

## SCAFFOLDING AND LIFTS (AMENDMENT) ACT.

### Act No. 9, 1960.

**Elizabeth II, No. 9, 1960.** An Act to make certain provisions in respect of the design, construction and use of amusement devices and public stands, and the notification of certain accidents happening in connection with such devices and stands; for these and other purposes to amend the Scaffolding and Lifts Act, 1912, the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith. [Assented to, 25th March, 1960.]

**B**E 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  
and  
citation.

**1.** (1) This Act may be cited as the "Scaffolding and Lifts (Amendment) Act, 1960".

(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, 1912-1960.

Amendment  
of Act  
No. 38,  
1912.

**2.** The Scaffolding and Lifts Act, 1912-1958, is amended—

Sec. 3.  
(Defini-  
tions.)

(a) (i) by inserting in section three next before the definition of "Authorised attendant" the following new definition :—

"Amusement device" means a structure used or designed or intended for use or capable

capable of being used for amusement, No. 9, 1960.  
games, recreation, sightseeing or enter-  
tainment—

(a) whereon persons are or may be  
carried, raised, lowered or  
supported—

(i) by the structure whilst it is  
or may be in motion, or

(ii) by any part thereof or by  
any car, carriage, platform,  
cage, boat, plank, chair,  
seat, device or thing while  
such part, car, carriage,  
platform, cage, boat,  
plank, chair, seat, device  
or thing is or may be in  
motion, and

(b) for or in connection with the  
operation of which power other  
than manual power is or may be  
used,

and includes the supporting structure  
and access structures and the machinery,  
equipment and gear used, designed,  
intended to be used, or capable of being  
used, in connection with the amusement  
device, and every car, carriage, platform,  
cage, boat, plank, chair, seat, device or  
thing referred to in subparagraph (ii) of  
paragraph (a) of this definition but does  
not include a conveyor, crane, hoist or  
lift.

(ii) by inserting in the definition of “Gear” in the  
same section after the word “plant,” where  
secondly occurring the words “amusement  
device, public stand,”;

(iii) by inserting in the definition of “Owner” in the  
same section after the word “plant,” the words  
“amusement device, public stand,”;

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

No. 9, 1960.

- (iv) by inserting in the same section next after the definition of "Prescribed" the following new definition :—

"Public stand" means a stand temporarily erected or temporarily set up to support members of the public viewing or listening to a procession, concert, meeting, reception, performance, exhibition, carnival, gymkhana, rodeo, sporting contest, sporting display, athletic display, cinematographic, radio or television display or performance, or the like, and includes the supporting structure and access structures and the gear used in connection with the public stand.

- (v) by omitting from the definition of "Supporting structure" in the same section the words "or plant" and by inserting in lieu thereof the words "plant, amusement device or public stand";

Sec. 4.  
(Places within which Act shall operate.)

- (b) by inserting at the end of section four the following proviso :—

Provided that—

- (a) the provisions of this Act which apply to or in respect of amusement devices and public stands shall have effect in the whole of the State of New South Wales and for the purposes of those provisions the whole of the said State shall be deemed to be a district;
- (b) the regulations made under this Act in so far as they apply to or in respect of amusement devices and public stands shall, unless and to the extent to which such regulations otherwise provide, apply to the whole of the said State.

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

- (c) by inserting in paragraph (a) of section 4A after the word "gear" the words and symbols "(other than gear used in connection with an amusement device or public stand)";

(d)

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

67

- (d) by omitting from section five the following words :—

Sec. 5.  
(Appoint-  
ment of  
inspectors.)

“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.”;

- (e) by inserting in paragraph (a) of section thirteen after the word “hoist,” the words “amusement device, public stand,”;

Sec. 13.  
(Powers of  
inspectors.)

- (f) by inserting at the end of section fourteen the following new subsection :—

Sec. 14.  
(Inspector  
may suspend  
incompetent  
attendant.)

(2) Where it appears to an inspector that any person operating an amusement device is careless, incompetent, or untrustworthy, the inspector may direct such person to, and he shall thereupon, cease to operate such device; and if the owner, or person in charge, of any amusement device who has notice of such direction employs, instructs or allows such person to operate any amusement device without the authority in writing of an inspector, he shall be liable to a penalty not exceeding fifty pounds.

- (g) (i) by inserting in paragraph (a) of subsection one of section fifteen after the word “hoist” the words “or amusement device or public stand”;
- (ii) by inserting in paragraph (b) of the same subsection after the word “hoist” the words “or amusement device or public stand”;

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

(iii)

**Scaffolding and Lifts (Amendment) Act.****No. 9, 1960.**

- (iii) by inserting in the same subsection after the word "hoist," where thirdly occurring the words "amusement device, public stand,";
- (iv) by omitting from paragraph (b) of subsection two of the same section the word "order";
- (v) by inserting in the same paragraph after the word "using" wherever occurring the words "or operating";
- (vi) by inserting in the same paragraph after the word "hoist," wherever occurring the words "amusement device,";
- (vii) by inserting next after the same paragraph the following new paragraph :—
  - (b1) the owner or person in charge or apparently in charge of any public stand in respect of which such directions are given to desist from using such public stand or to refrain from permitting persons to use such public stand; or;
- (viii) by omitting from paragraph (c) of the same subsection the word "order";

**Sec. 18.**  
**(Notice of accidents.)**

- (h) (i) by inserting in subsection one of section eighteen after the word "hoist" where firstly, secondly, thirdly and fifthly occurring the words "amusement device, public stand,";
- (ii) by inserting in the same subsection after the word "hoist," where fourthly occurring the words "amusement device,";
- (iii) by inserting in subsection two of the same section after the word "hoist," the words "amusement device, public stand,";
- (iv) by inserting at the end of the same section the following new subsection :—
  - (4) A prosecution of any person for an offence under this section may, notwithstanding any limit of time prescribed by any Act for instituting

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

**69**

instituting proceedings, be commenced at any time within twelve months after the commission of the offence. **No. 9, 1960.**

(i) by inserting in paragraph (c) of section nineteen after the word "hoist," the words "amusement device, public stand,";

Sec. 19.  
(Act not to affect rights of person to recover damages.)

(j) (i) by inserting in paragraph (b) of subsection two of section twenty-two after the word "conveyor," the words "amusement device, public stand,";

Sec. 22.  
(Regulations.)

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

(b1) prohibiting the erection or setting up or the setting or placing in position or the operation or use or alteration of any amusement device or public stand—

(i) in all cities, municipalities or shires or in all cities, municipalities or shires other than those specified in the regulations or in such cities, municipalities or shires or parts thereof as may be so specified, without the approval of the council of the area having first been obtained;

(ii) in such place, town, district or locality as may be so specified, without the approval of such authority or person or of the holder for the time being of such office as may be so specified having first been obtained,

and prescribing all matters necessary or convenient to be prescribed in connection with any application for such approval, and the plans and descriptions and other particulars to be lodged with any such application;

(iii)

- (iii) by inserting in paragraph (e) of the same subsection after the word "hoists" the words "  
", amusement devices,";
- (iv) by inserting in the same paragraph after the word "registration" where secondly and thirdly occurring the words "and renewal of registration";
- (v) by inserting next after subparagraph (i) of paragraph (f) of the same subsection the following new subparagraph :—
  - (ia) applications for approvals to erect, set up or set or place in position or operate or use amusement devices or public stands, or to alter amusement devices or public stands;
- (vi) by inserting in the same paragraph after the word "hoists," wherever occurring the words "amusement devices, public stands,";
- (vii) by inserting in subparagraphs (i), (iii) and (v) of paragraph (g) of the same subsection after the word "hoists," wherever occurring the words "amusement devices, public stands,";
- (viii) by inserting in subsection three of the same section after the word "hoists," the words "amusement devices, public stands,";
- (ix) by inserting next after subsection (3B) of the same section the following new subsection :—
  - (3C) Regulations made pursuant to paragraph (b1) of subsection two of this section may :—
    - (a) require or permit a council, authority or person before granting any approval referred to in that paragraph to satisfy itself or himself by such means as may  
be

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

71

be prescribed or where no means are prescribed by such means as it or he thinks fit—

No. 9, 1960.

- (i) as to the safety of the manner of construction, erection or setting up or the setting or placing in position or the operation or use or alteration of the amusement device or public stand in respect of which the approval is sought or of such amusement device or public stand as altered;
- (ii) that in relation to such amusement device or public stand there has been obtained from an insurer carrying on in New South Wales the business of accident insurance a contract of insurance or indemnity in respect of death or personal injury resulting from the erection, setting up, setting or placing in position, operation, use or alteration or total or partial failure or collapse of the device or stand, or of the device or stand as altered, and that such contract is expressed to be and to continue in force for the period in respect of which the approval is sought and makes such provision as may be prescribed or where no such provision is prescribed as the council, authority or person considers satisfactory for the settlement of any claim in respect of any such death or personal injury;
- (iii) as to such matters in relation to any matter or matters referred to in subparagraph (i) or (ii) of this paragraph as may be prescribed;
- (iv)



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

**No. 9, 1960.**

(iv) as to other prescribed matters;  
and

(b) empower the council, authority or person to grant such approval either absolutely or subject to prescribed or other conditions; and

(c) provide for the revocation or suspension of such approval.

In this subsection "personal injury" does not include any injury as defined in the Workers' Compensation Act, 1926, as amended by subsequent Acts, to a worker as defined in that Act, as so amended, and "death" does not include death resulting from such an injury.

Amendment  
of Act No.  
41, 1919.  
Sec. 10.  
(Certain  
Acts not  
affected.)

**3.** The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting in subsection one of section ten after the words and figures "the Factories and Shops Act, 1912;" the words and figures "the Scaffolding and Lifts Act, 1912;".

---

THE