, insert instead “person; or”.

## (g) Section 6 (4) (d)—

After section 6 (4) (c), insert :—

(d) excavation work comprising the making of an excavation that is—

(i) less than 1.5 metres in depth;

(ii) a drilled or bored hole of such dimensions that persons cannot enter it;



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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(iii) a grave for the burial of a deceased person; or

(iv) of a prescribed kind.

(10) (a) Section 6A (1), (2)—

Omit the subsections, insert instead :—

(1) This section applies to any work referred to in section 6 (1) (a) or (a1) in respect of which any person is or has been required, by section 6 (1), to serve a notice of his intention to carry out the work.

(2) Any person who commences or continues to carry out any work to which this section applies while the whole or any part of a notification fee payable in respect of the work is due and has not been paid, shall be liable to a penalty not exceeding \$1,000.

(b) Section 6A (3)—

Omit “Small Debts Recovery Act, 1912, as amended by subsequent Acts”, insert instead “Courts of Petty Sessions (Civil Claims) Act, 1970”.

(c) Section 6A (3) —

Omit “, as so amended”.

(d) Section 6A (4) (a)—

Omit the paragraph, insert instead :—

(a) Any notification fee payable in respect of any work to which this section applies shall be paid to the Under Secretary, Department of Labour and Industry, and shall be paid by the constructor by whom the work is required to be carried out or continued, as the case may require.

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*Scaffolding and Lifts (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (e) Section 6A (5)—

Omit the subsection, insert instead :—

(5) In this section, “notification fee”, in respect of any work to which this section applies, means the prescribed fee payable in respect of that work.

## (11) Part III, heading—

Omit the following matter appearing before section 10 :—

## PART III.

## LIFTS AND CONVEYORS.

## (12) (a) Section 10 (1)—

Omit “lift or conveyor in a district”, insert instead “conveyor, escalator, moving walk or lift”.

## (b) Section 10 (1)—

Omit “such lift or conveyor” insert instead “the conveyor, escalator, moving walk or lift”.

## (c) Section 10 (2)—

Omit “one hundred dollars”, insert instead “\$500”.

## (13) Sections 11, 12—

Omit the sections.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(14) Part III, heading—

From the matter "PART IV. INSPECTION." before section 13, omit "IV", insert instead "III".

(15) (a) Section 13 (a)—

Omit "lift, conveyor", insert instead "conveyor, escalator, moving walk, lift".

(b) Section 13 (a)—

Omit "building work, excavation work or compressed air", insert instead "construction".

(c) Section 13 (a)—

Omit "in any district".

(d) Section 13 (b)—

After "Act", insert "and the regulations".

(16) (a) Section 14 (1)—

Omit "passenger or goods lift or a conveyor", insert instead "conveyor, escalator, moving walk or lift".

(b) Section 14 (1)—

Omit "lift or conveyor" wherever occurring, insert instead "conveyor, escalator, moving walk or lift".

(c) Section 14 (1)—

Omit "one hundred dollars", insert instead "\$500".

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (d) Section 14 (2)—

Omit “one hundred dollars”, insert instead “\$1,000”.

## (17) (a) Section 15 (1) (a)—

Omit “in any district, or”.

## (b) Section 15 (1) (a)—

Omit “in any district,” where secondly occurring.

## (c) Section 15—

Omit “lift or conveyor” wherever occurring, insert instead “conveyor, escalator, moving walk or lift”.

## (d) Section 15 (1)—

Omit “building work excavation work or compressed air” wherever occurring, insert instead “construction”.

## (e) Section 15 (1) (b)—

Omit “in any district, the regulations made under this Act”, insert instead “, the regulations”.

## (f) Section 15 (1)—

Omit “contractor,”, insert instead “constructor or”.

## (g) Section 15 (1)—

Omit “such regulations”, insert instead “the regulations”.

## (h) Section 15 (2) (a)—

Omit “lift or conveyor” wherever occurring, insert instead “conveyor, escalator, moving walk or lift”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (i) Section 15 (2) (c)—  
Omit “contractor”, insert instead “constructor”.
- (j) Section 15 (2) (c)—  
Omit “building work, excavation work or compressed air”, insert instead “construction”.
- (k) Section 15 (2) (c)—  
After “given”, insert “, or any contractor carrying out the work or any part of the work,”.
- (l) Section 15 (4)—  
Omit “under this Act”.
- (m) Section 15 (5)—  
Omit “five hundred dollars”, insert instead “\$1,000”.
- (18) (a) Section 16—  
Omit “who interferes with or obstructs any inspector in the execution of”, insert instead :—  
who—
  - (a) assaults, resists or obstructs; or
  - (b) uses threatening, abusive or insulting language to,  
an inspector while the inspector is acting under
- (b) Section 16—  
Omit “one hundred dollars”, insert instead “\$1,000”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (19) Part IV, heading—

Omit the matter appearing after section 16 and before section 17, insert instead :—

## PART IV.

## CERTIFICATES OF COMPETENCY.

## (20) (a) Section 17—

Omit “in any district” wherever occurring.

## (b) Section 17 (4) (a)—

Omit “, after inquiry and examination as prescribed,”.

## (c) Section 17 (6)—

Omit “with the decision of the Chief Inspector in respect of the issue or refusal to issue to him a certificate of competency under this section may appeal”, insert instead :—

with—

(a) a decision of the Chief Inspector in respect of—

(i) the issue to him of; or

(ii) the refusal to issue to him,

a certificate of competency under this section; or

(b) an order made in respect of his certificate of competency by the Chief Inspector under subsection (7A),

may appeal

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(d) Section 17 (6)—

After “conclusive”, insert “and shall be carried into effect by the Chief Inspector”.

(e) Section 17 (6)—

Omit “under this Act”.

(f) Section 17 (7)–(7B)—

Omit section 17 (7), insert instead :—

(7) Where, upon report by an inspector or otherwise, it appears to the Chief Inspector that the holder of a certificate of competency issued under this section has ceased to be sufficiently trustworthy or competent to hold his certificate of competency, the Chief Inspector may, by notice in writing served on the holder, require the holder to appear before him at a time and place specified in the notice to show cause why—

- (a) the certificate of competency issued to him should not be suspended or cancelled; or
- (b) the type or motive power of the power cranes or power hoists to which his certificate of competency relates or the purposes for which the power cranes or power hoists may be used should not be varied.

(7A) If the Chief Inspector is not satisfied with the matters, if any, put to him by the holder of a certificate of competency who has been served with a notice under subsection (7), he may, by order under his hand served on the holder—

- (a) suspend the certificate of competency for such period not exceeding 12 months as he may determine;

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) cancel the certificate of competency; or
- (c) vary the type or motive power of the power cranes or power hoists to which the certificate of competency relates or the purposes for which those power cranes or power hoists may be used.

(7B) A person whose certificate of competency has been suspended under subsection (7A) shall be deemed not to be the holder of the certificate of competency during the period of its suspension.

(g) Section 17 (8)—

Omit “Minister” wherever occurring, insert instead “Chief Inspector”.

(h) Section 17 (8) (a)—

Omit “notification” wherever occurring, insert instead “order”.

(i) Section 17 (8) (b)—

Omit “notice”, insert instead “order”.

(j) Section 17 (8A)–(8C)—

After section 17 (8), insert :—

(8A) Any person who is dissatisfied with—

- (a) an order made by the Chief Inspector under subsection (8) or with any condition of any such order; or
- (b) the refusal of the Chief Inspector to make an order under subsection (8),

may appeal to the Minister in accordance with the regulations.



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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(8B) After hearing an appeal under subsection (8A), the Minister may direct the Chief Inspector to revoke, alter or vary an order made under subsection (8) or to make such an order, as the case may require, and any such direction shall be carried into effect by the Chief Inspector.

(8C) The Minister may, in a direction given under subsection (8B), require the Chief Inspector to—

- (a) insert conditions specified in the direction in an order made under subsection (8) when altering or varying the order; or
- (b) make an order under subsection (8) that is specified in the direction.

(21) (a) Section 17A (1)—

Omit “, in any district.”.

(b) Section 17A (1)—

Omit “or crane chaser” wherever occurring, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

(c) Section 17A (1A), (1B)—

Omit “in any district” wherever occurring.

(d) Section 17A (1A) (c)—

Omit “of crane,”, insert instead “of crane;”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (e) Section 17A (1A) (d), (e)—

After section 17A (1A) (c), insert :—

- (d) as a diver or powderman and who acts as a diver or powderman, as the case may be, in relation to any type of construction work; or
- (e) as an explosive-powered tool operator and who acts as an explosive-powered tool operator in relation to any type of explosive-powered tool,

## (f) Section 17A (1A)—

Omit “or crane chaser” where lastly occurring, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

## (g) Section 17A (1B) (a)—

Omit “or crane chaser”, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

## (h) Section 17A (1B) (b) (iii)—

Omit “of crane,”, insert instead “of crane;”.

## (i) Section 17A (1B) (b) (iv), (v)—

After section 17A (1B) (b) (iii), insert :—

- (iv) as a diver or powderman, to act as a diver or powderman, as the case may be, in relation to any type of construction work; or
- (v) as an explosive-powered tool operator, to act as an explosive-powered tool operator in relation to any type of explosive-powered tool,

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(j) Section 17A (1B)—

Omit “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.”, insert instead :—

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

(k) Section 17A (2) (a)—

Omit “after inquiry and examination as prescribed”.

(l) Section 17A (2) (a)—

Omit “or crane chaser” wherever occurring, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

(m) Section 17A (2) (b) (iii)—

Omit “of crane;”, insert instead “of crane;”.

(n) Section 17A (2) (b) (iv), (v)—

After section 17A (2) (b) (iii), insert :—

(iv) as a diver or powderman, may specify the type of construction work; or

(v) as an explosive-powered tool operator, may specify the type of explosive-powered tool,

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continuea.*

## (o) Section 17A (2) (b)—

Omit “or crane chaser” where lastly occurring, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

## (p) Section 17A (4)—

Omit “with the decision of the Chief Inspector in respect of the issue or refusal to issue to him a certificate of competency under this section may appeal”, insert instead :—

with—

(a) a decision of the Chief Inspector in respect of—

(i) the issue to him of; or

(ii) the refusal to issue to him,

a certificate of competency under this section; or

(b) an order made in respect of his certificate of competency by the Chief Inspector under subsection (5AA),

may appeal

## (q) Section 17A (4)—

After “conclusive”, insert “and shall be carried into effect by the Chief Inspector”.

## (r) Section 17A (5)–(5AB)—

Omit section 17A (5), insert instead :—

(5) Where, upon report of an inspector or otherwise, it appears to the Chief Inspector that the holder of a certificate of competency issued under this section

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

has ceased to be sufficiently trustworthy or competent to hold his certificate of competency, the Chief Inspector may, by notice in writing served on the holder, require the holder to appear before him at a time and place specified in the notice to show cause why—

- (a) the certificate of competency issued to him should not be suspended or cancelled; or
- (b) the type of building, structure, crane or hoist, the type of scaffolding, the type of crane, the type of construction work or the type of explosive-powered tool to which his certificate of competency relates should not be varied.

(5AA) If the Chief Inspector is not satisfied with the matters, if any, put to him by the holder of a certificate of competency who has been served with a notice under subsection (5), he may, by order under his hand served on the holder—

- (a) suspend the certificate of competency for such period not exceeding 12 months as he may determine;
- (b) cancel the certificate of competency; or
- (c) vary the type of building, structure, crane or hoist, the type of scaffolding, the type of crane, the type of construction work or the type of explosive-powered tool to which the certificate of competency relates.

(5AB) A person whose certificate of competency has been suspended under subsection (5AA) shall be deemed not to be the holder of the certificate of competency during the period of its suspension.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (s) Section 17A (5A)—

Omit “Minister” wherever occurring, insert instead “Chief Inspector”.

## (t) Section 17A (5A) (a)—

Omit “notification” wherever occurring, insert instead “order”.

## (u) Section 17A (5A) (a) (iii)—

Omit “specified.”, insert instead “specified;”.

## (v) Section 17A (5A) (a) (iv), (v)—

After section 17A (5A) (a) (iii), insert :—

(iv) persons acting as divers or powdermen in relation to any type of construction work specified in the order, from the operation of the provisions of subsections (1) and (1A) 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) in respect of persons acting as divers or powdermen, as the case may be, in relation to the type of construction work so specified; or

(v) persons acting as explosive-powered tool operators in relation to any type of explosive-powered tool specified in the order, from the operation of the provisions of subsections (1) and (1A) 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) in respect of

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

persons acting as explosive-powered tool operators, in relation to the type of explosive-powered tool so specified.

(w) Section 17A (5A) (b)—

Omit “notice”, insert instead “order”.

(x) Section 17A (5A) (b) (iii)—

Omit “crane.”, insert instead “crane;”.

(y) Section 17A (5A) (b) (iv), (v)—

After section 17A (5A) (b) (iii), insert :—

(iv) to the person carrying out or proposing to carry out any particular construction work exempt persons acting as divers, powdermen or explosive-powered tool operators in relation to the construction work from the operation of the provisions of subsections (1) and (1A) 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) in respect of persons acting as divers, powdermen or explosive-powered tool operators, as the case may be, in relation to that particular construction work; or

(v) to the owner of any particular explosive-powered tool exempt persons acting as explosive-powered tool operators in relation to the tool from the operation of the provisions of subsections (1) and (1A) 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)

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

in respect of persons acting as explosive-powered tool operators in relation to that particular explosive-powered tool.

## (z) Section 17A (5BA)–(5BC)—

After section 17A (5A), insert :—

(5BA) Any person who is dissatisfied with—

- (a) an order made by the Chief Inspector under subsection (5A) or with any condition of any such order; or
- (b) the refusal of the Chief Inspector to make an order under subsection (5A),

may appeal to the Minister in accordance with the regulations.

(5BB) After hearing an appeal under subsection (5BA), the Minister may direct the Chief Inspector to revoke, alter or vary an order made under subsection (5A) or to make such an order, as the case may require, and any such direction shall be carried into effect by the Chief Inspector.

(5BC) The Minister may, in a direction given under subsection (5BB), require the Chief Inspector to—

- (a) insert conditions specified in the direction in an order made under subsection (5A) when altering or varying the order; or
- (b) make an order under subsection (5A) that is specified in the direction.

## (aa) Section 17A (5B)—

Omit “or crane chaser” wherever occurring, insert instead “, crane chaser, diver or powderman”.



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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(ab) Section 17A (5C)—

After section 17A (5B), insert :—

(5C) Nothing in subsection (1) or (1B) shall apply to or in respect of any work done by a person using an explosive-powered tool in prescribed circumstances.

(ac) Section 17A (6)—

Omit the subsection, insert instead :—

(6) In this section—

“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.

“Diver” means a diver carrying out diving work.

“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.

“Powderman” means a person engaged in the preparation or firing of charges of explosives in the course of construction work.

“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 those members, for dismantling or demolishing buildings or structures, other than scaffolding, or for setting up or dismantling cranes or hoists.

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*Scaffolding and Lifts (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

“Scaffolder” means a person engaged in the work of erecting, altering or demolishing scaffolding which is so placed that a person or object falling therefrom could fall a distance of 3 metres or more.

## (22) Section 17B—

After section 17A, insert :—

Endorse-  
ment of  
certificates.

17B. (1) Where the Chief Inspector makes an order under section 17 (7A) or 17A (5AA), he may, in the order, require the person to whom the certificate of competency to which the order relates was issued to deliver the certificate of competency to him within a time specified in the order for the purpose of the certificate of competency being endorsed or cancelled.

(2) A person who, without reasonable excuse, fails to comply with a requirement made under subsection (1) shall be liable to a penalty not exceeding \$100.

## (23) Part V, heading—

From the matter “PART VI.—MISCELLANEOUS.” before section 18, omit “VI”, insert instead “V”.

## (24) (a) Section 18—

After “conveyor,” wherever occurring, insert “escalator, moving walk,”.

## (b) Section 18 (1)—

Omit “, building work, excavation work, or compressed air”, insert instead “or construction”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 18 (1) (c)—

Omit “, building work, excavation work or compressed air”, insert instead “or construction”.

(d) Section 18 (1)—

After “of such conveyor”, insert “, escalator, moving walk,”.

(e) Section 18 (1)—

Omit “contractor”, insert instead “constructor”.

(f) Section 18 (1)—

Omit “such building work, excavation work or compressed air”, insert instead “the construction”.

(g) Section 18 (3)—

Omit “two hundred dollars”, insert instead “\$500”.

(25) Section 18A—

After section 18, insert :—

18A. Where the regulations so provide, a specified person or a specified class of persons is, subject to such conditions as are prescribed, exempt from the operation of section 6, 6A, 10, 17 or 17A. Exemptions.

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*Scaffolding and Lifts (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (26) (a) Section 19 (b)—

Omit the paragraph, insert instead :—

(b) acting as a crane chaser, diver, dogman, explosive-powered tool operator, powderman, rigger or scaffolder (in each case, within the meaning of section 17A); or

## (b) Section 19 (c)—

Omit “building work, compressed air work, excavation”, insert instead “construction”.

## (c) Section 19 (c)—

After “conveyor,” insert “escalator, moving walk,”.

## (27) (a) Section 21 (1)—

Omit “two hundred dollars”, insert instead “\$1,000”.

## (b) Section 21 (3)—

Omit “building work, excavation work or compressed air”, insert instead “construction”.

## (c) Section 21 (3)—

Omit “contractor for”, insert instead “constructor of”.

## (28) Sections 21A, 21B—

After section 21, insert :—

21A. In proceedings for an offence against this Act or the regulations a printed document that is or purports to be a standard rule, code or specification of a body or authority referred to in section 22 (3) and that has been or purports

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*Scaffolding and Lifts (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

to have been published or issued by or on behalf of that body or authority is admissible as evidence in those proceedings and, in the absence of evidence to the contrary, is proof of that standard rule, code or specification.

21B. (1) A person who—

- (a) forges or counterfeits any instrument that purports to have been issued, made or granted under this Act or the regulations;
- (b) knowingly utters or makes use of any instrument so forged or counterfeited;
- (c) personates any person named in an instrument that has in fact been so issued, made or granted;  
or
- (d) falsely pretends to be an inspector,

Forgery of  
certificates  
or permits,  
etc.

shall be guilty of an offence against this Act and be liable to imprisonment for a term not exceeding 12 months.

(2) A person who—

- (a) wilfully makes a false entry in any book, register, notice, certificate, list, record or document required by this Act or the regulations to be kept or served;
- (b) wilfully makes or signs a false return under this Act or the regulations;
- (c) wilfully makes or signs any false statement—
  - (i) in any application; or
  - (ii) in any notice required to be given by him, under this Act or the regulations; or
- (d) knowingly makes use of any false entry, return or statement referred to in paragraph (a), (b) or (c),

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

shall be guilty of an offence against this Act and be liable to a penalty not exceeding \$500 for each offence, or to be imprisoned for a term not exceeding 3 months.

## (29) (a) Section 22 (2) (a)—

Omit “lift or conveyor”, insert instead “conveyor, escalator, moving walk or lift”.

## (b) Section 22 (2)—

Omit “building work, excavation work or compressed air” wherever occurring, insert instead “construction”.

## (c) Section 22 (2) (b)—

Omit “lift, conveyor”, insert instead “conveyor, escalator, moving walk, lift”.

## (d) Section 22 (2) (c)—

Omit the paragraph.

## (e) Section 22 (2) (d)—

Omit “lift or conveyor”, insert instead “conveyor, escalator, moving walk or lift”.

## (f) Section 22 (2) (e)—

After “conveyors,”, insert “escalators, moving walks,”.

## (g) Section 22 (2) (f) (i)—

Omit “lifts or conveyors”, insert instead “conveyors, escalators, moving walks or lifts”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(h) Section 22 (2) (f) (ii)—

After “conveyors,” wherever occurring, insert  
“escalators, moving walks,”.

(i) Section 22 (2) (f) (iii), (iv)—

Omit the subparagraphs, insert instead :—

(iii) applications for the issue and renewal of  
certificates of competency as power crane or  
power hoist drivers;

(iv) applications for the issue and renewal of  
certificates of competency as riggers, dogmen,  
scaffolders, crane chasers, divers, powdermen  
and explosive-powered tool operators;

(j) Section 22 (2) (f) (vi)—

Omit “or crane chasers”, insert instead “, crane  
chasers, divers or powdermen”.

(k) Section 22 (2) (f) (vii)—

After section 22 (2) (f) (vi), insert :—

(vii) the setting up, building or setting or placing  
in position of any crane, hoist, plant or  
scaffolding or the erection or alteration of any  
conveyor, escalator, moving walk or lift in any  
case where notice of intention in relation  
thereto is, or is required to be, given under this  
Act;

(l) Section 22 (2) (g)—

After “conveyors,” wherever occurring, insert  
“escalators, moving walks,”.

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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (m) Section 22 (2) (g) (ii)—  
After “conveyors”, insert “, escalators, moving walks”.
- (n) Section 22 (2) (g) (ii)—  
Omit “and crane chasers”, insert instead “, crane chasers, divers, powdermen and explosive-powered tool operators”.
- (o) Section 22 (2) (g1)—  
Omit “diver, diver’s attendant or powderman”, insert instead “diver’s attendant”.
- (p) Section 22 (2) (g1) (i)—  
Omit “divers, divers’ attendants and powdermen”, insert instead “divers’ attendants”.
- (q) Section 22 (2) (g1) (i)—  
Omit “and issue”, insert instead “, issue and renewal”.
- (r) Section 22 (2) (g1) (ii)—  
After “issue”, insert “and renewal”.
- (s) Section 22 (2) (g2)—  
After section 22 (2) (g1), insert :—  
(g2) prescribing the terms for which certificates of competency issued under section 17 or 17A or any renewals thereof shall be in force and providing for renewal of any such certificate of competency;
- (t) Section 22 (3)—  
After “conveyors,” insert “escalators, moving walks,”.



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*Scaffolding and Lifts (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(u) Section 22 (3A) (f)—

Omit “contractors”, insert instead “constructors”.

(v) Section 22 (3B)—

Omit the subsection.

(w) Section 22 (3D)—

After section 22 (3C), insert :—

(3D) A regulation may—

(a) apply differently according to such factors as may be specified in the regulation; and

(b) impose duties upon constructors, contractors, principal contractors, sub-contractors or other persons.

(x) Section 22 (4)—

Omit “two hundred dollars”, insert instead “\$500”.

(y) Section 22 (5)—

Omit the subsection, insert instead :—

(5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

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*Scaffolding and Lifts (Amendment).*

Sec. 5 (2)

SCHEDULE 2.  
AMENDMENTS TO OTHER ACTS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1919, No. 41 ..	Local Government Act, 1919.	Section 10 (1)— Omit "Scaffolding and Lifts", insert instead "Construction Safety".
1962, No. 43 ..	Factories, Shops and Industries Act, 1962.	Section 6 (2)— Omit "Scaffolding and Lifts", insert instead "Construction Safety". Section 33 (4)— Omit "in any district or area in which the Scaffolding and Lifts Act, 1912, as amended by subsequent Acts, has effect", insert instead "to which the Construction Safety Act, 1912, applies". Omit "the said Act, as so amended", insert instead "that Act".
1975, No. 68 ..	Dangerous Goods Act, 1975.	Section 5 (3)— Omit "Scaffolding and Lifts", insert instead "Construction Safety".

*In the name and on behalf of Her Majesty I assent to this Act.*A. R. CUTLER,  
*Governor.**Government House,  
Sydney, 6th April, 1978.*