

**SCAFFOLDING AND LIFTS (AMENDMENT) ACT,
1978, No. 69**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No, 69, 1978.

An Act to amend the Scaffolding and Lifts Act, 1912, and to amend the Local Government Act, 1919, the Factories, Shops and Industries Act, 1962, and the Dangerous Goods Act, 1975, consequentially. [Assented to, 6th April, 1978.]

Scaffolding and Lifts (Amendment).

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 :—

1. This Act may be cited as the "Scaffolding and Lifts Short title. (Amendment) Act, 1978".

2. (1) Except as provided in subsections (2)–(7), this Act shall commence on the date of assent to this Act. **Commence-
ment.**

(2) Section 5 (1) shall, in its application to a provision of Schedule 1, commence on the day on which that provision commences.

(3) The several provisions of Schedule 1 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Sections 5 (2), 6 and 7 and Schedule 2 shall commence on the day on which Schedule 1 (2) commences.

(5) Section 8 shall commence on the day on which Schedule 1 (7) commences.

(6) Section 9 shall commence on the day on which Schedule 1 (20) commences.

(7) Section 10 shall commence on the day on which Schedule 1 (21) commences.

3. The Scaffolding and Lifts Act, 1912, is referred to in this **Principal
Act** as the Principal Act.

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- (b) the person appointed as Chief Inspector of Scaffolding and Lifts under section 5 of the Principal Act who held that office immediately before that commencement shall be deemed to have been appointed under section 5 (2) of the Principal Act, as amended by this Act, as Chief Inspector of Construction Safety.

9. (1) Where a certificate of competency has been suspended by order of the Minister under section 17 (7) of the Principal Act for a period that expires after the commencement of this section, the certificate shall, on that commencement, be deemed to have been suspended by order of the Chief Inspector of Construction Safety under section 17 (7A) of that Act, as amended by this Act, until the expiration of that period. Saving of certain orders, etc., under section 17 of the Principal Act.

(2) A notification or notice under section 17 (8) (a) or (b) of the Principal Act that was in force immediately before the commencement of this section shall, on that commencement, be deemed to be an order under section 17 (8) (a) or (b) of that Act, as amended by this Act, as the case may require.

10. (1) Where a certificate of competency has been suspended by order of the Minister under section 17A (5) of the Principal Act for a period that expires after the commencement of this section, the certificate shall, on that commencement, be deemed to have been suspended by order of the Chief Inspector of Construction Safety under section 17A (5AA) of that Act, as amended by this Act, until the expiration of that period. Saving of certain orders, etc., under section 17A of the Principal Act.

(2) A notification or notice under section 17A (5A) (a) or (b) of the Principal Act that was in force immediately before the commencement of this section shall, on that commencement, be deemed to be an order under section 17A (5A) (a) or (b) of that Act, as amended by this Act, as the case may require.

Scaffolding and Lifts (Amendment).

Sec. 5 (1).

SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Long title—

After “An Act”, insert “to provide for the regulation and inspection of construction work and”.

(2) Sections 1, 1A—

Omit section 1, insert instead :—

Short title.

1. This Act may be cited as the “Construction Safety Act, 1912”.

Division of Act.

1A. This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1–5A.

PART II.—NOTIFICATION OF CERTAIN WORK—ss. 6–10.

PART III.—INSPECTION—ss. 13–16.

PART IV.—CERTIFICATES OF COMPETENCY—ss. 17–17B.

PART V.—MISCELLANEOUS—ss. 18–22.

FIRST SCHEDULE.

(3) Section 2 (2), (3)—

Omit the subsections.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) (a) Section 3, definition of “Amusement device”—

Omit the definition, insert instead :—

“Amusement device” means anything mobile or fixed made available to members of the public on which, or on any part of which, or by means of which, they may ascend or descend, or be carried, transported, raised, lowered or supported for the purposes of amusement, games, recreation, sightseeing or entertainment but does not include—

- (a) anything that—
 - (i) is not power-operated; or
 - (ii) that may only be operated by manual power,
unless a fee is payable for its use, or for entry therein or thereon, or for entry to the place where it is situated;
 - (b) a conveyor, crane, escalator, hoist, lift or moving walk;
 - (c) a railway system in so far as it uses a locomotive for its motive power and has a track gauge of more than 650 mm;
 - (d) a vehicle required to be registered under the Motor Traffic Act, 1909, or the Transport Act, 1930;
 - (e) a vessel used on waters navigable for the purpose of trade;
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Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (f) an aircraft subject to the regulations made under the Air Navigation Act 1920 of the Parliament of the Commonwealth and any Act amending or replacing that Act; or
 - (g) anything prescribed as being excluded from this definition.
- (b) Section 3, definitions of “Authorised attendant”, “Automatic lift”—
- Omit the definitions.
- (c) Section 3, definition of “Building work”—
- Omit the definition, insert instead :—
- “Building work” means—
- (a) work in constructing, erecting, installing, adding to, altering, repairing, equipping, finishing, painting, cleaning, signwriting, sheathing, spraying, dismantling or demolishing or any other prescribed operation that—
 - (i) is done in relation to a building or structure, at or adjacent to the site thereof; or
 - (ii) is done in relation to a vessel on or adjacent to the vessel while it is at a wharf, in dock or on slips; and
 - (b) work in lining any shaft, well or tunnel.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(d) Section 3, definition of “Chief Inspector”—

Omit “Scaffolding and Lifts”, insert instead “Construction Safety”.

(e) Section 3, definition of “Compressed air work”—

Omit the definition, insert instead :—

“Compressed air work” means work (other than diving work) done in, or in connection with, construction work or other prescribed work by a person while breathing any gas or mixture of gases at a greater pressure than atmospheric pressure.

(f) Section 3, definition of “Construction work”—

After the definition of “Compressed air work”, insert :—

“Construction work” means—

- (a) building work, excavation work, compressed air work and diving work;
- (b) work in or in connection with the construction or maintenance of roads, airfields or airstrips, or of the permanent way of a railway or tramway;
- (c) dredging or salvaging work;
- (d) the laying, lining or maintenance of pipes or cables;
- (e) earth moving carried out with equipment for or in connection with the operation of which power other than manual power is used;
- (f) land clearing in preparation for any work referred to in paragraph (a), (b), (d) or (e);

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (g) any work in which explosives are used;
and
- (h) any other prescribed work.

(g) Section 3, definition of “Constructor”—

Omit the definition of “Contractor”, insert instead :—

“Constructor”, in relation to any construction 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.

(h) Section 3, definition of “Crane”—

- (i) After “telpher crane,”, insert “boom crane, tower crane, stacking crane, loading crane integral with a vehicle, elevating work platform,”.
- (ii) After “conveyor,”, insert “escalator, moving walk,”.

(i) Section 3, definition of “Diving work”—

After the definition of “Crane”, insert :—

“Diving work” means diving work done in, or in connection with, other construction work or other prescribed work.

(j) Section 3, definition of “Escalator”—

Before the definition of “Excavation work”, insert :—

“Escalator” means an apparatus or contrivance by which persons are, or are capable of being, raised or lowered while standing on the treads of an endless stairway, and includes the

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

supporting structure, machinery, equipment and gear used in connection with any such apparatus or contrivance.

(k) Section 3, definition of "Excavation work"—

Omit the definition, insert instead :—

"Excavation work" means work involved in the excavation or filling of trenches, ditches, shafts, drifts, rises, tunnels, pier holes, cuttings, benches, wells or canals or any similar work.

(l) Section 3, definition of "Gear"—

(i) Omit "lift, crane, hoist", insert instead "escalator, moving walk, crane, hoist, lift".

(ii) Omit ", building work, excavation work or compressed air work", insert instead "or construction work".

(m) Section 3, definition of "Hoist"—

Omit "hand chain block", insert instead "rope and pulley system, chain block, tripod hoist, construction hoist, men-and-materials hoist, vehicle towing hoist".

(n) Section 3, definition of "Lift"—

After "conveyor,", insert "escalator, moving walk,".

(o) Section 3, definition of "Moving walk"—

After the definition of "Lift", insert :—

"Moving walk" means an apparatus or contrivance (other than an escalator) by which persons are, or are capable of being, transported while standing on a moving surface, and includes the supporting structure, machinery, equipment and gear used in connection with any such apparatus or contrivance.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (p) Section 3, definition of “Owner”—
After “conveyor,” insert “escalator, moving walk.”
- (q) Section 3, definition of “Passenger lift”—
Omit the definition.
- (r) Section 3, definition of “Plant”—
Omit the definition, insert instead :—
“Plant” means—
(a) any—
(i) machine or machinery driven
by power other than manual
power; and
(ii) air lock and welding equip-
ment,
used or intended for use in construction
work;
(b) the gear used in connection with, and
the supporting structure of, anything
referred to in paragraph (a); and
(c) any explosive powered tool,
but does not include a conveyor, escalator,
moving walk, crane, hoist or lift.
- (s) Section 3, definition of “Public stand”—
Omit “to support members of the public viewing or
listening to”, insert instead :—
to support—
(a) members of the public viewing or
listening to; or

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) performers or other participants taking part in,
- (t) Section 3, definition of “Regulation”—
After the definition of “Public stand”, insert :—
“Regulation” means regulation made under this Act.
- (u) Section 3, definition of “Scaffolding”—
 - (i) From paragraph (a), omit “or swinging stage”, insert instead “, framework, run, ramp, gangway, swinging stage”.
 - (ii) Omit paragraph (a) (i), insert instead :—
 - (i) the carrying out of construction work;
 - (iii) From paragraph (a) (ii), omit “or dismantling”, insert instead “, dismantling, repair or maintenance”.
 - (iv) From paragraph (a), omit “and”.
 - (v) After paragraph (a), insert :—
 - (a1) building maintenance unit attached to a building and used for cleaning or other maintenance; and
 - (vi) Omit paragraph (b), insert instead :—
 - (b) form work set up or used for or in connection with the carrying out of construction work,
 - (vii) Omit “and gear”, insert instead “, equipment. gear and machinery (if any)”.
- (v) Section 3, definition of “Supporting structure”—
After “conveyor,”, insert “escalator, moving walk,”.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(w) Section 3, definition of “Vessel”—

After the definition of “Supporting structure”,
insert :—

“Vessel” means any ship, barge, pontoon or other
construction designed to float.

(x) Section 3 (2)—

At the end of section 3, insert :—

(2) In this Act, a reference to—

(a) an amusement device, includes a reference
to—

(i) each part of the assembly, if any,
comprising the device; and

(ii) any supporting structure, structure
giving access to the device,
machinery, equipment, gear, con-
veyance, platform, cage, seat or
other thing used, designed for use,
intended to be used or capable of
being used in connection with the
device; or

(b) an explosive-powered tool, includes a refer-
ence to any attachment or device used or
intended for use in connection with the
tool.

(5) Section 4—

Omit the section.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(6) (a) Section 4A (a)—

After “conveyor,” insert “escalator, moving walk,”.

(b) Section 4A—

Omit “Mining Act, 1906, the Mines Inspection Act, 1901, the Coal Mines Regulation Act, 1912, or any Act amending the said Acts” wherever occurring, insert instead “Mines Inspection Act, 1901, or the Coal Mines Regulation Act, 1912”.

(c) Section 4A (b)—

Omit “building work, excavation work, or compressed air”, insert instead “construction”.

(d) Section 4A (2)—

At the end of section 4A, insert :—

(2) Notwithstanding subsection (1), this Act applies to—

(a) any conveyor, escalator, moving walk, crane, gear, hoist, lift, plant or scaffolding used wholly or principally in; and

(b) any construction work carried out in,

a mine or part of a mine for the time being exempted from the operation of the Mines Inspection Act, 1901, under the proviso to section 1 (2) of that Act.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(7) (a) Section 5—

Omit "One of such inspectors shall be appointed Chief Inspector of Scaffolding and Lifts."

(b) Section 5 (2)–(5)—

At the end of section 5, insert :—

(2) Of the inspectors appointed under subsection (1), one shall be appointed as Chief Inspector of Construction Safety and another as Deputy Chief Inspector of Construction Safety.

(3) The Deputy Chief Inspector of Construction Safety shall have, and may exercise and perform, all the powers, authorities, duties and functions of the Chief Inspector.

(4) In the exercise or performance of any of the powers, authorities, duties and functions granted to him by subsection (3), the Deputy Chief Inspector of Construction Safety shall be subject to the control and direction of the Chief Inspector.

(5) In relation to a person affected by a decision of the Deputy Chief Inspector of Construction Safety, that decision shall be deemed to be a decision of the Chief Inspector whether or not it complies with any directions given by the Chief Inspector.

(8) Part II, heading—

Omit the heading, insert instead :—

PART II.

NOTIFICATION OF CERTAIN WORK.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(9) (a) Section 6 (1)—

Omit “in any district” wherever occurring.

(b) Section 6 (1)—

Omit “building work, excavation work or compressed air” wherever occurring, insert instead “construction”.

(c) Section 6 (1) (a1)—

After “that”, insert “comprising construction work of a kind”.

(d) Section 6 (2)—

Omit “one hundred dollars”, insert instead “\$500”.

(e) Section 6 (4)—

Omit “this section”, insert instead “subsection (1)”.

(f) Section 6 (4) (c)—

Omit “person.”, insert instead “person; or”.

(g) Section 6 (4) (d)—

After section 6 (4) (c), insert :—

(d) excavation work comprising the making of an excavation that is—

(i) less than 1.5 metres in depth;

(ii) a drilled or bored hole of such dimensions that persons cannot enter it;

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (iii) a grave for the burial of a deceased person; or
- (iv) of a prescribed kind.

(10) (a) Section 6A (1), (2)—

Omit the subsections, insert instead :—

(1) This section applies to any work referred to in section 6 (1) (a) or (a1) in respect of which any person is or has been required, by section 6 (1), to serve a notice of his intention to carry out the work.

(2) Any person who commences or continues to carry out any work to which this section applies while the whole or any part of a notification fee payable in respect of the work is due and has not been paid, shall be liable to a penalty not exceeding \$1,000.

(b) Section 6A (3)—

Omit “Small Debts Recovery Act, 1912, as amended by subsequent Acts”, insert instead “Courts of Petty Sessions (Civil Claims) Act, 1970”.

(c) Section 6A (3) —

Omit “, as so amended”.

(d) Section 6A (4) (a)—

Omit the paragraph, insert instead :—

(a) Any notification fee payable in respect of any work to which this section applies shall be paid to the Under Secretary, Department of Labour and Industry, and shall be paid by the constructor by whom the work is required to be carried out or continued, as the case may require.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(e) Section 6A (5)—

Omit the subsection, insert instead :—

(5) In this section, “notification fee”, in respect of any work to which this section applies, means the prescribed fee payable in respect of that work.

(11) Part III, heading—

Omit the following matter appearing before section 10 :—

PART III.

LIFTS AND CONVEYORS.

(12) (a) Section 10 (1)—

Omit “lift or conveyor in a district”, insert instead “conveyor, escalator, moving walk or lift”.

(b) Section 10 (1)—

Omit “such lift or conveyor” insert instead “the conveyor, escalator, moving walk or lift”.

(c) Section 10 (2)—

Omit “one hundred dollars”, insert instead “\$500”.

(13) Sections 11, 12—

Omit the sections.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(14) Part III, heading—

From the matter "PART IV. INSPECTION." before section 13, omit "IV", insert instead "III".

(15) (a) Section 13 (a)—

Omit "lift, conveyor", insert instead "conveyor, escalator, moving walk, lift".

(b) Section 13 (a)—

Omit "building work, excavation work or compressed air", insert instead "construction".

(c) Section 13 (a)—

Omit "in any district".

(d) Section 13 (b)—

After "Act", insert "and the regulations".

(16) (a) Section 14 (1)—

Omit "passenger or goods lift or a conveyor", insert instead "conveyor, escalator, moving walk or lift".

(b) Section 14 (1)—

Omit "lift or conveyor" wherever occurring, insert instead "conveyor, escalator, moving walk or lift".

(c) Section 14 (1)—

Omit "one hundred dollars", insert instead "\$500".

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (d) Section 14 (2)—
Omit “one hundred dollars”, insert instead “\$1,000”.
- (17) (a) Section 15 (1) (a)—
Omit “in any district, or”.
- (b) Section 15 (1) (a)—
Omit “in any district,” where secondly occurring.
- (c) Section 15—
Omit “lift or conveyor” wherever occurring, insert instead “conveyor, escalator, moving walk or lift”.
- (d) Section 15 (1)—
Omit “building work excavation work or compressed air” wherever occurring, insert instead “construction”.
- (e) Section 15 (1) (b)—
Omit “in any district, the regulations made under this Act”, insert instead “, the regulations”.
- (f) Section 15 (1)—
Omit “contractor,”, insert instead “constructor or”.
- (g) Section 15 (1)—
Omit “such regulations”, insert instead “the regulations”.
- (h) Section 15 (2) (a)—
Omit “lift or conveyor” wherever occurring, insert instead “conveyor, escalator, moving walk or lift”.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (i) Section 15 (2) (c)—
Omit “contractor”, insert instead “constructor”.
- (j) Section 15 (2) (c)—
Omit “building work, excavation work or compressed air”, insert instead “construction”.
- (k) Section 15 (2) (c)—
After “given”, insert “, or any contractor carrying out the work or any part of the work,”.
- (l) Section 15 (4)—
Omit “under this Act”.
- (m) Section 15 (5)—
Omit “five hundred dollars”, insert instead “\$1,000”.
- (18) (a) Section 16—
Omit “who interferes with or obstructs any inspector in the execution of”, insert instead :—
who—
(a) assaults, resists or obstructs; or
(b) uses threatening, abusive or insulting language to,
an inspector while the inspector is acting under
- (b) Section 16—
Omit “one hundred dollars”, insert instead “\$1,000”.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(19) Part IV, heading—

Omit the matter appearing after section 16 and before section 17, insert instead :—

PART IV.

CERTIFICATES OF COMPETENCY.

(20) (a) Section 17—

Omit “in any district” wherever occurring.

(b) Section 17 (4) (a)—

Omit “, after inquiry and examination as prescribed,”.

(c) Section 17 (6)—

Omit “with the decision of the Chief Inspector in respect of the issue or refusal to issue to him a certificate of competency under this section may appeal”, insert instead :—

with—

(a) a decision of the Chief Inspector in respect of—

(i) the issue to him of; or

(ii) the refusal to issue to him,

a certificate of competency under this section; or

(b) an order made in respect of his certificate of competency by the Chief Inspector under subsection (7A),

may appeal

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(d) Section 17 (6)—

After “conclusive”, insert “and shall be carried into effect by the Chief Inspector”.

(e) Section 17 (6)—

Omit “under this Act”.

(f) Section 17 (7)–(7B)—

Omit section 17 (7), insert instead :—

(7) Where, upon report by an inspector or otherwise, it appears to the Chief Inspector that the holder of a certificate of competency issued under this section has ceased to be sufficiently trustworthy or competent to hold his certificate of competency, the Chief Inspector may, by notice in writing served on the holder, require the holder to appear before him at a time and place specified in the notice to show cause why—

- (a) the certificate of competency issued to him should not be suspended or cancelled; or
- (b) the type or motive power of the power cranes or power hoists to which his certificate of competency relates or the purposes for which the power cranes or power hoists may be used should not be varied.

(7A) If the Chief Inspector is not satisfied with the matters, if any, put to him by the holder of a certificate of competency who has been served with a notice under subsection (7), he may, by order under his hand served on the holder—

- (a) suspend the certificate of competency for such period not exceeding 12 months as he may determine;

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) cancel the certificate of competency; or
- (c) vary the type or motive power of the power cranes or power hoists to which the certificate of competency relates or the purposes for which those power cranes or power hoists may be used.

(7B) A person whose certificate of competency has been suspended under subsection (7A) shall be deemed not to be the holder of the certificate of competency during the period of its suspension.

(g) Section 17 (8)—

Omit "Minister" wherever occurring, insert instead "Chief Inspector".

(h) Section 17 (8) (a)—

Omit "notification" wherever occurring, insert instead "order".

(i) Section 17 (8) (b)—

Omit "notice", insert instead "order".

(j) Section 17 (8A)–(8C)—

After section 17 (8), insert :—

(8A) Any person who is dissatisfied with—

- (a) an order made by the Chief Inspector under subsection (8) or with any condition of any such order; or
- (b) the refusal of the Chief Inspector to make an order under subsection (8),

may appeal to the Minister in accordance with the regulations.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(8B) After hearing an appeal under subsection (8A), the Minister may direct the Chief Inspector to revoke, alter or vary an order made under subsection (8) or to make such an order, as the case may require, and any such direction shall be carried into effect by the Chief Inspector.

(8C) The Minister may, in a direction given under subsection (8B), require the Chief Inspector to—

- (a) insert conditions specified in the direction in an order made under subsection (8) when altering or varying the order; or
- (b) make an order under subsection (8) that is specified in the direction.

(21) (a) Section 17A (1)—

Omit “, in any district,”.

(b) Section 17A (1)—

Omit “or crane chaser” wherever occurring, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

(c) Section 17A (1A), (1B)—

Omit “in any district” wherever occurring.

(d) Section 17A (1A) (c)—

Omit “of crane,”, insert instead “of crane;”.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(e) Section 17A (1A) (d), (e)—

After section 17A (1A) (c), insert :—

(d) as a diver or powderman and who acts as a diver or powderman, as the case may be, in relation to any type of construction work; or

(e) as an explosive-powered tool operator and who acts as an explosive-powered tool operator in relation to any type of explosive-powered tool,

(f) Section 17A (1A)—

Omit “or crane chaser” where lastly occurring, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

(g) Section 17A (1B) (a)—

Omit “or crane chaser”, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

(h) Section 17A (1B) (b) (iii)—

Omit “of crane,”, insert instead “of crane;”.

(i) Section 17A (1B) (b) (iv), (v)—

After section 17A (1B) (b) (iii), insert :—

(iv) as a diver or powderman, to act as a diver or powderman, as the case may be, in relation to any type of construction work; or

(v) as an explosive-powered tool operator, to act as an explosive-powered tool operator in relation to any type of explosive-powered tool,

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(j) Section 17A (1B)—

Omit “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.”, insert instead :—

other than those specified in the certificate of competency as a rigger, scaffolder, dogman, crane chaser, diver, powderman or explosive-powered tool operator, as the case may be, issued to him under this section, shall be guilty of an offence against this Act.

(k) Section 17A (2) (a)—

Omit “after inquiry and examination as prescribed”.

(l) Section 17A (2) (a)—

Omit “or crane chaser” wherever occurring, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

(m) Section 17A (2) (b) (iii)—

Omit “of crane,”, insert instead “of crane;”.

(n) Section 17A (2) (b) (iv), (v)—

After section 17A (2) (b) (iii), insert :—

(iv) as a diver or powderman, may specify the type of construction work; or

(v) as an explosive-powered tool operator, may specify the type of explosive-powered tool,

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continuea.*

(o) Section 17A (2) (b)—

Omit “or crane chaser” where lastly occurring, insert instead “, crane chaser, diver, powderman or explosive-powered tool operator”.

(p) Section 17A (4)—

Omit “with the decision of the Chief Inspector in respect of the issue or refusal to issue to him a certificate of competency under this section may appeal”, insert instead :—

with—

(a) a decision of the Chief Inspector in respect of—

(i) the issue to him of; or

(ii) the refusal to issue to him,

a certificate of competency under this section; or

(b) an order made in respect of his certificate of competency by the Chief Inspector under subsection (5AA),

may appeal

(q) Section 17A (4)—

After “conclusive”, insert “and shall be carried into effect by the Chief Inspector”.

(r) Section 17A (5)–(5AB)—

Omit section 17A (5), insert instead :—

(5) Where, upon report of an inspector or otherwise, it appears to the Chief Inspector that the holder of a certificate of competency issued under this section

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

has ceased to be sufficiently trustworthy or competent to hold his certificate of competency, the Chief Inspector may, by notice in writing served on the holder, require the holder to appear before him at a time and place specified in the notice to show cause why—

- (a) the certificate of competency issued to him should not be suspended or cancelled; or
- (b) the type of building, structure, crane or hoist, the type of scaffolding, the type of crane, the type of construction work or the type of explosive-powered tool to which his certificate of competency relates should not be varied.

(5AA) If the Chief Inspector is not satisfied with the matters, if any, put to him by the holder of a certificate of competency who has been served with a notice under subsection (5), he may, by order under his hand served on the holder—

- (a) suspend the certificate of competency for such period not exceeding 12 months as he may determine;
- (b) cancel the certificate of competency; or
- (c) vary the type of building, structure, crane or hoist, the type of scaffolding, the type of crane, the type of construction work or the type of explosive-powered tool to which the certificate of competency relates.

(5AB) A person whose certificate of competency has been suspended under subsection (5AA) shall be deemed not to be the holder of the certificate of competency during the period of its suspension.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(s) Section 17A (5A)—

Omit “Minister” wherever occurring, insert instead “Chief Inspector”.

(t) Section 17A (5A) (a)—

Omit “notification” wherever occurring, insert instead “order”.

(u) Section 17A (5A) (a) (iii)—

Omit “specified.”, insert instead “specified;”.

(v) Section 17A (5A) (a) (iv), (v)—

After section 17A (5A) (a) (iii), insert :—

(iv) persons acting as divers or powdermen in relation to any type of construction work specified in the order, from the operation of the provisions of subsections (1) and (1A) 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) in respect of persons acting as divers or powdermen, as the case may be, in relation to the type of construction work so specified; or

(v) persons acting as explosive-powered tool operators in relation to any type of explosive-powered tool specified in the order, from the operation of the provisions of subsections (1) and (1A) 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) in respect of

Scaffolding and Lifts (Amendment)

SCHEDULE 1—*continued*.AMENDMENTS TO THE PRINCIPAL ACT—*continued*.

persons acting as explosive-powered tool operators, in relation to the type of explosive-powered tool so specified.

(w) Section 17A (5A) (b)—

Omit “notice”, insert instead “order”.

(x) Section 17A (5A) (b) (iii)—

Omit “crane.”, insert instead “crane;”.

(y) Section 17A (5A) (b) (iv), (v)—

After section 17A (5A) (b) (iii), insert :—

(iv) to the person carrying out or proposing to carry out any particular construction work exempt persons acting as divers, powdermen or explosive-powered tool operators in relation to the construction work from the operation of the provisions of subsections (1) and (1A) 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) in respect of persons acting as divers, powdermen or explosive-powered tool operators, as the case may be, in relation to that particular construction work; or

(v) to the owner of any particular explosive-powered tool exempt persons acting as explosive-powered tool operators in relation to the tool from the operation of the provisions of subsections (1) and (1A) 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)

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

in respect of persons acting as explosive-powered tool operators in relation to that particular explosive-powered tool.

(z) Section 17A (5BA)–(5BC)—

After section 17A (5A), insert :—

(5BA) Any person who is dissatisfied with—

- (a) an order made by the Chief Inspector under subsection (5A) or with any condition of any such order; or
- (b) the refusal of the Chief Inspector to make an order under subsection (5A),

may appeal to the Minister in accordance with the regulations.

(5BB) After hearing an appeal under subsection (5BA), the Minister may direct the Chief Inspector to revoke, alter or vary an order made under subsection (5A) or to make such an order, as the case may require, and any such direction shall be carried into effect by the Chief Inspector.

(5BC) The Minister may, in a direction given under subsection (5BB), require the Chief Inspector to—

- (a) insert conditions specified in the direction in an order made under subsection (5A) when altering or varying the order; or
- (b) make an order under subsection (5A) that is specified in the direction.

(aa) Section 17A (5B)—

Omit “or crane chaser” wherever occurring, insert instead “, crane chaser, diver or powderman”.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(ab) Section 17A (5C)—

After section 17A (5B), insert :—

(5C) Nothing in subsection (1) or (1B) shall apply to or in respect of any work done by a person using an explosive-powered tool in prescribed circumstances.

(ac) Section 17A (6)—

Omit the subsection, insert instead :—

(6) In this section—

“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.

“Diver” means a diver carrying out diving work.

“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.

“Powderman” means a person engaged in the preparation or firing of charges of explosives in the course of construction work.

“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 those members, for dismantling or demolishing buildings or structures, other than scaffolding, or for setting up or dismantling cranes or hoists.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

“Scaffolder” means a person engaged in the work of erecting, altering or demolishing scaffolding which is so placed that a person or object falling therefrom could fall a distance of 3 metres or more.

(22) Section 17B—

After section 17A, insert :—

17B. (1) Where the Chief Inspector makes an order under section 17 (7A) or 17A (5AA), he may, in the order, require the person to whom the certificate of competency to which the order relates was issued to deliver the certificate of competency to him within a time specified in the order for the purpose of the certificate of competency being endorsed or cancelled. ^{Endorsement of certificates.}

(2) A person who, without reasonable excuse, fails to comply with a requirement made under subsection (1) shall be liable to a penalty not exceeding \$100.

(23) Part V, heading—

From the matter “PART VI.—MISCELLANEOUS.” before section 18, omit “VI”, insert instead “V”.

(24) (a) Section 18—

After “conveyor,” wherever occurring, insert “escalator, moving walk,”.

(b) Section 18 (1)—

Omit “, building work, excavation work, or compressed air”, insert instead “or construction”.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 18 (1) (c)—

Omit “, building work, excavation work or compressed air”, insert instead “or construction”.

(d) Section 18 (1)—

After “of such conveyor”, insert “, escalator, moving walk,”.

(e) Section 18 (1)—

Omit “contractor”, insert instead “constructor”.

(f) Section 18 (1)—

Omit “such building work, excavation work or compressed air”, insert instead “the construction”.

(g) Section 18 (3)—

Omit “two hundred dollars”, insert instead “\$500”.

(25) Section 18A—

After section 18, insert :—

Exemptions.

18A. Where the regulations so provide, a specified person or a specified class of persons is, subject to such conditions as are prescribed, exempt from the operation of section 6, 6A, 10, 17 or 17A.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(26) (a) Section 19 (b)—

Omit the paragraph, insert instead :—

(b) acting as a crane chaser, diver, dogman, explosive-powered tool operator, powderman, rigger or scaffolder (in each case, within the meaning of section 17A); or

(b) Section 19 (c)—

Omit “building work, compressed air work, excavation”, insert instead “construction”.

(c) Section 19 (c)—

After “conveyor,” insert “escalator, moving walk.”.

(27) (a) Section 21 (1)—

Omit “two hundred dollars”, insert instead “\$1,000”.

(b) Section 21 (3)—

Omit “building work, excavation work or compressed air”, insert instead “construction”.

(c) Section 21 (3)—

Omit “contractor for”, insert instead “constructor of”.

(28) Sections 21A, 21B—

After section 21, insert :—

21A. In proceedings for an offence against this Act or Proof of the regulations a printed document that is or purports to be standards. a standard rule, code or specification of a body or authority referred to in section 22 (3) and that has been or purports

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

to have been published or issued by or on behalf of that body or authority is admissible as evidence in those proceedings and, in the absence of evidence to the contrary, is proof of that standard rule, code or specification.

Forgery of
certificates
or permits,
etc.

21B. (1) A person who—

- (a) forges or counterfeits any instrument that purports to have been issued, made or granted under this Act or the regulations;
- (b) knowingly utters or makes use of any instrument so forged or counterfeited;
- (c) personates any person named in an instrument that has in fact been so issued, made or granted;
or
- (d) falsely pretends to be an inspector,

shall be guilty of an offence against this Act and be liable to imprisonment for a term not exceeding 12 months.

(2) A person who—

- (a) wilfully makes a false entry in any book, register, notice, certificate, list, record or document required by this Act or the regulations to be kept or served;
- (b) wilfully makes or signs a false return under this Act or the regulations;
- (c) wilfully makes or signs any false statement—
 - (i) in any application; or
 - (ii) in any notice required to be given by him, under this Act or the regulations; or
- (d) knowingly makes use of any false entry, return or statement referred to in paragraph (a), (b) or (c),

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

shall be guilty of an offence against this Act and be liable to a penalty not exceeding \$500 for each offence, or to be imprisoned for a term not exceeding 3 months.

(29) (a) Section 22 (2) (a)—

Omit “lift or conveyor”, insert instead “conveyor, escalator, moving walk or lift”.

(b) Section 22 (2)—

Omit “building work, excavation work or compressed air” wherever occurring, insert instead “construction”.

(c) Section 22 (2) (b)—

Omit “lift, conveyor”, insert instead “conveyor, escalator, moving walk, lift”.

(d) Section 22 (2) (c)—

Omit the paragraph.

(e) Section 22 (2) (d)—

Omit “lift or conveyor”, insert instead “conveyor, escalator, moving walk or lift”.

(f) Section 22 (2) (e)—

After “conveyors,”, insert “escalators, moving walks,”.

(g) Section 22 (2) (f) (i)—

Omit “lifts or conveyors”, insert instead “conveyors, escalators, moving walks or lifts”.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(h) Section 22 (2) (f) (ii)—

After “conveyors,” wherever occurring, insert “escalators, moving walks,”.

(i) Section 22 (2) (f) (iii), (iv)—

Omit the subparagraphs, insert instead :—

(iii) applications for the issue and renewal of certificates of competency as power crane or power hoist drivers;

(iv) applications for the issue and renewal of certificates of competency as riggers, dogmen, scaffolders, crane chasers, divers, powdermen and explosive-powered tool operators;

(j) Section 22 (2) (f) (vi)—

Omit “or crane chasers”, insert instead “, crane chasers, divers or powdermen”.

(k) Section 22 (2) (f) (vii)—

After section 22 (2) (f) (vi), insert :—

(vii) the setting up, building or setting or placing in position of any crane, hoist, plant or scaffolding or the erection or alteration of any conveyor, escalator, moving walk or lift in any case where notice of intention in relation thereto is, or is required to be, given under this Act;

(l) Section 22 (2) (g)—

After “conveyors,” wherever occurring, insert “escalators, moving walks,”.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (m) Section 22 (2) (g) (ii)—
After “conveyors”, insert “, escalators, moving walks”.
- (n) Section 22 (2) (g) (ii)—
Omit “and crane chasers”, insert instead “, crane chasers, divers, powdermen and explosive-powered tool operators”.
- (o) Section 22 (2) (g1)—
Omit “diver, diver’s attendant or powderman”, insert instead “diver’s attendant”.
- (p) Section 22 (2) (g1) (i)—
Omit “divers, divers’ attendants and powdermen”, insert instead “divers’ attendants”.
- (q) Section 22 (2) (g1) (i)—
Omit “and issue”, insert instead “, issue and renewal”.
- (r) Section 22 (2) (g1) (ii)—
After “issue”, insert “and renewal”.
- (s) Section 22 (2) (g2)—
After section 22 (2) (g1), insert :—
(g2) prescribing the terms for which certificates of competency issued under section 17 or 17A or any renewals thereof shall be in force and providing for renewal of any such certificate of competency;
- (t) Section 22 (3)—
After “conveyors,” insert “escalators, moving walks,”.

Scaffolding and Lifts (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(u) Section 22 (3A) (f)—

Omit “contractors”, insert instead “constructors”.

(v) Section 22 (3B)—

Omit the subsection.

(w) Section 22 (3D)—

After section 22 (3C), insert :—

(3D) A regulation may—

- (a) apply differently according to such factors as may be specified in the regulation; and
- (b) impose duties upon constructors, contractors, principal contractors, sub-contractors or other persons.

(x) Section 22 (4)—

Omit “two hundred dollars”, insert instead “\$500”.

(y) Section 22 (5)—

Omit the subsection, insert instead :—

(5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

Scaffolding and Lifts (Amendment).

SCHEDULE 2.
AMENDMENTS TO OTHER ACTS.

Sec. 5 (2).

| Column 1. | | Column 2. |
|-------------------------|--|---|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1919, No. 41 .. | Local Government Act, 1919. | Section 10 (1)— Omit "Scaffolding and Lifts", insert instead "Construction Safety". |
| 1962, No. 43 .. | Factories, Shops and Industries Act, 1962. | Section 6 (2)— Omit "Scaffolding and Lifts", insert instead "Construction Safety". Section 33 (4)— Omit "in any district or area in which the Scaffolding and Lifts Act, 1912, as amended by subsequent Acts, has effect", insert instead "to which the Construction Safety Act, 1912, applies". Omit "the said Act, as so amended", insert instead "that Act". |
| 1975, No. 68 .. | Dangerous Goods Act, 1975. | Section 5 (3)— Omit "Scaffolding and Lifts", insert instead "Construction Safety". |