



New South Wales

Construction Safety Amendment (Amusement Devices) Regulation 1998

under the

Construction Safety Act 1912

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Construction Safety Act 1912*.

JEFFREY SHAW, Q.C., M.L.C.,

Minister for Industrial Relations

Explanatory note

The object of this Regulation is to make miscellaneous amendments to that Part of the *Construction Safety Regulations 1950* that regulates the use of amusement devices. The amendments deal with the following:

- (a) the imposition of a requirement for compliance with Australian Standard AS 3533.1–1997 entitled “Amusement rides and devices” in various respects, including in relation to the keeping of operating and maintenance manuals and a log book for amusement devices,
- (b) the imposition of a requirement to record various matters in the log book for an amusement device, including matters concerning the erection, testing and maintenance of the device,
- (c) the imposition of additional requirements in relation to the erection, testing, maintenance, repair and inspection of amusement devices,
- (d) the stipulation that certificates of registration for all amusement devices to which the Regulations apply remain in force for one year (instead of 2 years as was previously the case for cable transit devices),

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- (e) the removal of the distinction between cable transit devices and certain other amusement devices so far as the operation of the regulatory regime is concerned,
- (f) the replacement of certain prescribed forms with forms approved by the WorkCover Authority,
- (g) omission of obsolete provisions and other matters by way of law revision, and sundry minor and consequential amendments.

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

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1 Name of Regulation

This Regulation is the *Construction Safety Amendment (Amusement Devices) Regulation 1998*.

2 Commencement

This Regulation commences on 1 February 1998.

3 Amendment of Construction Safety Regulations 1950

The *Construction Safety Regulations 1950* are amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Regulation 157A Definitions

Omit the definitions of *AS 1554 (Part 1)*, *AS 1554 (Part 2)*, *AS 1796*, *AS A.77*, *AS CB.2*, *Electricity supply authority* and *Welding permit* from Regulation 157A.

[2] Regulation 157A, definitions of “AS 3533-1988”, “AS 3533.1-1997”, “Competent person” and “Log book”

Insert in appropriate alphabetical order:

AS 3533-1988 means the standard entitled “AS 3533-1988, Amusement rides and devices” published by the Standards Association of Australia on 5 September 1988.

AS 3533.1-1997 means the standard entitled “AS 3533.1-1997, Amusement rides and devices” published by the Standards Association of Australia on 5 December 1997.

Competent person for any task means a person who has acquired through training, qualification or experience, or a combination of them, the knowledge and skills to carry out the task.

Log book means a permanent written record of the details required to be kept under this Part in respect of a device so as to form a comprehensive history in respect of it.

[3] Regulation 157A (4)

Insert after Regulation 157A (3):

- (4) Notes in this Part do not form part of these Regulations.

[4] Regulation 157B Registration of devices

Omit “the prescribed form” from Regulation 157B (2) (a).
Insert instead “an approved form”.

[5] Regulation 157B (2) (b)

Omit “if the device is not a cable transit device”.

[6] Regulation 157B (2) (b) (ii) (c)

Insert “(including an inspection of the device assembled and in operation without passengers)” after “device” where firstly occurring.

[7] Regulation 157B (2) (b) (ii) (d)

Insert after subparagraph (ii) (c):

- (d) certifies that the qualified engineer has checked that all necessary maintenance of, and repairs to, the device have been carried out, that details of the maintenance and repairs have been accurately recorded in the log book for the device by a competent person and that the operating manual and maintenance manual for the device are kept with the device, and

[8] Regulation 157B (2) (b) (iii) (b)

Omit “an electrical supply authority or”.

[9] Regulation 157B (2) (b) (iii) (c)

Omit “a qualified electrical engineer employed by the electricity supply authority or”.

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[10] Regulation 157B (2) (b) (iii) (e)

Omit “, as the case may require,”.

[11] Regulation 157B (2) (b) (iii) (c)

Insert “, if manufactured before 5 September 1988,” after “installation” where secondly occurring.

[12] Regulation 157B (2) (b) (iii) (c)

Insert “or, if manufactured on or after 5 September 1988 and before 5 December 1997, complies with the provisions of AS 3533-1988 that are relevant to the electrical installation or, if manufactured on or after 5 December 1997, complies with the provisions of AS 3533.1-1997 that are relevant to the electrical installation” after “installation” where thirdly occurring.

[13] Regulation 157B (2) (c)

Omit the paragraph.

[14] Regulation 157B (2A) (a)

Omit the paragraph.

[15] Regulation 157B (2A) (b) (i)

Omit “a cable transit device or”.

[16] Regulation 157B (2A) (b) (ii)

Omit the subparagraph.

[17] Regulation 157B (4) (a)

Omit “(or, in the case of a cable transit device, such engineering drawings and material specifications additional to those accompanying the application)”.

[18] Regulation 157B (5) (b) (iii) (a)

Omit the paragraph.

[19] Regulation 157B (5) (b) (iii) (b)

Omit “outside New South Wales”.

[20] Regulation 157B (6) (a)

Omit the first sentence. Insert instead:

Subject to this Regulation, a certificate issued in respect of a device remains in force for a period of one year from the date on which it is issued.

[21] Regulation 157B (6) (b)

Omit “or to the effect of Form 30 in the Second Schedule”.
Insert instead “the approved form”.

[22] Regulation 157B (6) (b)

Omit “, if the device is not a cable transit device,”.

[23] Regulation 157B (6) (b) (i) and (ii)

Omit the subparagraphs. Insert instead:

- (i) a certificate that complies with subparagraph (2) (b) (ii), and
- (ii) if the device includes any electrical installation, a certificate that complies with subparagraph (2) (b) (iii).

[24] Regulation 157B (6) (c)

Omit “(3),”.

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[25] Regulation 157B (6) (c) (i) and (ii)

Omit “paragraphs (3) and ” wherever occurring.
Insert instead “paragraph”.

[26] Regulation 157B (6A) (i)

Omit “a cable transit device or”.

[27] Regulation 157B (6A) (ii)

Omit the paragraph.

[28] Regulation 157B (7)

Omit “or to the effect of Form 31 set forth in the Second Schedule to these Regulations”.
Insert instead “the approved form”.

[29] Regulation 157B (7B)

Omit “the prescribed fee”. Insert instead “a fee of \$50”.

[30] Regulation 157B (76)

Omit the subclause.

[31] Regulation 157B (8) (d)

Omit the paragraph. Insert instead:

- (d) a device, because of the date of its manufacture, should conform to these Regulations, AS 3533-1988 or AS 3533.1-1997 but does not do so, or
- (e) a device is, in its opinion, unsafe,

[32] Regulation 157B (11)

Omit “member of the Police Force”. Insert instead “police officer”.

[33] Regulation 157B (11)

Omit “such member”. Insert instead “such officer”.

[34] Regulation 157C Approval for operation

Omit the Regulation. Insert instead:

Note. The approval of a council, under the *Local Government Act 1993* and in accordance with the *Local Government (Approvals) Regulation 1993*, is required before an amusement device is installed or operated.

[35] Regulation 157C (5)

Omit the subclause.

[36] Regulation 157D Drivers and attendants

Insert after Regulation 157D (2) (a):

- (a1) A person who is the owner of a device or a person who is authorised in writing by the owner of a device to drive a device must not drive the device unless the person:
 - (i) is competent to drive the device, and
 - (ii) checks the device before it is driven on each day on which the device is to be driven, and
 - (iii) drives the device without passengers before driving the device with passengers on each day on which the device is to be driven, and
 - (iv) ensures that each daily check and driving of the device without passengers is properly and accurately recorded in the log book for the device.

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[37] Regulation 157B (3) (b)

Omit “or, in the case of a cable transit device, twenty-one years”.

[38] Regulation 157D (7)

Omit the subclause.

[39] Regulation 157E Design, construction, erection, maintenance and use

Insert “and AS 3533.1-1997” after “this Regulation” in Regulation 157E (1).

[40] Regulation 157E (2), (3), (3A), (4), (5), (6), (7) and (9)

Omit the Regulations. Insert instead:

- (2) The owner of a device or person in charge of a device must ensure that the device is erected by a competent person.
- (3) A person who erects a device must erect the device in accordance with:
 - (a) the manufacturer’s instructions as set out in the operating manual for the device, and
 - (b) the training as to erection of the device provided to the person,

and must record details of the erection of the device in the log book for the device.

[41] Regulation 157E (4)—(6)

Insert after clause (3B):

- (4) If a device is registered subject to compliance with a condition relating to the manner in which the device is loaded or used, the owner of the device must ensure that:
 - (a) the device is loaded or used in accordance with the condition. and

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- (b) any person loading or using the device on behalf of the owner does so in accordance with the condition.
 - (5) The owner of a device must ensure that each person the owner employs or allows to erect, alter, repair or maintain the device or part of it, or who the owner instructs in the performance of such work:
 - (a) is a competent person to do so, and
 - (b) complies with the requirements of AS 3533.1-1997 in relation to the erection, alteration, repair or maintenance of the device, including as to the keeping of a log book for the device.
 - (6) The owner of a device or person in charge of a device must, before operating the device, ensure that the requirements imposed by these Regulations and by AS 3533.1-1997 in relation to alteration, repair and maintenance of the device are complied with.

[42] Regulation 157F

Omit from Regulation 157F “Form 28 set forth in the Second Schedule to these Regulations”.

Insert instead “an approved form”.

[43] Form 28 Notification of accidents in connection with a public stand

Omit the matter “Regulations 157F and 157J” from Form 28.

Insert instead “Regulation 157J”.

[44] Form 28 (1) and (2)

Omit the items. Insert instead:

- (1') The accident occurred in connection with a public stand.

[45] Form 28 (4)

Omit the words “amusement device or”.

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[46] Form 28

Omit the words “device or” from the description of the person giving the notice.

[47] Forms 29, 29A, 30 and 31

Omit the Forms.