

SCAFFOLDING AND LIFTS (AMENDMENT) ACT.

Act No. 3, 1958.

Elizabeth II,
No. 3, 1958.

An Act to apply to conveyors those provisions of the Scaffolding and Lifts Act, 1912, as amended by subsequent Acts, that are applicable to lifts; to require additional classes of accidents to be notified to the Chief Inspector of Scaffolding and Lifts; for these and other purposes to amend the said Act, as so amended; to validate certain matters; and for purposes connected therewith. [Assented to, 28th March, 1958.]

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,
citation and
commence-
ment.**

1. (1) This Act may be cited as the "Scaffolding and Lifts (Amendment) Act, 1958".

(2) The Scaffolding and Lifts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Scaffolding and Lifts Act, 1912-1958.

(3)

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette. No. 3, 1958.

2. The Scaffolding and Lifts Act, 1912-1948, is amended— Amendment
of Act No.
33, 1912.

(a) by omitting from the matter relating to Part III in section one the word "LIFTS" and by inserting in lieu thereof the words "LIFTS AND CONVEYORS"; Sec. 1.
(Short title.)

(b) (i) by omitting from section three the definition of "Authorised attendant" and by inserting in lieu thereof the following definition:— Sec. 3.
(Definitions.)

"Authorised attendant" means a person who is the holder of a certificate of competency issued under section eleven of this Act.

(ii) by omitting from the definition of "Automatic lift" in the same section the words "comprising a car or platform running between guides and";

(iii) by omitting from the same definition the words "such car or platform" and by inserting in lieu thereof the words "the cage or car of the lift";

(iv) by omitting from the same section the definition of "Building work" and by inserting in lieu thereof the following definition:—

"Building work" means—

(a) work in constructing, erecting, adding to, altering, repairing, equipping, finishing, painting, cleaning, signwriting or demolishing which when done in relation to a building or structure is done at or adjacent to the site thereof, and which when done in relation to a ship is done on or adjacent to a ship in dock or on slips; and

(b)

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(b) work in laying or lining any pipe having an internal diameter exceeding twenty-three inches, and work in lining any shaft, well or tunnel.

(v) by omitting from the same section the definition of "Compressed air work" and by inserting in lieu thereof the following definition:—

"Compressed air work" means work done by a person while breathing any gas or mixture of gases at a greater pressure than atmospheric pressure.

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

"Contractor", in relation to any building work, excavation work or compressed air 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.

"Conveyor" means apparatus or contrivance worked by any power other than manual by which goods are raised, lowered or transported or are capable of being raised, lowered or transported by means of—

- (a) an endless belt, rope or chain;
- (b) buckets, trays or other containers or fittings moved by an endless belt, rope or chain; or
- (c) a rotating screw,

and includes the supporting structure, machinery, equipment and gear used in connection with the conveyor.

(vii)

- (vii) by omitting from the same section the definition of "Crane" and by inserting in lieu thereof the following definition:— **No. 3, 1958.**

"Crane" means grab crane, charging crane, excavator, power shovel, floating crane, cableway, overhead travelling crane, jib crane, derrick crane, locomotive crane, cantilever crane, bridge or gantry crane, stripping crane, telfer crane, loader, monorail, fork lift truck and mobile crane and any other crane or apparatus or contrivance used or capable of being used for raising, lowering, handling or transporting loads in like manner, and includes the supporting structure and the gear used in connection with the crane, but does not include a conveyor, hoist or lift.

- (viii) by inserting in the same section next after the definition of "Excavation work" the following new definition:—

"Explosive-powered tool" means a tool or device whereby a stud, pin, dowel, screw, rivet, spike or other object is driven against, into or through a substance by means of an explosive.

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

"Gear" means any gear or equipment, other than plant, used in connection with any conveyor, lift, crane, hoist, scaffolding, plant, building work, excavation work or compressed air work.

(x)

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- (x) by omitting from the same section the definition of "Hoist" and by inserting in lieu thereof the following definition:—
- "Hoist" means sheerlegs, derrick pole, hand chain block, pole erecting hoist, stacking machine, direct ram hoist, fixed hoist, whip hoist, skip hoist, inclined skid, inclined slipway, tower hoist, pile driver, tilter, or any machine used for or capable of being used for driving or pulling down any pile or any cylinder or casing used in connection with the forming of any pile, and includes the supporting structure and the gear used in connection with the hoist.
- (xi) by omitting from the same section the definition of "Lift" and by inserting in lieu thereof the following definition:—
- "Lift" means any apparatus or contrivance by which persons or goods are raised or lowered or are capable of being raised or lowered within a cage or car, the direction of movement of which is restricted by a guide or guides and includes the supporting structure, machinery, equipment, gear and enclosures used in connection with the lift, but does not include conveyor, crane or hoist.
- (xii) by inserting in the definition of "Owner" in the same section after the word "any" the word "conveyor,";
- (xiii) by inserting in the same section next after paragraph (a) of the definition of "Plant" the following new paragraph:—
- (a1) any explosive-powered tool; and;
- (xiv) by inserting in the same definition after the word "include" the word "conveyor,";
- (xv)

(xv) by omitting the definition of "Scaffolding" No. 3, 1958. and by inserting in lieu thereof the following definition:—

"Scaffolding" means—

(a) structure, staging, platform or swinging stage or boatswain's chair set up or used for or in connection with—

(i) the carrying out of building work, excavation work or compressed air work;

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

(iii) the erection or demolition of stacks of timber, goods or materials; and

(b) form work set up or used for or in connection with the carrying out of building work, excavation work or compressed air work, other than any such form work which is not intended to be set up or used to support any person during the carrying out of such building work, excavation work or compressed air work,

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

(xvi) by inserting in the definition of "Supporting structure" in the same section after the word "lift," the word "conveyor,";

(c) by inserting in paragraph (a) of section 4A after the word "any" where firstly occurring the word "conveyor,";

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

Scaffolding and Lifts (Amendment) Act.**No. 3, 1958.****Sec. 6.**

(Notices as to erection of scaffolding, etc., and commencement of building work, etc.)

- (d) (i) by inserting in paragraph (a) of subsection one of section six after the word "scaffolding" the words "or any explosive";
- (ii) by inserting next after the same paragraph the following new paragraph:—
- (a1) to carry out any building work, other than that referred to in paragraph (a) of this subsection, being—
- (i) the demolition of a building or structure; or
- (ii) the work of sheathing the roof of any building or structure, whether erected or in the course of erection, with asbestos cement or other brittle material; or;

New sec. 6A.

Fees payable in respect of certain building work, excavation work and compressed air work.

- (e) by inserting next after section six the following new section:—

6A. (1) This section applies to—

- (a) any work referred to in paragraph (a) or (a1) of subsection one of section six of this Act in respect of which any person is; and
- (b) any work referred to in paragraph (a) of that subsection in respect of which any person was, before the appointed day,

required, in accordance with the provisions of that subsection, to serve on the Chief Inspector a notice of such person's intention to carry out such work.

(2) Any contractor who—

- (a) commences to carry out any work to which this section applies; or
- (b) continues to carry out any such work—
- (i) being work referred to in paragraph (a) of subsection one of section six of this Act, as enacted

enacted immediately before the **No. 3, 1958.**
appointed day, and commenced
before the appointed day; or

(ii) commenced after the appointed day,

while any notification fee payable in respect of a notice of intention to carry out such work served on the Chief Inspector in accordance with the provisions of subsection one of section six of this Act, as enacted immediately before the appointed day, or in respect of such work, as the case may be, or where payment of such fee by instalments is authorised under the regulations made under this Act, any instalment of such fee which is due and payable, remains unpaid shall be liable to a penalty not exceeding one hundred pounds.

(3) A court of petty sessions or industrial magistrate may, in addition to or instead of imposing a penalty for an offence under this section, order the person guilty of the offence to pay any notification fee found by the court or magistrate to be payable by such person. Any such order shall operate as an order for the payment of money under the Small Debts Recovery Act, 1912, as amended by subsequent Acts, and be enforceable as such under the provisions of that Act, as so amended.

(4) (a) Any notification fee payable in respect of any notice of intention to carry out any work to which this section applies served on the Chief Inspector in accordance with the provisions of subsection one of section six of this Act, as enacted immediately before the appointed day, or in respect of any such work, shall be paid to the Under Secretary, Department of Labour and Industry and shall be paid by the contractor by whom such work is to be carried out or continued, as the case may be.

(b)

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(b) Any such fee may be sued for and recovered as a debt for and on behalf of the Crown by any person for the time being authorised by the Minister to sue for and recover such fee.

(5) In this section—

“Appointed day” means the day on which the Scaffolding and Lifts (Amendment) Act, 1958, commences.

“Notification fee” means—

- (a) in a case where notice of intention to carry out work to which this section applies was served on the Chief Inspector before the appointed day in accordance with the provisions of subsection one of section six of this Act, the fee in respect of the notice of intention to commence such work payable under the regulations in force at the time when such notice was so served;
- (b) in a case where notice of intention to carry out such work was not so served before the appointed day and such work was commenced before that day, the fee in respect of such notice that would, if such notice had been so served immediately before such work was commenced, have been payable under the regulations in force immediately before such work was commenced; and
- (c) in a case where work to which this section applies is commenced after the appointed day and notice of intention to carry out such

such work was not, before No. 3, 1958.
 that day, served on the Chief
 Inspector in accordance with the
 provisions of subsection one of
 section six of this Act, as enacted
 immediately before that day, the
 prescribed fee payable in respect
 of such work.

- (f) by inserting in the heading to Part III after the Part III.
 word "LIFTS" the words "AND CONVEYORS"; Heading.
- (g) (i) by inserting in subsection one of section ten Sec. 10.
 after the word "erect" the words "or (Notice of
 alter"; erection of
lift.)
- (ii) by inserting in the same subsection after
 the word "lift" where firstly occurring the
 words "or conveyor";
- (iii) by omitting from the same subsection the
 words "such lift" and by inserting in lieu
 thereof the words "or altering such lift or
 conveyor, as the case may be,";
- (h) by omitting section eleven and by inserting in Subst.
 lieu thereof the following section:— sec. 11.
11. (1) Subject to this section, any person Authorised
 who— attendant to
- (a) not being an authorised attendant be in charge
 works, operates or interferes with the of lift.
 working of a passenger lift;
- (b) being an authorised attendant whose
 certificate of competency as such
 specifies particular classes of passenger
 lifts which he may work or operate,
 works, operates or interferes with the
 working of a passenger lift of a class
 other than those specified in such
 certificate of competency;
- (c)

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(c) employs, instructs or allows—

- (i) any person who is not an authorised attendant to work, operate or interfere with the working of a passenger lift;
- (ii) any person who is an authorised attendant and whose certificate of competency as such specifies particular classes of passenger lifts which he may work or operate to work, operate or interfere with the working of a passenger lift of a class other than those specified in such certificate of competency,

shall be liable to a penalty not exceeding twenty pounds.

(2) (a) The Chief Inspector may issue to any person who satisfies him that such person is of or above the age of eighteen years and is competent to work or operate a passenger lift a certificate of competency as an authorised attendant.

(b) A certificate of competency under this section may specify the class of passenger lifts which the holder of such certificate may work or operate.

(3) Applications for a certificate of competency under this section shall be made to the Chief Inspector in the manner and form prescribed.

(4) Nothing in subsection one of this section shall apply to the working, operating or interfering with the working of—

- (a) any lift by the bona fide owner, lessee or manager of the building wherein the lift is situated, in a case of emergency;

(b)

- (b) any lift by a workman bona fide engaged No. 3, 1958.
in inspecting, repairing, erecting or
altering the lift;
- (c) any automatic lift or such other class
of lifts as the Minister may, by notice
published in the Gazette, specify as
being a class of lifts to which the said
subsection shall not apply.

(5) Nothing in this section shall affect the
operation of section thirty-seven of the Fac-
tories and Shops Act, 1912, as amended by
subsequent Acts.

- (i) (i) by inserting in paragraph (a) of section Sec. 13.
thirteen after the word "lift," the word (Powers of
inspectors.)
"conveyor,";
- (ii) by inserting in the same paragraph after
the word "construction," the words "or
which he has reasonable cause to believe has
been constructed or used, or is in the course
of construction, or any building, place or
premises in or on which any such thing is
constructed, used, intended to be used or in
course of construction or in or on which
he has reasonable cause to believe that any
such thing is constructed, used, intended to
be used or in course of construction,";
- (iii) by inserting in the same paragraph after
the words "compressed air work" the
words "which is being carried out or which
he has reasonable cause to believe is being
carried out";
- (j) (i) by inserting in section fourteen after the Sec. 14.
word "lift" where firstly occurring the (Inspector
may suspend
incompetent
attendant.)
words "or a conveyor";
- (ii) by inserting in the same section after the
word "lift" where secondly and thirdly
occurring the words "or conveyor";

(k)

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Sec. 15.
(Inspector
may give
directions
as to
scaffolding,
etc.)

(k) (i) by inserting in subsections one and two of section fifteen after the word "lift" wherever occurring the words "or conveyor";

(ii) by inserting in paragraph (a) of subsection one of the same section after the word "district" the words ", or in or on any building, place or premises in any district,";

(iii) by inserting at the end of subsection one of the same section the following words:—

Where such directions are, or any order on appeal therefrom is, of a continuing nature such person shall continue at all future times to carry out or comply with such directions, as varied from time to time, or any such order until the same are or is revoked.

(iv) by omitting from subsection four of the same section the words "twenty-four hours" and by inserting in lieu thereof the words "seven days, or, where any other time has been prescribed, within such prescribed time,";

(v) by inserting at the end of the same subsection the following new paragraph:—

The regulations under this Act may prescribe the manner in which an appeal under this subsection may be made.

Sec. 17.
(Power
crane and
power hoist
drivers.)

(l) (i) by omitting paragraph (c) of subsection one of section seventeen and by inserting in lieu thereof the following new paragraph:—

(c) any power hoist used for raising or lowering persons;

(ii)

(ii) by inserting in subsection three of the same No. 3, 1958. section after the word "drive" wherever occurring the words "in any district";

(iii) by inserting at the end of subsection six of the same section the following new paragraph:—

The regulations under this Act may prescribe the manner in which an appeal under this subsection may be made.

(iv) by inserting at the end of the same section the following new subsection:--

(10) The Chief Inspector may issue in writing to any person a learner's permit authorising such person to act, in accordance with any conditions endorsed thereon or prescribed in relation thereto, as a power crane or power hoist driver. A learner's permit shall remain in force for such period endorsed thereon as the Chief Inspector may determine or as may in relation to such permits be prescribed.

Nothing in subsection one or three of this section shall apply to or in respect of the driving of a power crane or a power hoist, as the case may be, by the holder of such a permit, in accordance with any conditions endorsed thereon or prescribed in relation thereto and for the bona fide purpose of such holder learning to be a power crane or power hoist driver, as the case may be.

The Chief Inspector may cancel or suspend a learner's permit issued pursuant to this subsection and a person whose learner's permit has been cancelled or is for the time being suspended shall not be deemed to be the holder of such a permit.

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Sec. 17A.

(Riggers,
dogmen,
scaffolders
and crane
chasers.)

(m) (i) by inserting next after subsection one of section 17A the following new subsections:—

(1A) Any person who is the holder of a certificate of competency—

- (a) as a rigger and who in any district acts as a rigger in relation to any type of building, structure, crane or hoist;
- (b) as a scaffolder and who in any district acts as a scaffolder in relation to any type of scaffolding;
- (c) as a dogman or crane chaser and who in any district acts as a dogman or crane chaser, as the case may be, in relation to any type of crane,

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.

(1B) Any person who employs, instructs or allows—

- (a) any person who is not the holder of the appropriate certificate of competency to act in any district as a rigger, dogman, scaffolder or crane chaser; or
- (b) any person who is the holder of a certificate of competency—
 - (i) as a rigger, to act in any district as a rigger in relation to any type of building, structure, crane or hoist;
 - (ii) as a scaffolder, to act in any district as a scaffolder in relation to any type of scaffolding;
 - (iii)

- (iii) as a dogman or crane chaser, **No. 3, 1958.**
to act in any district as a
dogman or crane chaser, as the
case may be, in relation to any
type of crane,

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.

- (ii) by inserting at the end of subsection two of the same section the following new paragraph:—

(b) A certificate of competency under this section—

- (i) as a rigger, may specify the type of building, structure, crane or hoist;
- (ii) as a scaffolder, may specify the type of scaffolding;
- (iii) as a dogman or crane chaser, may specify the type of crane,

in relation to which the holder of such certificate may act as a rigger, scaffolder, dogman or crane chaser, as the case may be.

- (iii) by inserting at the end of subsection four of the same section the following new paragraph:—

The regulations under this Act may prescribe the manner in which an appeal under this subsection may be made.

(iv)

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(iv) by inserting next after subsection five of the same section the following new subsections:—

(5A) (a) The Minister may by notification published in the Gazette exempt—

- (i) persons acting as riggers in relation to any type of building, structure, crane or hoist specified in such notification from the operation of the provisions of subsections one and (1A) of this section 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) of this section in respect of persons acting as riggers in relation to the type of building, structure, crane or hoist so specified;
- (ii) persons acting as scaffolders in relation to any type of scaffolding specified in such notification from the operation of the provisions of subsections one and (1A) of this section 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) of this section in respect of persons acting as scaffolders in relation to the type of scaffolding so specified;
- (iii) persons acting as dogmen or crane chasers in relation to any type of crane specified in such notification, to all cranes used in connection with any industry so specified, to any type of crane so specified while it is used
in

in connection with any industry so No. 3, 1958.
specified, to all cranes used in any
building, place or premises so speci-
fied, or to any type of crane so speci-
fied while it is used in any building,
place or premises so specified, from
the operation of the provisions of
subsections one and (1A) of this
section 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) of this section in
respect of persons acting as dogmen
or crane chasers, as the case may be,
in relation to the type of crane so
specified.

(b) The Minister may by notice in
writing—

- (i) to the owner of or any person erecting
or proposing to erect any particular
building or structure or to the owner
of or any person setting up or
proposing to set up any particular
crane or hoist exempt persons acting
as riggers in relation to such building,
structure, crane or hoist from the
operation of the provisions of
subsections one and (1A) of this
section 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) of this section in
respect of persons acting as riggers
in relation to that particular building,
structure, crane or hoist;
- (ii) to the owner of or any person
erecting, altering or demolishing or
proposing to erect, alter or demolish
any

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any particular scaffolding exempt persons acting as scaffolders in relation to such scaffolding from the operation of the provisions of subsections one and (1A) of this section 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) of this section in respect of persons acting as scaffolders in relation to that particular scaffolding;

- (iii) to the owner of any particular crane exempt persons acting as dogmen or crane chasers in relation to such crane from the operation of the provisions of subsections one and (1A) of this section 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) of this section in respect of persons acting as dogmen or crane chasers, as the case may be, in relation to that particular crane.

(c) Any exemption under this subsection may be granted subject to such conditions as the Minister may impose.

Any person who fails to comply with such conditions shall be guilty of an offence against this Act.

(5B) The Chief Inspector may issue in writing to any person a learner's permit authorising such person to act, in accordance with any conditions endorsed thereon or prescribed in relation thereto, as a rigger, dogman, scaffolder or crane chaser. A learner's permit shall remain in force for
such

such period endorsed thereon as the Chief Inspector may determine or as may in relation to such permits be prescribed. **No. 3, 1958.**

Nothing in subsection one or (1B) of this section shall apply to or in respect of any work done by the holder of such a permit, in accordance with any conditions endorsed thereon or prescribed in relation thereto and for the bona fide purpose of such holder learning to be a rigger, dogman, scaffolder or crane chaser, as the case may be.

The Chief Inspector may cancel or suspend a learner's permit issued pursuant to this subsection and a person whose learner's permit has been cancelled or is for the time being suspended shall not be deemed to be the holder of such a permit.

- (v) by omitting from subsection six of the same section the definition of "Rigger" and by inserting in lieu thereof the following definition:—

"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 such members, for dismantling or demolishing buildings or structures, other than scaffolding, or for the setting up of cranes or hoists.

- (vi) by omitting from the same subsection the definition of "Dogman" and by inserting in lieu thereof the following definition:—

"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.

(vii)

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—

(vii) by omitting from the same subsection the definition of "Crane chaser" and by inserting in lieu thereof the following definition:—

"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.

Sec. 18.
(Notice of accidents.)

(n) (i) by inserting in subsection one of section eighteen after the words "with any" the word "conveyor,";

(ii) by inserting in paragraph (b) of the same subsection after the words "part of a" the word "conveyor,";

(iii) by inserting at the end of the same paragraph the following word and new paragraphs:—

or

(c) so disables any person working on or about such conveyor, crane, hoist, lift, plant, scaffolding, gear, building work, excavation work or compressed air work as to prevent him from returning to his work within forty-eight hours after the accident; or

(d) consists in any person receiving an electric shock; or

(e) is an accident involving the failure of any brake, steering or limiting device or other control device of a conveyor, crane, hoist, lift, plant, scaffolding or gear; or

(f) consists in the failure of any stud, pin, dowel, screw, rivet, spike or other object expelled from an explosive-powered tool to lodge in the substance on which the tool is being used;

(iv)

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- (iv) by inserting in the same subsection after the words "in charge of such" the word "conveyor";
- (v) by inserting in subsection two of the same section after the words "with any" the word "conveyor,";
- (o) by inserting in paragraph (c) of section nineteen after the words "with any" the word "conveyor,"; Sec. 19.
(Act not to affect rights of person to recover damages.)
- (p) by inserting at the end of section twenty-one the following new subsections:— Sec. 21.
(Penalties and proceedings for offences.)
- (2) In any proceedings for the recovery of a penalty or fee imposed by or under this Act a statement purporting to be signed by the Chief Inspector—
- (a) that a certificate or permit of the description specified in the statement has or has not been issued pursuant to this Act to any person so specified and, where a certificate or permit has been so issued, as to the date of issue of and particulars contained in such certificate or permit; or
- (b) that at any date or during any period specified in the statement a person specified in the statement was or was not the holder of a certificate or permit, of the description specified in such statement, issued pursuant to this Act; or
- (c) that at any date specified in the statement a notice as to any matter so specified, being a matter of which notice is required by or under this Act to be given

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given to or served on the Chief Inspector, had or had not been given to or served on the Chief Inspector by any person so specified and, where a notice has been so given or served, as to the date when it was so given or served and as to the particulars contained in such notice;

shall be prima facie evidence of the matters contained in the statement without proof of the signature or of the official character of the person by whom the statement appears to have been signed.

(3) Where a notice of intention to commence any building work, excavation work or compressed air work has been served on the Chief Inspector the person under whose hand the notice appears to have been given shall in any proceedings for the recovery of a penalty or fee imposed by or under this Act be deemed, unless the contrary is proved, to be the contractor for that work.

Sec. 22.
(Regulations.)

- (q) (i) by omitting from paragraph (a) of subsection two of section twenty-two the words "any lift" and by inserting in lieu thereof the words "or alter any lift or conveyor";
- (ii) by inserting in paragraph (b) of the same subsection after the word "lift," the word "conveyor,";
- (iii) by inserting in paragraph (d) of the same subsection after the word "lift" the words "or conveyor";
- (iv) by inserting in paragraph (c) of the same subsection after the words "requiring that" the word "conveyors,";

(v)

- (v) by omitting from subparagraph (i) of paragraph (f) of the same subsection the word "lifts" and by inserting in lieu thereof the words "or alter lifts or conveyors";
- (vi) by inserting in subparagraph (ii) of the same paragraph after the words "descriptions of" the word "conveyors,";
- (vii) by inserting in the same subparagraph after the words "testing of" the word "conveyors,";
- (viii) by omitting subparagraph (v) of the same paragraph and by inserting in lieu thereof the following subparagraphs:—
- (v) any building work, excavation work or compressed air work, of which notice is required by section six of this Act to be served on the Chief Inspector;
 - (vi) the issue of learners' permits to persons authorising them to act, in accordance with any conditions endorsed thereon or prescribed in relation thereto, as power crane or power hoist drivers, or as riggers, dogmen, scaffolders or crane chasers;
- (ix) by inserting in subparagraph (i) of paragraph (g) of the same subsection after the words "maintenance of" the word "conveyors,";
- (x) by inserting in subparagraph (ii) of the same paragraph after the words "charge of" the words "conveyors or";
- (xi)

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(xi) by inserting in subparagraph (iii) of the same paragraph after the words "dismantling of" the word "conveyors,";

(xii) by inserting in subparagraph (v) of the same paragraph after the words "connection with" the word "conveyors,";

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

(g1) prohibiting any person not the holder of the appropriate certificate of competency or learner's permit from being employed as or acting as a diver, diver's attendant or powderman, and in relation thereto—

(i) providing for the examination and certification of divers, divers' attendants and powdermen, or of any class of such persons, and for the granting and issue of certificates of competency and learners' permits;

(ii) prescribing the fees to be paid in respect of examinations for certificates of competency and the issue of such certificates and of learners' permits;

(iii) authorising the Chief Inspector by certificate in writing under his hand to exempt, absolutely or subject to conditions, any person or class of persons from all or any of the provisions of the regulations

made

made pursuant to this para- No. 3, 1958.
graph where he is satisfied that
by reason of the nature of the
work to be carried out by such
person or class of persons the
application of such provisions
would be impracticable or
inappropriate;

- (xiv) by inserting in subsection three of the same section after the words "maintenance of" the word "conveyors,";
- (xv) by inserting next after the same subsection the following new subsections:—

(3A) The regulations made under subparagraph (v) of paragraph (f) of subsection two of this section may with respect to the fees prescribed under that subparagraph—

- (a) provide for the assessment of such fees by reference or in relation to the cost or estimated cost of the work in respect of which the fees are to be paid or of the project in which such work is done or to be done or of materials employed or services used therein, or according to any specified principle or criterion and may prescribe the method of determining any such cost or estimated cost;
- (b) prescribe different amounts of such fees to be paid in respect of different classes of work or in respect of work done in different areas;
- (c) require that such fees shall be paid in respect of a specified class or specified classes of work only, in
respect

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respect of all classes of work other than those specified, in respect of work done in a specified area or specified areas only or in respect of all areas other than those specified;

- (d) prescribe graduated scales of such fees;
- (e) require the payment of such fees at such time or times or by such instalments as may be prescribed;
- (f) for the purpose of the assessment of such fees, require contractors to furnish such information in relation to the work in respect of which such fees are to be paid or to the project in which such work is done or to be done, in such manner and at such times, as may be prescribed, and may require any such information to be verified by statutory declaration;
- (g) prescribe other matters necessary or convenient to be prescribed in relation to the assessment or payment of such fees.

(3B) For the purposes of paragraph (g1) of subsection two of this section—

“Diver” means diver employed in compressed air work.

“Diver’s attendant” means attendant to a diver.

“Powderman” means a person engaged in the preparation or firing of charges of explosives used in building work, excavation work or compressed air work.

3. The Scaffolding and Lifts Act, 1912-1948, is further **No. 3, 1958.** amended—

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| | Further amendment of Act No. 38, 1912. |
| (a) by omitting from subsection two of section six the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds"; | Sec. 6. (Notices as to erection of scaffolding, etc., and commencement of building work, etc.) |
| (b) by omitting from subsection two of section ten the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds"; | Sec. 10. (Notice of erection of lift.) |
| (c) by omitting from section fourteen the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds"; | Sec. 14. (Inspector may suspend incompetent attendant.) |
| (d) by omitting from subsection five of section fifteen the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred and fifty pounds"; | Sec. 15. (Inspector may give directions as to scaffolding, etc.) |
| (e) by omitting from section sixteen the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds"; | Sec. 16. (Obstruction of inspectors.) |
| (f) by omitting from subsection three of section eighteen the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds"; | Sec. 18. (Notice of accidents.) |
| (g) by omitting from section twenty-one the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds"; | Sec. 21. (Penalties and proceedings for offences.) |
| (h) by omitting from subsection four of section twenty-two the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds". | Sec. 22. (Regulations.) |

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No. 3, 1958. **4.** (1) Any regulations made under subparagraph (v) of paragraph (f) of subsection two of section twenty-two of the Scaffolding and Lifts Act, 1912-1948, shall be deemed to have and always to have had the same force and effect as they would have had had subsection (3A) of section twenty-two of that Act, as amended by this Act, been in force when such regulations were made.

Savings.

(2) The amendment made by subparagraph (viii) of paragraph (q) of section two of this Act shall not affect the liability incurred by any person for any fee payable under any regulation made under the Scaffolding and Lifts Act, 1912-1948.

(3) A certificate of competency as an authorised attendant, a rigger, scaffolder, dogman or crane chaser, issued or purporting to have been issued under the Scaffolding and Lifts Act, 1912-1948, by the Chief Inspector and held by any person immediately before the commencement of this Act, shall—

- (a) in the case of a certificate of competency as an authorised attendant which does not specify any class of passenger lifts as passenger lifts of which such person is competent to be in charge, be deemed to be a certificate of competency as an authorised attendant issued under that Act, as amended by this Act, by the Chief Inspector and to specify all classes of passenger lifts as passenger lifts which such person may work or operate;
- (b) in the case of a certificate of competency as an authorised attendant which specifies a particular class of passenger lifts as passenger lifts of which such person is competent to be in charge, be deemed to be a certificate of competency as an authorised attendant issued under that Act, as amended by this Act, by the Chief Inspector and to specify that particular class of passenger lifts as passenger lifts which such person may work or operate;

(c)

- (c) in the case of a certificate of competency as a rigger, be deemed to be a certificate of competency as a rigger issued under that Act, as amended by this Act, by the Chief Inspector and to specify every type of building, structure, crane or hoist as buildings, structures, cranes and hoists, respectively, in relation to which such person may act as a rigger; No. 3, 1958.
- (d) in the case of a certificate of competency as a scaffolder which does not specify any type of scaffolding as scaffolding in relation to which such person may act as a scaffolder, be deemed to be a certificate of competency as a scaffolder issued under that Act, as amended by this Act, by the Chief Inspector and to specify every type of scaffolding as scaffolding in relation to which such person may act as a scaffolder;
- (e) in the case of a certificate of competency as a scaffolder which specifies any particular type of scaffolding as scaffolding in relation to which such person may act as a scaffolder, be deemed to be a certificate of competency as a scaffolder issued under that Act, as amended by this Act, by the Chief Inspector and to specify that particular type of scaffolding as scaffolding in relation to which such person may act as a scaffolder;
- (f) in the case of a certificate of competency as a dogman or crane chaser, be deemed to be a certificate of competency as a dogman or crane chaser, as the case may be, issued under that Act, as amended by this Act, by the Chief Inspector and to specify every type of crane as cranes in relation to which such person may act as a dogman or crane chaser, as the case may be.

For the purposes of this subsection a certificate of competency under section 17A of the Scaffolding and Lifts Act, 1912-1948, which was issued to any person before the commencement of this Act and was before that commencement

Fire Brigades and Bush Fires (Amendment) Act.

No. 3, 1958. commencement suspended under the provisions of subsection five of that section for a period which had not at that commencement expired shall upon the expiration of that period be deemed to be a certificate of competency under that Act held by such person immediately before that commencement.
