

## SCAFFOLDING AND LIFTS (AMENDMENT) ACT.

Act No. 35, 1942.

George VI.  
No. 35, 1942.

An Act to make further provision for and in relation to the control of Scaffolding, Cranes and Lifts; for this and other purposes to amend the Scaffolding and Lifts Act, 1912, and certain other Acts in certain respects; and for purposes connected therewith [Assented to, 24th December, 1942.]

**B**E it enacted by the King'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,  
construc-  
tion,  
citation and  
commence-  
ment.

**1.** (1) This Act may be cited as the "Scaffolding and Lifts (Amendment) Act, 1942."

(2) This Act shall be read and construed with the Scaffolding and Lifts Act, 1912, as amended by subsequent Acts and by a proclamation made in pursuance of section eight thereof on the seventeenth day of September, one thousand nine hundred and twenty-nine, which Act, as so amended, is in this Act referred to as the Principal Act.

(3) The Scaffolding and Lifts Act, 1912, as amended by subsequent Acts and by this Act and by the said proclamation, may be cited as the Scaffolding and Lifts Act, 1912-1942.

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

Amendment  
of Act No. 38,  
1912.

Sec. 3.  
(Defini-  
tions.)

**2.** The Principal Act is amended—

(a) by omitting from section three the letters and symbols "(a)" to "(j)" both inclusive set opposite the several definitions contained in that section;

(b)

- (b) (i) by omitting from the definition of No. 35, 1942. "Authorised attendant" in the same section the word "sixteen" and by inserting in lieu thereof the word "eighteen";
- (ii) by omitting from the same definition the words "an inspector" and by inserting in lieu thereof the words "the Chief Inspector";
- (c) by inserting after the definition of "Automatically controlled lift" in the same section the following new definitions:—

"Building work" means work in constructing, erecting, adding to, altering, repairing, equipping, finishing, painting, cleaning or demolishing which, when done in relation to a building or structure is done at or adjacent to the site of the building or structure and which, when done in relation to a ship is done on or adjacent to a ship in dock or on slips; and includes work done in excavating for or preparing the foundations of a building or structure.

"Chief Inspector" means the person who for the time being holds the office of Chief Inspector of Scaffolding and Lifts or the inspector for the time being acting in the place of such person.

"Crane" means derrick crane, jib crane, cantilever crane, overhead travelling crane, bridge or gantry crane, locomotive crane, mobile crane, power shovel, excavator, charging crane, flying-fox, hoist or hoisting appliance, sheerlegs, derrick pole, or any other apparatus or contrivance used or capable of being used for raising, lowering, handling or transporting loads in like manner and includes a pile driver or tilter and also includes the supporting structure and

**Scaffolding and Lifts (Amendment) Act.**

No. 35, 1942.

and the gear used in connection with the crane, but does not include a lift.

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

"Engine" means—

- (a) any machine or machinery driven by other than manual power;
- (b) any boiler, pressure vessel or air lock,

used or intended for use in connection with the carrying out of building work, demolition work, or excavation work and includes the supporting structure and the gear used in connection with the engine.

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

"Gear" includes ladder, plank, chain, rope, hook, sling, hanger, yoke, fastening, shackle, slipring, turnbuckle, stay, brace, block, bracket, pulley, kibble, box, bucket, grab, hose, electrical conductor or fitting, or other equipment used in connection with scaffolding, a lift, crane or engine.

- (f) by omitting from the same section the definition of "Horizontal base";

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

"Lift" means apparatus or contrivance within or attached to a building or structure worked by any power other than hand by which persons or goods are raised or lowered and includes the supporting structure, machinery, equipment, gear and enclosures used in connection with the lift.

(h)

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

"Passenger lift" means a lift by which persons other than the attendant or persons required for loading or unloading goods are carried, and includes any lift certified by the Chief Inspector to be a passenger lift.

- (i) by inserting after the same definition the following new definitions:—

"Power crane" means any crane driven by other than manual power.

"Prescribed" means prescribed by this Act or regulations made thereunder.

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

"Scaffolding" means structure, staging, platform or swinging stage or boat-swain's chair set up or used for or in connection with the carrying out of—

(a) building work;

(b) the erection or dismantling of machinery, plant or equipment;  
or

(c) the erection or demolition of stacks of timber, goods or materials,

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

"Supporting structure" means any structure, structural member or foundation (including any part of a building or its foundations) subject in any manner to direct or indirect loading as the result of the installation or use of scaffolding, a lift, crane or engine.

- (k) by omitting from the same section the definition of "Steam crane."

**Scaffolding and Lifts (Amendment) Act.**

No. 35, 1942.

Further  
amendment  
of Act No.  
38, 1912.

Sec. 5.

(Appoint-  
ment of  
inspectors.)

**3.** (1) The Principal Act is further amended by omitting from section five the words "inspectors for any districts" and by inserting in lieu thereof the words "such inspectors as he may deem necessary. One of such inspectors shall be appointed Chief Inspector of Scaffolding and Lifts.

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

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

(2) The person who, immediately before the commencement of this Act, was the person described in the regulations made under the Principal Act as "The Chief Inspector of Scaffolding and Lifts" shall be deemed to have been appointed under the Principal Act, as amended by this Act, as the Chief Inspector of Scaffolding and Lifts.

(3) The persons who, immediately before the commencement of this Act, held office as inspectors for any district under the Principal Act shall be deemed to have been appointed under the Principal Act, as amended by this Act, as inspectors.

**4.** (1) The Principal Act is further amended—

Further  
amendment of  
Act No. 38,  
1912.

Sec. 6.

(Notice as  
to erection  
of scaffold-  
ing, etc.)

- (a) (i) by omitting from subsection one of section six the words "any scaffolding, engine, or steam crane shall serve on an inspector for the district" and by inserting in lieu thereof the words "or set or place in position any scaffolding, engine or crane, or to carry out any demolition work or excavation work shall serve on the Chief Inspector";
- (ii) by omitting from the same subsection the words "such scaffolding, engine or steam crane is commenced to be set up or built" and by inserting in lieu thereof the words "commencing to set up or build, set or place  
in

in position the scaffolding, engine or crane, No. 35, 1942.  
or to carry out the demolition work or  
excavation work”;

(iii) by omitting from subsection two of the same  
section the words “any scaffolding, engine  
or steam crane” and by inserting in lieu  
thereof the words “or set or place in  
position any scaffolding, engine or crane,  
or to carry out any demolition work or  
excavation work”;

(iv) by omitting subsection four of the same  
section and by inserting in lieu thereof the  
following subsection:—

(4) The provisions of this section shall  
not apply to or in respect of—

(a) any scaffolding which—

(i) is used in connection with  
ships in dock or on slips or  
in the erection or demolition  
of stacks of timber, goods or  
materials; or

(ii) is so placed that a person or  
object falling therefrom  
could not fall a distance of  
more than six feet;

(b) demolition work being the demoli-  
tion of—

(i) a building of not more than  
one storey where the height  
of such building measured  
from its lowest to its highest  
point does not exceed  
twenty-five feet; and for the  
purposes of this subpara-  
graph the lowest point of the  
building shall be deemed to  
be the ground level at the  
lowest point or, where any  
floor of the building is below  
the ground level at the  
lowest point, the lowest such  
floor;

(ii)

## Scaffolding and Lifts (Amendment) Act.

No. 35, 1942.

(ii) a structure the height of which measured from its lowest to its highest point does not exceed twenty-five feet; and for the purposes of this subparagraph the lowest point of the structure shall be deemed to be the ground level at the lowest point;

(c) excavation work being the excavation for the foundations of any building or structure or part thereof to a depth of not more than five feet below the ground level.

Sec. 7.  
(Scaffolding,  
etc., to be in  
accordance  
with  
regulations.)

(b) by omitting from section seven the words "and steam cranes" and by inserting in lieu thereof the words "cranes and lifts";

Sec. 8.  
(Regulations.)

(c) (i) by omitting paragraph one of section eight and by inserting in lieu thereof the following paragraphs:—

(1) prescribing all matters necessary or convenient to be prescribed in relation to notices of intention to set up or build or set or place in position any scaffolding, engine or crane or to erect any lift or to carry out any demolition work or excavation work;

(1A) prohibiting the erection or alteration of any lift or crane without the permission of the Chief Inspector, and prescribing all matters necessary or convenient to be prescribed in connection with applications for such permission, and the plans and descriptions and other particulars to be lodged with such applications;

(1B) requiring that notice shall be given to the Chief Inspector in respect of all lifts in any area constituted a district under this Act which are situated

situated within such area on the day No. 35, 1942.  
upon which it is so constituted a  
district;

- (1c) requiring that notice shall be given to the Chief Inspector in cases where the ownership or right of control of a lift has been changed by sale, transfer or otherwise;
- (1d) requiring that notice shall be given to the Chief Inspector of accidents arising out of or occurring in the course of—
  - (a) the erection, maintenance or use of lifts, cranes, scaffolding, engines or gear; or
  - (b) the carrying out of any building work;
- (1e) requiring that lifts and cranes shall be registered and prescribing all matters necessary or convenient to be prescribed in relation to such registration, including the particulars to be furnished, the forms of application for registration and the form of the register, and the fees to be paid upon application for registration and for inspection of the register;
- (1f) prescribing the fees to be paid in respect of all or any of the following matters:—
  - (a) applications for permits to erect lifts;
  - (b) the reviewing of designs and descriptions of cranes and lifts, and the inspection and testing of lifts, cranes, engines and scaffolding;
  - (c) the examination of applicants for certificates as crane-drivers or authorised attendants and the issue of such certificates.

(ii)



No. 35, 1942.

(ii) by omitting subparagraphs (e), (f), (g) and (h) of paragraph two of the same section, and by inserting in lieu thereof the following subparagraphs:—

(e) the proper design, construction and use of scaffolding, lifts, engines, cranes and gear;

(f) the certification, qualifications and duties of persons in charge of lifts and drivers of power cranes.

Without prejudice to the generality of the foregoing provisions of this paragraph the regulations may provide for the issue to drivers of power cranes of certificates of different classes, and that any such certificate may relate to power cranes of any type or used for any purpose specified in the certificate;

(g) the qualifications and duties of persons in charge of or engaged in demolition work, excavation work, or the erection, maintenance, or dismantling of scaffolding, lifts or cranes;

(h) the qualifications, powers and duties of the Chief Inspector and inspectors;

(h1) the manner of carrying out demolition work and excavation work;

(h2) safeguards and measures to be taken for securing the safety and health of persons engaged in building work, or at or in connection with lifts, cranes, scaffolding, engines or gear.

(iii) by omitting from subparagraph (j) of the same paragraph the word "twenty" and by inserting in lieu thereof the word "fifty."

(2) The regulations made under the Principal Act and in force at the commencement of this Act shall continue in force but may be amended, repealed or replaced by regulations made under the Principal Act as amended by this Act.

**Scaffolding and Lifts (Amendment) Act.**

303

5. The Principal Act is further amended—

No. 35, 1942.

(a) by omitting from subsection one of section ten the words “an inspector for the district” and by inserting in lieu thereof the words “the Chief Inspector”;

Further amendment of Act No. 33, 1912.  
Sec. 10.  
(Notice of erection of lift.)

(b) by omitting section thirteen and by inserting in lieu thereof the following section:—

Subst. sec. 13.

13. Every inspector shall have power—

Powers of inspectors.

(a) to inspect and examine any lift, scaffolding, engine, crane or gear constructed or used, or in course of construction, or any building work in any district, and for that purpose may enter any building, place or premises at all reasonable times;

(b) to make such examination and inquiries as he thinks necessary to ascertain whether the requirements of this Act are being or have been complied with.

(c) (i) by omitting from section fifteen the words “steam crane” wherever occurring and by inserting in lieu thereof the word “crane”;

Sec. 15.  
(Inspector may give directions.)

(ii) by omitting from paragraph (a) of subsection one of the same section the words “in his district” and by inserting in lieu thereof the words “in any district”;

(iii) by inserting in the same paragraph after the word “therewith” the words “or the manner of carrying out any building work”;

(iv) by omitting from paragraph (b) of the same subsection the words “in his district” and by inserting in lieu thereof the words “or any building work in any district”;

(v) by inserting in the same subsection after the word “gear” where thirdly occurring the words “or of such building work”;

(vi) by inserting in subsection two of the same section after the word “gear” the words “or to carry out such building work”;

(vii)

No. 35, 1942.

(vii) by inserting in subsection three of the same section after the words "intended to be used" the words "or the person in charge of the building work";

(viii) by inserting in paragraph (b) of subsection four of the same section after the word "gear" the words "or to carry out any building work";

Sec. 16.  
(Obstruction of inspectors.)

(d) by omitting from section sixteen the words "penalty not exceeding four pounds" and by inserting in lieu thereof the words "penalty not exceeding twenty pounds";

Sec. 17.  
(Driver in charge of crane to hold certificate.)

(e) (i) by omitting from subsection one of section seventeen the words "steam crane used in connection with building operations unless he has obtained and holds a driver's certificate" and by inserting in lieu thereof the words "power crane used in connection with building work unless he has obtained and holds a certificate which is of the appropriate class and which relates to a power crane used for building work, or as driver in charge of any power crane of such type or used for such purpose as may be prescribed unless he has obtained and holds a certificate which is of the appropriate class and which relates to a power crane of the type or used for the purpose so prescribed";

(ii) by omitting from the same subsection the words "driver of a steam crane" and by inserting in lieu thereof the words "driver of a power crane";

(iii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection:—

(2) Any person who commits a breach of this section shall be liable to a penalty not exceeding twenty pounds.

Sec. 18.  
(Recovery of penalties.)  
cf. Act  
No. 39,  
1912, s. 54.

(f) by inserting at the end of section eighteen the words "or before an Industrial Magistrate appointed under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

The

The provisions of the Industrial Arbitration Act, 1940, and of any Act amending or replacing that Act, and the regulations made thereunder relating to proceedings before an Industrial Magistrate and to appeals from an Industrial Magistrate to the Industrial Commission of New South Wales shall apply, mutatis mutandis, to proceedings before an Industrial Magistrate for the recovery of any penalty imposed by this Act."

6. The Principal Act is further amended—

Further  
amendment  
of Act No. 38,  
1912.

- (a) (i) by omitting from section one the word "Steam-cranes" where occurring in the matter relating to Part II and by inserting in lieu thereof the word "Cranes"; (Revision.)
- (ii) by omitting from the same section the word "Steam-cranes" where occurring in the matter relating to Part V and by inserting in lieu thereof the words "Power cranes";
- (b) by omitting from the heading to Part II the word "Steam-cranes" and by inserting in lieu thereof the word "Cranes";
- (c) by omitting from the heading to Part V the word "Steam-cranes" and by inserting in lieu thereof the words "Power cranes".
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