

1996—No. 290

CONSTRUCTION SAFETY ACT 1912—REGULATION

(Relating to inspectors and standards for scaffolding and concreting)

NEW SOUTH WALES



[Published in Gazette No. 81 of 5 July 1996]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Construction Safety Act 1912, has been pleased to make the Regulation set forth hereunder.

JEFFREY SHAW, Q.C., M.L.C.
Minister for Industrial Relations.

Commencement

1. This Regulation commences on 1 August 1996.

Amendments

2. The Construction Safety Regulations 1950 are amended:
 - (a) by omitting from the whole of the Regulations (except the heading to Part 2 and the whole of the Second Schedule) the words “Chief Inspector” and by inserting instead the word “Authority”;
 - (b) by omitting from Regulations 5, 66A (5) (b), (8) (b), (9) (b), (10) and (13), 84 (1A) and (18) (a) (iii), 122 (9), 123 (3), 127 (85), (89) and (115) and 159G (3) the word “he” wherever occurring and by inserting instead the words “the Authority,”;
 - (c) by omitting from Regulations 5, 84J (2), 127 (117), 139 (4) and 157S (1) the word “his” wherever occurring and by inserting instead the words “the Authority’s”;
 - (d) by omitting from the heading to Part 2 the words “THE CHIEF INSPECTOR AND”;
 - (e) by omitting Regulations 8, 10 and 11;

- (f) by omitting from Regulations 17 (1) (d), 20, 131 (1) (b), 1571 (5) and 159A (3) the word “him” wherever occurring and by inserting instead the words “the Authority”;
- (g) by omitting from Regulation 85 (1) the definitions of “AS 1576.1”, “AS 1576.3” and “AS 3610” and by inserting in alphabetical and numerical order the following definitions:

“**AS 3610**” means the document entitled “Formwork for concrete” published by Standards Australia as AS 3610—1995 as in force at 5 April 1995;

“**AS/NZS 1576.1**” means the document entitled “AS/NZS 1576.1:1995 (Scaffolding Part 1: General requirements)” published jointly by Standards Australia and Standards New Zealand as in force at 5 January 1995;

“**AS/NZS 1576.3**” means the document entitled “AS/NZS 1576.3:1995 (Scaffolding Part 3: Prefabricated tube-and-coupler scaffolding)” published jointly by Standards Australia and Standards New Zealand as in force at 5 January 1995;

“**AS/NZS 1576.5**” means the document entitled “AS/NZS 1576.5:1995 (Scaffolding Part 5: Prefabricated splitheads and trestles)” published jointly by Standards Australia and Standards New Zealand as in force at 5 January 1995;

- (h) by omitting from Regulation 85 (2) the matter “AS 1576.1, AS 1576.2, AS 1576.3, AS 1576.4 or AS 3610” and by inserting instead the matter “AS 1576.2, AS 1576.4, AS 3610, AS/NZS 1576.1, AS/NZS 1576.3 or AS/NZS 1576.5”;
- (i) by omitting Regulation 85A and by inserting instead:

Scaffolding and formwork erected or constructed before 1 August 1996

85A. Scaffolding or formwork erected or constructed before 1 August 1996 must comply with either the provisions of this Part applicable to it immediately before that date or the provisions of this Part as in force on or after that date.

- (j) by omitting from Regulation 86 (1A) the matter “AS 1576.1, AS 1576.2, AS 1576.3 and AS 1576.4” and by inserting instead the matter “AS 1576.2, AS 1576.4, AS/NZS 1576.1, AS/NZS 1576.3 and AS/NZS 1576.5”;
- (k) by omitting from Regulation 127 (95) the words “Chief Inspector’s” and by inserting instead the word “Authority’s”;

- (1) by omitting Regulation 127 (108) and by inserting instead the following paragraphs:

(108) A person must not ride the load, platform, box or other lifting medium of any crane or hoist (other than a hoist conforming to paragraph (66)) unless the person does so in accordance with the written authority of:

- (a) the Workcover Authority; or
- (b) the owner or person in charge of the crane or hoist, but only if that authority is given in accordance with paragraph (108A).

(108A) The owner or the person in charge of any crane or hoist (other than a hoist conforming to paragraph (66)) must not authorise any person to ride the load, platform, box or other lifting medium of the crane unless the owner or the person in charge does so in accordance with a written authority given by the Workcover Authority.

- (m) by omitting from Regulations 159A (2) and 161B (2) the word “himself” wherever occurring and by inserting instead the word “itself”;
 - (n) by omitting Forms 1, 11 and 11A from the Second Schedule;
 - (o) by omitting from Forms 3, 3A, 3B, 4, 5, 5A, 6B, 6C and 7 in the Second Schedule the words “Chief Inspector of Construction Safety, Department of Industrial Relations” wherever occurring and by inserting instead the words “General Manager of Workcover Authority”;
 - (p) by omitting from Forms 6A, 32A, 33A, 36, 37 and 38 in the Second Schedule the words “Chief Inspector of Construction Safety” wherever occurring and by inserting instead the words “General Manager of Workcover Authority”;
 - (q) by omitting from Forms 32, 33, 34 and 35 in the Second Schedule the words “Chief Inspector of Construction Safety, Department of Labour and Industry” wherever occurring and by inserting instead the words “General Manager of Workcover Authority”.
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EXPLANATORY NOTE

The objects of this Regulation are:

- to update the principal Regulation to reflect the transfer to the WorkCover Authority of certain functions formerly exercised by the Chief Inspector of Construction Safety by the Occupational Health and Safety Legislation (Amendment) Act 1994;
- to enable owners and persons in charge of cranes or hoists to be authorised by the Authority to permit (subject to any conditions that the Authority imposes) the lifting mediums of such cranes and hoists to be ridden and to require that any permission granted under such an authority to be in writing;
- to update references to Australian Standards concerning scaffolding and concreting.

This Regulation is made under the Construction Safety Act 1912, including section 22 (the general regulation-making power).
