



Australian Capital Territory

# **Machinery Act 1949**

**A1949-11**

**Republication No 8**

**Effective: 1 July 2011 – 29 April 2020**

Republication date: 1 July 2011

Last amendment made by [A2011-22](#)

## 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 1 July 2011. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 July 2011.

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, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### 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 the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Machinery Act 1949

## Contents

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	Page
1 Name of Act	2
2 Dictionary	2
2A Notes	2
3 Chief Inspector of Machinery	2
4 Inspectors of machinery	2
5 Determination of fees	3
6 Approved forms	3
7 Regulation-making power	3
 <b>Dictionary</b>	 5
 <b>Endnotes</b>	
1 About the endnotes	6
2 Abbreviation key	6

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R8  
01/07/11

Machinery Act 1949  
Effective: 01/07/11-29/04/20

contents 1

## Contents

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		Page
3	Legislation history	7
4	Amendment history	10
5	Earlier republications	11



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**

The director-general 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).

**4 Inspectors of machinery**

- (1) The director-general may appoint a person to be an inspector for this Act.

*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.

## **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 be 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:

- director-general (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

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am = amended	om = omitted/repealed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

### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Machinery Ordinance 1949* No 11 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* A1989-21, s 5 on 11 May 1989 (self-government day).

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 A1949-11**

notified 13 October 1949 (Cwlth Gaz 1949 No 74)

commenced 13 October 1949 (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12)

as amended by

##### **Ordinances Revision (Decimal Currency) Ordinance 1966 Ord1966-19 (as am by Ord 1967-36)**

notified 23 December 1966 (Cwlth Gaz 1966 No 109)

commenced 23 December 1966 (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12)

##### **Machinery (Amendment) Ordinance 1983 Ord1983-29**

notified 29 September 1983 (Cwlth Gaz 1983 No S226)

commenced 1 October 1983 (s 2)

##### **Self-Government (Consequential Amendments) Ordinance 1989 Ord1989-38 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 A1993-44 sch 2**

notified 27 August 1993 ([Gaz 1993 No S165](#))

sch 2 commenced 27 August 1993 (s 2)

#### **Statute Law Revision (Penalties) Act 1994 A1994-81 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 A1994-97 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 A1995-46 sch**

notified 18 December 1995 ([Gaz 1995 No S306](#))

sch commenced 18 December 1995 (s 2)

#### **Occupational Health and Safety (Amendment) Act 1997 A1997-44 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 A2001-44 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))

**Justice and Community Safety Legislation Amendment Act 2009  
(No 2) A2009-19 pt 10**

notified LR 1 September 2009

s 1, s 2 commenced 1 September 2009 (LA s 75 (1))

pt 10 commenced 29 September 2009 (s 2)

**Administrative (One ACT Public Service Miscellaneous Amendments)  
Act 2011 A2011-22 sch 1 pt 1.98**

notified LR 30 June 2011

s 1, s 2 commenced 30 June 2011 (LA s 75 (1))

sch 1 pt 1.98 commenced 1 July 2011 (s 2 (1))

## Endnotes

4 Amendment history

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### 4 Amendment history

#### Name of Act

s 1 sub [A2007-3](#) amdt 3.354

#### Dictionary

s 2 am [A2001-44](#) amdt 1.2738  
defs reloc to dict [A2007-3](#) amdt 3.355  
sub [A2007-3](#) amdt 3.356  
def **this Act** om [A2001-44](#) 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 [A1994-97](#) sch 1  
sub [A2007-3](#) amdt 3.357  
(2)-(4) exp 12 April 2008 (s 3 (4) (LA s 88 declaration applies))  
am [A2011-22](#) amdt 1.302

#### 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))  
am [A2009-19](#) s 55; [A2011-22](#) amdt 1.303

#### Power of Minister to determine fees

s 4A ins [Ord1983-29](#)  
om [A2001-44](#) amdt 1.2739

#### Fees payable

s 4B ins [Ord1983-29](#)  
am [Ord1989-38](#) sch 1  
om [A2001-44](#) amdt 1.2739 sch 1

#### Determination of fees

s 5 am [Ord1966-19](#) (as am [Ord1967-36](#)); [Ord1983-29](#);  
[Ord1989-38](#) sch 1; [A1994-81](#) sch; [A1994-97](#) sch pt 1;  
[A1995-46](#) sch  
sub [A2001-44](#) amdt 1.2739

#### Approved forms

s 6 ins [A2001-44](#) amdt 1.2739  
am [A2007-3](#) amdt 3.358

#### Regulation-making power

s 7 ins [A2001-44](#) amdt 1.2739

**Dictionary**

dict

ins [A2007-3](#) amdt 3.359am [A2011-22](#) amdt 1.304def **chief inspector** ins [A1994-97](#) sch pt 1reloc from s 2 [A2007-3](#) amdt 3.355def **inspector** ins [A1994-97](#) sch pt 1reloc from s 2 [A2007-3](#) amdt 3.355def **machinery** reloc from s 2 [A2007-3](#) amdt 3.355**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.

<b>Republication No</b>	<b>Amendments to</b>	<b>Republication date</b>
1	<a href="#">Ord1989-38</a>	30 June 1991
2	<a href="#">A1994-97</a>	28 February 1995
3	<a href="#">A1995-46</a>	30 November 1996
4	<a href="#">A2001-44</a>	4 January 2002
5	<a href="#">A2007-3</a>	12 April 2007
6	<a href="#">A2007-3</a>	13 April 2008
7	<a href="#">A2009-19</a>	29 September 2009

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