



Australian Capital Territory

Scaffolding and Lifts Act 1912

A1912-38

Republication No 4

Effective: 9 April 2004 – 31 August 2004

Republication date: 9 April 2004

Last amendment made by A2004-15

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Scaffolding and Lifts Act 1912* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 9 April 2004. It also includes any amendment, repeal or expiry affecting the republished law to 9 April 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Scaffolding and Lifts Act 1912

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R4
09/04/04

Scaffolding and Lifts Act 1912
Effective: 09/04/04-31/08/04

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Australian Capital Territory

Scaffolding and Lifts Act 1912

An Act about scaffolding, lifts, cranes, building, excavation and compressed air work

R4
09/04/04

Scaffolding and Lifts Act 1912
Effective: 09/04/04-31/08/04

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Part 1 Preliminary

1 Name of Act

This Act is the *Scaffolding and Lifts Act 1912*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001, s 155 and s 156 (1)*).

3 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See *Legislation Act 2001, s 127 (1), (4) and (5)* for the legal status of notes.

4 Semidetached buildings

For this Act, each building in a pair of semidetached buildings shall be deemed to be a separate building.

Part 1A Administration

5 Chief inspector

The Minister may appoint a Chief Inspector of Scaffolding and Lifts (the *chief inspector*) for this Act.

5A Inspectors

- (1) The Minister may appoint inspectors for this Act.
- (2) The chief inspector is also an inspector.

Part 2 Cranes, hoists, plant and scaffolding and building, excavation and compressed air work

U 6 Notices about erection of scaffolding and starting of building work etc

- (1) Every person before starting—
- (a) to carry out any building work, excavation work or compressed air work in which any crane, hoist, plant or scaffolding is to be used; or
 - (b) to set up or build or set or place in position in connection with any building work, excavation work or compressed air work any crane, hoist, plant or scaffolding that had not been previously used in the ACT in connection with any such work; or
 - (c) to set up or build or set or place in position any crane, hoist, or scaffolding otherwise than as referred to in paragraphs (a) and (b);

shall serve on the chief inspector written notice of the person's intention so to do by posting the notice to the chief inspector or leaving it at the address the Minister may, in writing, direct, at least 24 hours before starting to carry out the building work, excavation work or compressed air work, or to set up or build or set or place in position the crane, hoist, plant or scaffolding.

Maximum penalty: 20 penalty units.

- (2) A direction under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

-
- (3) It shall not be necessary to allow any time to elapse after the service of a notice under subsection (1) in the case of an emergency arising from damage caused by lightning, explosion, fire, or rain.
- (4) The provisions of this section shall not apply to or in relation to—
- (a) any scaffolding that—
 - (i) is used in connection with ships in dock or on slips or in the erection or demolition of stacks of timber, goods or materials; or
 - (ii) is so placed that a person or object falling from it could not fall a distance of more than 1.8m; or
 - (b) the demolition of—
 - (i) a 1 storey building if the height of the building measured from the ground level at the lowest point (or, if a floor of the building is below the ground level at the lowest point, the lowest floor) to its highest point is not more than 4.6m; or
 - (ii) a structure if the height of the structure measured from its lowest point (the ground level at the lowest point) to its highest point is not more than 4.6m; or
 - (c) any building work in connection with a dwelling house if the work is carried out by the owner or occupier of the dwelling house without assistance from any other person; or
 - (d) building work, other than building work in relation to a single private dwelling house if the costs of the work does not exceed \$2 000; or
 - (e) building work in relation to a single private dwelling house if the cost of the work does not exceed \$55 000.
- (5) In this section:
cost, of building work—see the *Building Act 1972*, section 58AA.

Part 3 Lifts

10 Notice of erection of lift

Every person before starting to erect a lift shall serve on the chief inspector written notice of the person's intention to start erecting the lift at least 24 hours before starting.

Maximum penalty: 10 penalty units.

12A Smoking prohibited in lifts

- (1) The lessee of a building containing a passenger lift shall ensure—
 - (a) that a notice bearing the words 'SMOKING IS PROHIBITED', or words to the like effect, is at all times displayed in a prominent part of the car of the lift; and
 - (b) that the notice is clearly visible and readily legible from the inside of the car.

Maximum penalty: 5 penalty units.

- (2) A person using a passenger lift where such a notice is displayed shall not smoke in the car of the lift.

Maximum penalty: 1 penalty unit.

- (3) It is a defence to a prosecution for an offence against subsection (1) that the commission of the offence arose out of the act of a person other than an employee of the defendant, being an act done without the knowledge or consent of the defendant.

Part 4 Inspection

13 Powers of inspectors

Every inspector shall have power—

- (a) to inspect and examine any lift, scaffolding, crane, hoist, plant or gear constructed or used, or in course of construction, or any building work, excavation work or compressed air work, and for that purpose may enter any building, place or premises at all reasonable times; and
- (b) to make the examination and inquiries the inspector considers necessary to ascertain whether the requirements of this Act are being or have been complied with.

15 Inspector may give directions about scaffolding etc

- (1) If it appears to an inspector—
 - (a) that the use of any lift or any scaffolding or crane or hoist or plant, or any gear used in connection with them or the way of carrying out any building work, excavation work or compressed air work would be dangerous to human life or limb; or
 - (b) that, with regard to any lift or any scaffolding or crane or hoist or plant or gear used in connection with them erected or used or in course of erection or any building work, excavation work or compressed air work, the regulations are not being complied with;

the inspector may give the written directions to the owner of or person using the lift or to the owner of or the person in charge or apparently in charge of the scaffolding, crane, hoist, plant, or gear or to the owner, contractor, person in charge or apparently in charge of the building work, excavation work or compressed air work that the

inspector considers necessary to prevent accidents or to ensure a compliance with the regulations.

- (2) The person must comply with the direction unless the person appeals against it in accordance with subsection (6).
- (3) If an inspector gives any directions under subsection (1) because of subsection (1) (a), the inspector may at the time of giving the directions or subsequently order—
 - (a) the owner of or any persons using the lift in relation to which the directions are given forthwith to cease using the lift; or
 - (b) order the owner of or any persons working or using any scaffolding, crane, hoist, plant or gear in relation to which the directions are given to cease working or using the scaffolding, crane, hoist, plant or gear; or
 - (c) order the contractor or person in charge or apparently in charge of any building work, excavation work or compressed air work in relation to which the directions are given to discontinue the work.
- (4) Any order, or variation of the order given under subsection (3), shall unless sooner revoked have effect until the directions have or any order on appeal from them has been complied with.
- (5) Any order given under subsection (3) may specify the measures to be taken by the person to whom it is given to implement the order.
- (6) A person to whom directions have been given under this section may, within 24 hours after the directions have been given, appeal against the directions to the Minister.
- (7) A person who appeals against the directions of an inspector under subsection (6) shall give notice of the appeal to the inspector.
- (8) The Minister shall hear and determine the appeal with all reasonable dispatch and shall, by written order given to the appellant (which

order shall be final and conclusive), affirm, vary or rescind the direction.

- (9) A person must not fail to comply with—
- (a) a direction or order given to the person by an inspector under this section; or
 - (b) an order made by the Minister under this section.

Maximum penalty: 50 penalty units.

- (10) In this section:

the Minister includes a person authorised by the Minister to hear appeals under this section.

Part 5 Miscellaneous

18 Notice of accidents

- (1) If an accident occurs in connection with any crane, hoist, lift, plant, scaffolding, gear, building work, excavation work, or compressed air work, and the accident—
- (a) causes loss of life or serious personal injury; or
 - (b) is an accident involving any breakage, distortion, or damage to any loadbearing member or part of a crane, hoist, lift, plant, scaffolding, gear or supporting structure; or
 - (c) so disables any person working on or about the crane, hoist, lift, plant, scaffolding, gear, building work, excavation work, or compressed air work as to prevent the person from returning to work within 48 hours after the accident;

written notice of the accident shall forthwith be given to the chief inspector by the owner or person in charge of the crane, hoist, lift, plant, scaffolding or gear or by the person in charge of or contractor for the building work, excavation work or compressed air work, and the chief inspector shall, in addition, be notified orally of an accident to which paragraph (a) applies, as soon as possible after its occurrence.

Maximum penalty: 20 penalty units.

- (2) No person shall move or in any way interfere with any crane, hoist, lift, plant, scaffolding, gear, or supporting structure, or part of it involved in any accident referred to in subsection (1), or any object, article, or thing whatsoever affected or damaged as a result of the accident, unless and until the person has obtained the permission of the chief inspector or an inspector so to do.

Maximum penalty: 20 penalty units.

- (3) However, subsection (2) does not apply if any such movement or interference is necessary to aid or relieve any person involved in any accident or to prevent further injury to person or property.

19 Act not to affect rights of person to recover damages

Nothing in this Act operates to prejudice or affect any right that, if this Act had not been enacted, a person would have had to recover damages, take any suit or proceeding, or receive any payment or compensation in relation to any injury sustained by the person while—

- (a) driving—
- (i) any power crane; or
 - (ii) any power hoist used in building work or excavation work; or
 - (iii) any other power hoist controlled or operated from a platform, seat, cage or cab attached to or moving with the hoist unit; or
- (b) acting as a rigger, dogger, scaffolder or crane chaser; or
- (c) engaged in any building work, compressed air work, excavation work or in work in connection with any crane, gear, hoist, lift, plant, scaffolding or supporting structure to which any of the provisions of this Act apply.

20 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see *Legislation Act 2001*, s 255.

- (3) An approved form is notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

21 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) Without limiting subsection (1), a fee may be determined for or in relation to—
- (a) applications for permits to erect lifts; and
 - (b) applications for learners permits; and
 - (c) reviewing the designs and descriptions of cranes, hoists, lifts, plant, scaffolding and gear; and
 - (d) the inspection and testing of cranes, hoists, lifts, plant, scaffolding and gear; and
 - (e) the notification of intention to begin building work, excavation work or compressed air work.
- (3) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

24 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislation Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision—
- (a) prescribing all matters necessary or convenient to be prescribed in relation to notices of intention to set up or build or set or place in position any crane, hoist, plant or scaffolding or to erect any lift or to carry out any building work, excavation work or compressed air work; and

- (b) prohibiting the erection or alteration of any lift, crane, or hoist without the permission of the chief inspector, and prescribing all matters necessary or convenient to be prescribed in connection with applications for the permission, and the plans and descriptions and other particulars to be lodged with the applications; and
- (d) requiring that notice shall be given to the chief inspector if the ownership or right of control of a lift has been changed by sale, transfer or otherwise; and
- (e) requiring cranes, hoists and lifts to be registered and prescribing matters in relation to their registration; and
- (g) relating to—
 - (i) the proper design, construction, erection, use and maintenance of cranes, hoists, lifts, plant, scaffolding and gear; and
 - (ii) the duties of persons in charge of lifts, drivers of power cranes and power hoists and of riggers, doggers, scaffolders and crane chasers; and
 - (iii) the duties of persons in charge of or engaged in the erection, use, maintenance, or dismantling of cranes, hoists, lifts, plant or scaffolding; and
 - (iv) the way of carrying out building work, excavation work or compressed air work; and
 - (v) safeguards and measures to be taken for securing the safety and health of persons engaged in building work, excavation work or compressed air work, or at or in connection with cranes, hoists, lifts, plant, scaffolding or gear; and
 - (vi) the qualifications, powers and duties of the chief inspector and inspectors; and

- (h) prescribing the precautions and measures to be taken for securing the safety of persons if the roof of any building or structure, whether constructed or in course of construction, is, or is intended to be, sheathed with asbestos cement or other brittle material.
- (3) The regulations may adopt wholly or partially either specifically or by reference any of the standard rules, codes or specifications of Standards Australia, the British Standards Institution or other recognised authority relating to the design, construction, erection, use or maintenance of cranes, hoists, lifts, plant, scaffolding or gear.
- (4) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Dictionary

(see s 2)

area, of a building, means—

- (a) for a 1 storey building—the area measured between the outer surfaces of the walls at the floor level of the building; or
- (b) for a multistorey building—the total of the areas measured between the outer surfaces of the walls, at the floor level of each storey;

and includes the area of a garage, carport, verandah or other structure, whether or not it is attached to or forms part of the building.

automatic lift means any lift comprising a car or platform running between guides and capable of being operated from any landing, place or position outside the confines of the car or platform.

building work means work in constructing, erecting, adding to, altering, repairing, equipping, finishing, painting, cleaning or demolishing that, when done in relation to a building or structure, is done at or adjacent to the site of the building or structure and that, when done in relation to a ship, is done on or adjacent to a ship in dock or on slips.

chief inspector—see section 5.

compressed air work includes any work done by any person in air the atmospheric pressure of which exceeds 1 atmosphere.

contractor means a person, firm, partnership, company, or corporation employing any person to perform any building work excavation work or compressed air work.

crane means derrick crane, jib crane, cantilever crane, overhead travelling crane, bridge or gantry crane, locomotive crane, mobile crane, power shovel, excavator, charging crane, flying fox, or any

other apparatus or contrivance used or capable of being used for raising, lowering, handling or transporting loads in like way, and includes the supporting structure and the gear used in connection with the crane, but does not include a lift or hoist.

crane chaser means a person employed to attend and sling loads, and to control the movements of loads, handled by a crane if the loads are usually at all times in full view of the crane driver.

credit card includes debit card.

dogger means a person directly responsible for slinging and controlling the movement of loads by a crane if the loads are not usually at all times in full view of the crane driver.

excavation work includes any work in relation to—

- (a) excavating for or preparing foundations for a building or structure; or
- (b) tunnelling; or
- (c) the sinking or digging of a shaft or well; or
- (d) excavating for water, sewerage, drainage, gas or electricity supply;

but does not include an excavation less than 1.5m deep (measured from the top of the excavation).

gear includes ladder, plank, chain, rope, hook, sling, hanger, yoke, fastening, shackle, slipring, turnbuckle, stay, brace, block, bracket, pulley, kibble, box, bucket, grab, hose, electrical conductor or fitting, or other equipment used in connection with scaffolding, a lift, crane, hoist, or plant, or building working, excavation work, or compressed air work.

hoist means hoist or hoisting appliance, sheerlegs, derrick pole or other apparatus or contrivance used or capable of being used for raising, lowering, handling, or transporting loads in like way and includes a pile-driver or tilter and the supporting structure and the

gear used in connection with the hoist, but does not include crane or lift.

inspector means a person who is an inspector under section 5A.

lift means apparatus or contrivance within or attached to a building or structure worked by any power other than hand by which persons or goods are raised or lowered, and includes the supporting structure, machinery, equipment, gear and enclosures used in connection with the lift, but does not include crane or hoist.

owner, of any crane, gear, hoist, lift, plant, or scaffolding, includes the owner, mortgagee in possession, lessee, hirer, or borrower of it.

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

plant means—

- (a) any machine or machinery driven by other than manual power; and
- (b) any airlock and welding equipment;

used or intended for use in building work, excavation work, or compressed air work, and the gear used in connection with and the supporting structure of the plant, but does not include crane, hoist or lift.

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

power hoist means any hoist driven by other than manual power.

rigger means a person directly in charge of—

- (a) the initial work of erecting or placing in position the members of any type of structure other than scaffolding; or
- (b) dismantling or demolishing structures other than scaffolding; or

- (c) setting up cranes or hoists.

scaffolder means a person engaged in the work of erecting, altering or demolishing scaffolding if a person or object falling from the scaffolding could fall a distance of 4m or more.

scaffolding means structure, staging, platform, or swinging stage or boatswain's chair set up or used for or in connection with the carrying out of—

- (a) building work; or
- (b) the erection or dismantling of machinery, plant or equipment; or
- (c) the erection or demolition of stacks of timber, goods or materials;

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

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

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

This Act was originally a NSW Act—the *Scaffolding and Lifts Act 1912* No 38 (NSW).

The *Scaffolding and Lifts Act 1912* (NSW) was applied, in a modified form, as an ACT law by the *Scaffolding and Lifts Act 1957* (now repealed).

Under the *Interpretation Act 1967* (repealed), s 65 all former NSW Acts in force in the ACT immediately before 10 November 1999 (including this Act) became, for all purposes, laws made by the ACT Legislative Assembly. This completed the process of making former NSW Acts fully into ACT laws.

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

NSW legislation

Scaffolding and Lifts Act 1912 No 38

assented to 26 November 1912

commenced 26 November 1912

as amended by

Factories and Shops (Amendment) Act 1936 No 37 s 5

assented to 23 July 1936

s 5 commenced 31 July 1936 (s 1 (4) and NSW Gaz 1936 No 122)

Statute Law Revision Act 1937 No 35 sch 2

assented to 23 December 1937

sch 2 commenced 23 December 1937

Scaffolding and Lifts (Amendment) Act 1942 No 35

assented to 24 December 1942

commenced 18 January 1943 (s 1 (4) and NSW Gaz 1943 No 8)

Scaffolding and Lifts (Amendment) Act 1948 No 38

assented to 14 December 1948

commenced 1 June 1950 (s 1 (4) and NSW Gaz 1950 No 85)

Commonwealth legislation

Scaffolding and Lifts Act 1957 No 8 sch pt 1 (as am by ord 1966 No 19 s 7; ord 1974 No 26; ord 1976 No 7; ord 1977 No 28; ord 1978 No 17; ord 1981 No 15; ord 1983 No 34 s 5; ord 1989 No 38 sch 1)
notified 19 September 1957 (Cwlth Gaz 1957 No 51)
commenced 19 September 1957

Ordinances Revision (Decimal Currency) Ordinance 1966 No 19 s 7
notified 23 December 1966 (Cwlth Gaz 1966 No 109)
commenced 23 December 1966

Note This ordinance only amends the Scaffolding and Lifts Act 1957 No 8.

Scaffolding and Lifts Ordinance 1974 No 26
notified 30 July 1974 (Cwlth Gaz 1974 No 62)
commenced 30 July 1974

Note This ordinance only amends the Scaffolding and Lifts Act 1957 No 8.

Scaffolding and Lifts Ordinance 1976 No 7
notified 24 February 1976 (Cwlth Gaz 1976 No S38)
commenced 24 February 1976

Note This ordinance only amends the Scaffolding and Lifts Act 1957 No 8.

Scaffolding and Lifts (Amendment) Ordinance 1977 No 28
notified 1 July 1977 (Cwlth Gaz 1977 No S124)
commenced 1 July 1977

Note This ordinance only amends the Scaffolding and Lifts Act 1957 No 8.

Scaffolding and Lifts (Amendment) Ordinance 1978 No 17
notified 4 July 1978 (Cwlth Gaz 1978 No G26)
commenced 4 July 1978

Note This ordinance only amends the Scaffolding and Lifts Act 1957 No 8.

Endnotes

3 Legislation history

Scaffolding and Lifts (Amendment) Ordinance 1981 No 15

notified 30 June 1981 (Cwlth Gaz 1981 No S128)
commenced 30 June 1981

Note This ordinance only amends the Scaffolding and Lifts Act 1957 No 8.

Scaffolding and Lifts (Amendment) Ordinance 1983 No 34

notified 29 September 1983 (Cwlth Gaz 1983 No S226)
commenced 1 October 1983 (s 2)

Note This ordinance only amends the Scaffolding and Lifts Act 1957 No 8.

Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1

notified 10 May 1989 (Cwlth Gaz 1989 No S160)
s 1, s 2 commenced 10 May 1989 (s 2 (1))
sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

Note This ordinance only amends the Scaffolding and Lifts Act 1957 No 8.

Legislation after becoming Territory enactment

Statute Law Revision (Penalties) Act 1994 No 81 sch

notified 29 November 1994 (Gaz 1994 No S253)
s 1, s 2 commenced 29 November 1994 (s 2 (1))
sch commenced 29 November 1994 (s 2 and Gaz 1994 No S269)

Statute Law Revision Act 1995 No 46 sch

notified 18 December 1995 (Gaz 1995 No S306)
amnds commenced 18 December 1995 (s 2)

Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)
s 1, s 2 commenced 27 November 1998 (s 2 (1))
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

Utilities (Consequential Provisions) Act 2000 No 66 sch 1 pt 15

notified 20 December 2000 (Gaz 2000 No S68)
s 1, s 2 commenced 20 December 2001 (IA s 10B)
sch 1 pt 15 commenced 1 January 2001 (s 2 (1) and Gaz 2000 No S69)

Statute Law Amendment Act 2001 No 11 sch 3

notified 29 March 2001 (Gaz 2001 No 13)
 commenced 29 March 2001 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 358

notified 26 July 2001 (Gaz 2001 No 30)
 s 1, s 2 commenced 26 July 2001 (IA s 10B)
 pt 358 commenced 12 September 2001 (s 2 and see Gaz 2001
 No S65)

**Construction Occupations Legislation Amendment Act 2004 A2004-13 sch 2
 pt 2.25**

notified LR 26 March 2004
 s 1, s 2 commenced 26 March 2004 (LA s 75 (1))
sch 2 pt 2.25 awaiting commencement (s 2 and see Construction
 Occupations (Licensing) Act 2004 A2004-12 s 2)
Note default commencement under LA s 79: 26 September 2004

**Criminal Code (Theft, Fraud, Bribery and Related Offences)
 Amendment Act 2004 A2004-15 sch 2 pt 2.84**

notified LR 26 March 2004
 s 1, s 2 commenced 26 March 2004 (LA s 75 (1))
 sch 2 pt 2.84 commenced 9 April 2004 (s 2 (1))

4 Amendment history**Title**

title sub 2001 No 11 amdt 3.199

Name of Act

s 1 am 1942 No 35 s 6; 1948 No 38 s 6; 1957 No 8 sch pt 1
 (as am 1977 No 28 s 4)
 sub 2001 No 11 amdt 3.200

Dictionary

s 2 om 1957 No 8 sch pt 1
 ins 2001 No 11 amdt 3.201

Endnotes

4 Amendment history

Notes

s 3

orig s 3 am 1957 No 8 sch pt 1 (as am 1974 No 26 s 2)
defs reloc to dict 2001 No 11 amdt 3.202
am 2001 No 11 amdt 3.203, amdt 3.206
s 3 (2) renum as s 4 2001 No 44 amdt 3.204
pres s 3 ins 2001 No 11 amdt 3.201
def **approved plans and specifications** ins 1957 No 8 sch
pt 1 (as am 1974 No 26 s 2)
om 2001 No 11 amdt 3.203
def **authorised attendant** am 1942 No 35 s 2
om 2001 No 11 amdt 3.203
def **automatically controlled lift** am 1942 No 35 s 2
om 1948 No 38 s 2
def **chief inspector** ins 1942 No 35 s 2
sub 1957 No 8 sch pt 1 (as am 1974 No 26 s 2)
om 2001 No 11 amdt 3.203
def **commercial building work** ins 1957 No 8 sch pt 1 (as am
1974 No 26 s 2; as om 1977 No 28 s 5)
def **cost** ins 1957 No 8 sch pt 1 (as am 1974 No 26 s 2; 1977
No 28 s 5)
om 2001 No 11 amdt 3.203
def **dogman** ins 1957 No 8 sch pt 1
om 2001 No 11 amdt 3.203
def **engine** am 1942 No 35 s 2
sub 1942 No 35 s 2
om 1948 No 38 s 2
def **excavation work** ins 1948 No 38 s 2
am 2000 No 66 sch 1 pt 15
om 2001 No 11 amdt 3.203
def **horizontal base** am 1942 No 35 s 2
om 1942 No 35 s 2
def **inspector** am 1942 No 35 s 2
sub 1957 No 8 sch pt 1
om 2001 No 11 amdt 3.203
def **network facility** ins 2000 No 60 sch 1 pt 15
om 2001 No 11 amdt 3.203
def **prescribed** ins 1942 No 35 s 2
om 2001 No 11 amdt 3.203
def **residential building work** ins 1957 No 8 sch pt 1 (as am
1974 No 26 s 2; as om 1977 No 28 s 5)
def **scaffolder** ins 1957 No 8 sch pt 1 (as am 1974 No 26 s 2)
om 2001 No 11 amdt 3.203
def **steam crane** am 1942 No 35 s 2
om 1942 No 1942 s 2
def **the building regulations** ins 1957 No 8 sch pt 1 (as am
1974 No 26 s 2)
om 2001 No 11 amdt 3.203

Semidetached buildings

s 4 hdg ins 2001 No 11 amdt 3.205
 s 4 orig s 4 om 1957 No 8 sch pt 1
 (prev s 3 (2)) renum 2001 No 11 amdt 3.204

Act not to apply to certain cranes, lifts, building work etc

s 4A ins 1948 No 38 s 2
 om 1957 No 8 sch pt 1

Act to bind Crown

s 4B ins 1948 No 38 s 2
 om 1957 No 8 sch pt 1

Administration

pt 1A hdg ins 2001 No 11 amdt 3.207

Chief inspector

s 5 am 1942 No 34 s 3
 om 1957 No 8 sch pt 1
 ins 2001 No 11 amdt 3.207

Inspectors

s 5A ins 1948 No 38 s 2
 om 1957 No 8 sch pt 1
 ins 2001 No 11 amdt 3.207

Cranes, hoists, plant and scaffolding and building, excavation and compressed air work

pt 2 hdg am 1942 No 35 s 6
 sub 1948 No 38 s 3

Notices about erection of scaffolding and starting of building work etc

s 6 am 1942 No 35 s 4; 1948 No 38 s 3; 1957 No 8 sch pt 1 (as
 am 1974 No 26 s 2; 1977 No 28 s 5; 1981 No 15 s 2); 1994
 No 81 sch; 2001 No 11 amdts 3.208-3.312; 2001 No 44 amdt
 1.3869, amdt 1.3870; A2004-13 amdt 2.90

Scaffolding etc to be in accordance with regulations

s 7 am 1942 No 35 s 4
 om 1948 No 38 s 3

Proclamation of new regulations

s 8 am 1942 No 35 s 4
 om 1948 No 38 s 3

Mode of proclaiming amendments of Second Schedule

s 9 om 1948 No 38 s 3

Notice of erection of lift

s 10 am 1942 No 35 s 5; 1948 No 38 s 3; 1957 No 8 sch pt 1 (as
 am 1966 No 19 s 7); 1994 No 81 sch; 2001 No 11 amdt
 3.213

Endnotes

4 Amendment history

Authorised attendant to be in charge of lift

s 11 am 1948 No 38 s 3; 1957 No 8 sch pt 1 (as am 1966 No 19 s 7); 1994 No 81 sch
om 2001 No 11 amdt 3.214

Name of attendant to be shown on lift

s 12 am 1994 No 81 sch
om 2001 No 11 amdt 3.214

Smoking prohibited in lifts

s 12A ins 1957 No 8 sch pt 1 (as am 1978 No 17 s 2)
am 1994 No 81 sch

Powers of inspectors

s 13 sub 1942 No 35 s 5
am 1948 No 38 s 4; 1957 No 8 sch pt 1; 2001 No 11
amdt 3.215

Inspector may suspend incompetent attendant

s 14 am 1957 No 8 sch pt 1 (as am 1966 No 19 s 7); 1994 No 81
sch
om 2001 No 11 amdt 3.216

Inspector may give directions about scaffolding etc

s 15 am 1936 No 37 s 5; 1942 No 35 s 5; 1948 No 38 s 4; 1957 No
8 sch pt 1 (as am 1966 No 19 s 7); 1994 No 81 sch; 1995
No 46 sch; 2001 No 11 amdts 3.217-3.229

Obstruction etc of inspectors

s 16 am 1942 No 35 s 5; 1957 No 8 sch pt 1 (as am 1966 No 19
s 7); 1994 No 81 sch
sub 2001 No 11 amdt 3.230
om A2004-15 amdt 2.174

Power crane and power hoist drivers

s 17 am 1936 No 37 s 5; 1942 No 35 s 5
sub 1948 No 38 s 5
am 1957 No 8 sch pt 1 (as am 1976 No 7 s 3); 1998 No 54 sch
om 2001 No 11 amdt 3.231

Riggers, dogmen, scaffolders and crane chasers

s 17A ins 1948 No 38 s 5
am 1957 No 8 sch pt 1 (as am 1976 No 7 s 3); 1998 No 54 sch
om 2001 No 11 amdt 3.231

Miscellaneous

pt 5 hdg orig pt 5 hdg am 1942 No 35 s 6
sub 1948 No 38 s 5
om 2001 No 11 amdt 3.231
ins 2001 No 11 amdt 3.232

Notice of accidents

s 18 am 1942 No 35 s 5
 sub 1948 No 38 s 6
 am 1957 No 8 sch pt 1 (as am 1966 No 19 s 7; 1976 No 7 s 3); 1994 No 81 sch; 2001 No 11 amdts 3.233-3.239

Act not to affect rights of person to recover damages

s 19 ins 1948 No 38 s 6
 am 1957 No 8 sch pt 1; 2001 No 11 amdts 3.240-3.243

Approved forms

s 20 ins 1948 No 38 s 6
 om 2001 No 11 amdt 3.244
 ins 2001 No 11 amdt 3.245
 sub 2001 No 44 amdt 1.3871

Determination of fees

s 21 ins 1948 No 38 s 6
 am 1957 No 8 sch pt 1 (as am 1966 No 19 s 7); 1994 No 81 sch
 om 1998 No 54 sch
 ins 2001 No 11 amdt 3.245
 am 2001 No 44 amdt 1.3872, amdt 1.3873

Fees payable to Territory in accordance with determinations etc

s 22 orig s 22 renum as s 24
 ins 2001 No 11 amdt 3.245
 om 2001 No 44 amdt 3.874

Regulations may make provision about fees

s 23 ins 2001 No 11 amdt 3.245
 om 2001 No 44 amdt 3.874

Regulation-making power

s 24 hdg (prev s 22 hdg) sub 2001 No 11 amdt 3.254
 renum 2001 No 11 amdt 3.254
 s 24 (prev s 22) ins 1948 No 38 s 6
 am 1957 No 8 sch pt 1 (as am 1966 No 19 s 7; 1983 No 34 s 5; 1989 No 38 sch 1); 1998 No 54 sch; 2001 No 11 amdts 3.247-3.253
 renum 2001 No 11 amdt 3.254
 am 2001 No 44 amdt 1.3875, amdt 1.3876

Transitional

pt 6 hdg sub 1948 No 38 s 6
 om 2001 No 11 amdt 3.232
 ins 2001 No 11 amdt 3.255
 exp 29 March 2002 (s 29 (1))

Endnotes

4 Amendment history

Existing chief inspector

s 25 ins 2001 No 11 amdt 3.255
exp 29 March 2002 (s 29 (1))

Existing inspectors

s 26 ins 2001 No 11 amdt 3.255
exp 29 March 2002 (s 29 (1))

Existing fees

s 27 ins 2001 No 11 amdt 3.255
exp 29 March 2002 (s 29 (1))

Existing regulations

s 28 ins 2001 No 11 amdt 3.255
am 2001 No 44 amdt 1.3877
exp 29 March 2002 (s 29 (1))

Expiry of pt 6

s 29 ins 2001 No 11 amdt 3.255
am 2001 No 44 amdt 1.3878
exp 29 March 2002 (s 29 (1))

Repeal of Acts

sch 1 om 1957 No 8 sch pt 1

Regulations

sch 2 am 1937 No 35 sch 2
om 1948 No 38 s 6

Dictionary

dict ins 2001 No 11 amdt 3.256
def **area** ins 2001 No 11 amdt 3.256
def **automatic lift** ins 1948 No 38 s 2
reloc from s 3 2001 No 11 amdt 3.202
def **building work** ins 1942 No 35 s 2
am 1948 No 38 s 2
reloc from s 3 2001 No 11 amdt 3.202
def **chief inspector** ins 2001 No 11 amdt 3.256
def **compressed air work** ins 1948 No 38 s 2
reloc from s 3 2001 No 11 amdt 3.202
def **contractor** ins 1948 No 38 s 2
reloc from s 3 2001 No 11 amdt 3.202
def **crane** ins 1942 No 35 s 2
am 1948 No 38 s 2
reloc from s 3 2001 No 11 amdt 3.202
def **crane chaser** ins 1957 No 8 sch pt 1
reloc from s 3 2001 No 11 amdt 3.202

def **credit card** ins 2001 No 11 amdt 3.256
def **dogger** ins 2001 No 11 amdt 3.256
def **excavation work** ins 2001 No 11 amdt 3.256
def **gear** am 1942 No 35 s 2
 sub 1942 No 35 s 2
 am 1948 No 38 s 2
 reloc from s 3 2001 No 11 amdt 3.202
def **hoist** ins 1948 No 38 s 2
 reloc from s 3 2001 No 11 amdt 3.202
def **inspector** ins 2001 No 11 amdt 3.256
def **lift** am 1942 No 35 s 2
 sub 1942 No 35 s 2
 am 1948 No 38 s 2
 reloc from s 3 2001 No 11 amdt 3.202
def **owner** ins 1948 No 38 s 2
 reloc from s 3 2001 No 11 amdt 3.202
def **passenger lift** am 1942 No 35 s 2
 sub 1942 No 35 s 2
 reloc from s 3 2001 No 11 amdt 3.202
def **plant** ins 1948 No 38 s 2
 reloc from s 3 2001 No 11 amdt 3.202
def **power crane** ins 1942 No 35 s 2
 reloc from s 3 2001 No 11 amdt 3.202
def **power hoist** ins 1948 No 38 s 2
 reloc from s 3 2001 No 11 amdt 3.202
def **rigger** ins 1957 No 8 sch pt 1 (as am 1974 No 26 s 2)
 reloc from s 3 2001 No 11 amdt 3.202
def **scaffolder** ins 2001 No 11 amdt 3.256
def **scaffolding** am 1942 No 35 s 2
 sub 1942 No 35 s 2
 reloc from s 3 2001 No 11 amdt 3.202
def **supporting structure** ins 1942 No 35 s 2
 am 1948 No 38 s 2
 reloc from s 3 2001 No 11 amdt 3.202

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	ord 1983 No 34	31 August 1992
2	Act 1995 No 46	1 January 1996
3	A2001-44	21 August 2002

6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

Construction Occupations Legislation Amendment Act 2004 A2004-13 sch 2 pt 2.25

Part 2.25 Scaffolding and Lifts Act 1912

[2.90] Section 6 (5)

substitute

(5) In this section:

cost, of building work—see the *Building Act 2004*, section 84.

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