



Australian Capital Territory

# **Machinery Act 1949**

**A1949-11**

**Republication No 5**

**Effective: 12 April 2007 – 12 April 2008**

Republication date: 12 April 2007

Last amendment made by A2007-3

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Machinery Act 1949* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 12 April 2007. It also includes any amendment, repeal or expiry affecting the republished law to 12 April 2007.

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](http://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

# Machinery Act 1949

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R5  
12/04/07

Machinery Act 1949  
Effective: 12/04/07-12/04/08

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Australian Capital Territory

# Machinery Act 1949

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An Act relating to the installation, use, inspection and operation of machinery

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**1 Name of Act**

This Act is the *Machinery Act 1949*.

**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 terms used in this Act.

*Note 2* A definition in the dictionary 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, s 155 and s 156 (1)).

**2A Notes**

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

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

**3 Chief Inspector of Machinery**

- (1) The chief executive must appoint a public servant as the Chief Inspector of Machinery.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

- (2) Until the chief executive makes an appointment under subsection (1), the chief inspector is the public servant for the time being exercising the duties of the public service office the duties of which include exercising the functions of the chief inspector.
- (3) Subsection (2) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

- (4) Subsections (2) and (3) and this subsection expire 1 year after the day this section commences.

#### **4 Inspectors of machinery**

- (1) The chief executive may appoint a public servant as an inspector.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

- (2) The chief inspector is also an inspector.
- (3) Until the chief executive makes an appointment under subsection (1), an inspector is, in addition to the chief inspector, a public servant for the time being exercising the duties of a public service office the duties of which include exercising the functions of an inspector.
- (4) Subsection (3) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (5) Subsections (3) and (4) and this subsection expire 1 year after the day this section commences.

#### **5 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) A determination is a disallowable instrument.

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

#### **6 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 the Legislation Act, s 255.

- (3) An approved form is a notifiable instrument.

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

## **7 Regulation-making power**

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

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

- (2) The regulations may make provision in relation to—

- (a) regulating the installation, use and operation of machinery; and
- (b) securing the safety of people and property from injury or damage arising out of the installation, use or operation of machinery; and
- (c) the registration, inspection and testing of machinery; and
- (d) requiring licences or certificates to be held for the installation, use, operation, inspection or testing of machinery, and the granting, suspension and cancellation of licences and certificates; and
- (e) the precautions to be taken to secure the safety of people employed at or in relation to machinery; and
- (f) the functions (including powers of entry) of the chief inspector and inspectors; and
- (g) prohibiting the employment of anyone younger than the prescribed age in relation to any prescribed machinery.

- (3) 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)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- chief executive (see s 163)
- Minister (see s 162).

**chief inspector** means the Chief Inspector of Machinery under section 3.

**inspector** means an inspector under section 4.

**machinery** includes any machine, boiler, pressure vessel, engine, motor or source of motive power, and any shaft, belt, gearing, pulley, flywheel, lift, crane, contrivance or appliance operated by machinery.

*Note 1* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

*Note 2* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

## Endnotes

1 About the endnotes

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## 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                                      |
| def = definition                                    | pres = present  |
| dict = dictionary                                   | prev = previous   |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously  |
| div = division                                      | pt = part   |
| exp = expires/expired                               | r = rule/subrule  |
| 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 |

### 3 Legislation history

The *Machinery Act 1949* was originally the *Machinery Ordinance 1949*. It became an ACT Act on self-government (11 May 1989).

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

#### Legislation before self-government

##### **Machinery Act 1949 No 11**

notified 13 October 1949

commenced 13 October 1949

as amended by

##### **Ordinances Revision (Decimal Currency) Ordinance 1966 No 19 (as am by ord 1967 No 36)**

notified 23 December 1966

commenced 23 December 1966

##### **Machinery (Amendment) Ordinance 1983 No 29**

notified 29 September 1983

commenced 1 October 1983

##### **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)

#### Legislation after self-government

##### **Acts Revision (Position of Crown) Act 1993 No 44 sch 2**

notified 27 August 1993 (Gaz 1993 No S165)

sch 2 commenced 27 August 1993 (s 2)

## Endnotes

4 Amendment history

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### **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 (2) and Gaz 1994 No S269)

### **Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch pt 1**

notified 15 December 1994 (Gaz 1994 No S280)  
s 1, s 2 commenced 15 December 1994 (s 2 (1))  
sch pt 1 commenced 15 December 1994 (s 2 (2) and Gaz 1994  
No S293)

### **Statute Law Revision Act 1995 No 46 sch**

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

### **Occupational Health and Safety (Amendment) Act 1997 No 44 s 10, sch**

notified 19 September 1997 (Gaz 1997 No S264)  
s 10, sch never commenced and rep 2001 No 11 pt 4.3

### **Legislation (Consequential Amendments) Act 2001 No 44 pt 234**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 234 commenced 12 September 2001 (s 2 and see Gaz 2001  
No S65)

### **Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.64**

notified LR 22 March 2007  
s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))  
sch 3 pt 3.64 commenced 12 April 2007 (s 2 (1))

## 4 Amendment history

### **Name of Act**

s 1 sub A2007-3 amdt 3.354

### **Dictionary**

s 2 am 2001 No 44 amdt 1.2738  
defs reloc to dict A2007-3 amdt 3.355  
sub A2007-3 amdt 3.356  
def **this Act** om 2001 No 44 amdt 1.2737

### **Notes**

s 2A ins A2007-3 amdt 3.356

**Chief Inspector of Machinery**

s 3 om 1993 Act No 44 sch 2  
 ins 1994 No 97 sch 1  
 sub A2007-3 amdt 3.357  
(2)-(4) exp 12 April 2008 (s 3 (4) (LA s 88 declaration applies))

**Inspectors of machinery**

s 4 sub 1994 Act No 97 sch 1; A2007-3 amdt 3.357  
(3)-(5) exp 12 April 2008 (s 4 (5) (LA s 88 declaration applies))

**Power of Minister to determine fees**

s 4A ins 1983 No 29  
 om 2001 No 44 amdt 1.2739

**Fees payable**

s 4B ins 1983 No 29  
 am 1989 No 38 sch 1  
 om 2001 No 44 amdt 1.2739 sch 1

**Determination of fees**

s 5 am 1966 No 19 (as am 1967 No 36); 1983 No 29; 1989 No 38  
 sch 1; 1994 No 81 sch; 1994 No 97 sch pt 1; 1995 No 46 sch  
 sub 2001 No 44 amdt 1.2739

**Approved forms**

s 6 ins 2001 No 44 amdt 1.2739  
 am A2007-3 amdt 3.358

**Regulation-making power**

s 7 ins 2001 No 44 amdt 1.2739

**Dictionary**

dict ins A2007-3 amdt 3.359  
 def **chief inspector** ins 1994 No 97 sch pt 1  
 reloc from s 2 A2007-3 amdt 3.355  
 def **inspector** ins 1994 No 97 sch pt 1  
 reloc from s 2 A2007-3 amdt 3.355  
 def **machinery** reloc from s 2 A2007-3 amdt 3.355

## Endnotes

5 Earlier republications

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### 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. Electronic and printed versions of an authorised republication are identical.

| Republication No | Amendments to  | Republication date |
|------------------|----------------|--------------------|
| 1                | Ord 1989 No 38 | 30 June 1991       |
| 2                | Act 1994 No 97 | 28 February 1995   |
| 3                | Act 1995 No 46 | 30 November 1996   |
| 4                | A2001-44       | 4 January 2002     |

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