

AUSTRALIAN CAPITAL TERRITORY.

No. 8 of 1957.

AN ORDINANCE

Relating to Scaffolding, Lifts and Cranes and to Building,
Excavation and Compressed Air Work.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1955*.

Dated this sixth day of September, 1957.

W. J. SLIM

Governor-General.

By His Excellency's Command,

ALLEN FAIRHALL

Minister of State for the Interior.

SCAFFOLDING AND LIFTS ORDINANCE 1957.

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Scaffolding and Lifts Ordinance 1957*.^{*} Short title.

2. This Ordinance is divided into Parts, as follows:— Parts.

Part I.—Preliminary (Sections 1-6).

Part II.—Application of the Scaffolding and Lifts Act and Regulations of the State of New South Wales (Sections 7-8).

Part III.—Regulations (Section 9).

3.—(1.) Subject to the next succeeding sub-section, the *Scaffolding and Lifts Ordinance 1941*, the *Scaffolding and Lifts Ordinance 1942*, the *Scaffolding and Lifts Ordinance 1946*, the *Scaffolding and Lifts Ordinance 1953* and the *Scaffolding and Lifts Ordinance (No. 2) 1953* are repealed. Repeal and saving.

(2.) Notwithstanding the repeal effected by the last preceding sub-section, section sixteen of the *Scaffolding and Lifts Ordinance 1941-1953* shall continue in force until section seventeen of the Scaffolding and Lifts Act commences to apply in the Territory as a law of the Territory.

^{*} Notified in the *Commonwealth Gazette* on 19th September, 1957.

(3.) All certificates duly granted under section sixteen of the *Scaffolding and Lifts Ordinance* 1941, or that Ordinance as amended at any time, and in force when section seventeen of the Scaffolding and Lifts Act commences to apply by force of this Ordinance in the Territory as a law of the Territory, shall be deemed to have been duly granted under that last-mentioned section and as if that last-mentioned section had applied in the Territory as a law of the Territory when they were granted.

(4.) All notices, orders and authorities duly given, all certificates duly granted and all acts and things duly done under or in accordance with any of the provisions of an Ordinance repealed by this section (other than section sixteen of the *Scaffolding and Lifts Ordinance* 1941 or that Ordinance as amended at any time) or of a law of the State of New South Wales which was adopted as a law of the Territory by, or which applied as a law of the Territory by virtue of, such an Ordinance and in force at the commencement of this Ordinance shall be deemed to be and to have been duly given, granted or done under or in accordance with the corresponding provisions of the Scaffolding and Lifts Act in its application in the Territory, or the Scaffolding and Lifts Regulations in their application in the Territory, and as if this Ordinance had been in force when they were given, granted or done, respectively.

(5.) A person who, immediately before the commencement of this Ordinance, held office as the Chief Inspector of Scaffolding and Lifts, or as an inspector, under the *Scaffolding and Lifts Ordinance* 1941-1953 shall hold office as the Chief Inspector of Scaffolding and Lifts or as an inspector, as the case may be, under this Ordinance as if he had been appointed to that office under this Ordinance.

Definitions.

4. In this Ordinance, unless the contrary intention appears—

“the Scaffolding and Lifts Act” means the Scaffolding and Lifts Act, 1912-1948 of the State of New South Wales;

“the Scaffolding and Lifts Regulations” means the regulations made under the Scaffolding and Lifts Act and published in a supplement to the *Government Gazette* of the State of New South Wales on the twenty-fifth day of May, One thousand nine hundred and fifty, being those regulations as amended before the commencement of this Ordinance.

5. This Ordinance binds the Crown.

6. The Minister may appoint a Chief Inspector of Scaffolding and Lifts and such other inspectors as he considers necessary for the purpose of securing observance of this Ordinance and the Regulations.

Ordinance to
bind Crown.

Appointment
of Chief
Inspector, &c.

**PART II.—APPLICATION OF THE SCAFFOLDING AND LIFTS ACT
AND REGULATIONS OF THE STATE OF NEW SOUTH WALES.**

7.—(1.) The provisions of the Scaffolding and Lifts Act, other than sections eleven, twelve, seventeen and seventeen A, apply, as from the commencement of this Ordinance, by force of this Ordinance in the Territory as laws of the Territory, subject to the next succeeding section and to the modifications prescribed in Part I. of the Schedule to this Ordinance. Application and modifications.

(2.) The provisions of the Scaffolding and Lifts Regulations, other than sub-regulation (1) of regulation sixty-eight, paragraph (b) of regulation seventy, regulation seventy-two A, Part XIV., Part XV. and the First Schedule, apply, as from the commencement of this Ordinance, by force of this Ordinance in the Territory as laws of the Territory, subject to the modifications prescribed in Part II. of the Schedule to this Ordinance.

(3.) Sections eleven, twelve, seventeen and seventeen A of the Scaffolding and Lifts Act and sub-regulation (1.) of regulation sixty-eight, paragraph (b) of regulation seventy, regulation seventy-two A, Part XIV. and Part XV. of, and the First Schedule to, the Scaffolding and Lifts Regulations apply, as from a date to be fixed by the Minister by notice in the *Gazette*, by force of this Ordinance in the Territory as laws of the Territory, subject, where appropriate, to the next succeeding section and to the modifications prescribed in Part I. or Part II. of the Schedule to this Ordinance.

(4.) For the purpose of enabling the provisions of the Scaffolding and Lifts Act and the provisions of the Scaffolding and Lifts Regulations specified in the last preceding sub-section to be brought into operation on the date fixed by the Minister in pursuance of that sub-section, the Chief Inspector of Scaffolding and Lifts may, before that date, grant certificates of competency as a rigger, dogman, scaffolder or crane chaser, or certificates as an authorised attendant, in pursuance of those provisions as if those provisions had commenced to apply by force of this Ordinance in the Territory as laws of the Territory on the date of commencement of this Ordinance, but a certificate of competency, or a certificate, so granted shall not have any force or effect until the date so fixed by the Minister in pursuance of that sub-section.

8. In the application in the Territory of the Scaffolding and Lifts Act— Interpretation.

- (a) a reference in that Act to the Minister shall be read as a reference to the Minister for the time being administering this Ordinance;
- (b) a reference in that Act to regulations made under that Act shall be read as a reference to the Scaffolding and Lifts Regulations in their application in the Territory; and

(c) a reference in that Act to the Gazette shall be read as a reference to the *Commonwealth of Australia Gazette*.

PART III.—REGULATIONS.

Regulations.

9.—(1.) The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance and, in particular, for prescribing penalties not exceeding a fine of Fifty pounds for offences against the Regulations.

(2.) The Regulations may repeal or amend any of the provisions of the Scaffolding and Lifts Regulations in their application in the Territory.

THE SCHEDULE.

Section 7.

PART I.

MODIFICATIONS OF THE SCAFFOLDING AND LIFTS ACT, 1912-1948 OF THE STATE
NEW SOUTH WALES IN ITS APPLICATION IN THE TERRITORY.

Item No.	Provisions modified.	Modifications.
1	Section 2 ..	Omit.
2	Section 3 ..	<p>(a) Omit the definition of "Chief Inspector", insert— " 'Chief Inspector' means the person holding office as the Chief Inspector of Scaffolding and Lifts under the <i>Scaffolding and Lifts Ordinance</i> 1957, and includes an inspector acting in the place of that person; ".</p> <p>(b) After the definition of "Crane", insert— " 'Crane chaser' means a person employed to attend and sling loads, and to control the movement of loads, handled by a crane where the loads are usually at all times in full view of the crane driver; ' Dogman ' means a person directly responsible for slinging and controlling the movement of loads by a crane where the loads are not usually at all times in full view of the crane driver; ".</p> <p>(c) Omit the definition of " Inspector ", insert— " ' Inspector ' means a person holding office as an inspector under the <i>Scaffolding and Lifts Ordinance</i> 1957, and includes the Chief Inspector; ".</p> <p>(d) after the definition of " Prescribed ", insert— " ' 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; (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 which is so placed that a person or object falling from the scaffolding could fall a distance of ten feet or more; ".</p>

THE SCHEDULE—continued.

Item No.	Provisions modified.	Modifications.
3	Section 4 ..	Omit.
4	Section 4A ..	Omit.
5	Section 4B ..	Omit.
6	Section 5 ..	Omit.
7	Section 5A ..	Omit.
8	Section 6 ..	(a) Omit from sub-section (1) "in any district" (first occurring). (b) Omit from paragraph (b) of sub-section (1) "in any district", insert "in the Territory".
9	Section 10 ..	Omit from sub-section (1) "in a district".
10	Section 13 ..	Omit from paragraph (a) "in any district".
11	Section 15 ..	(a) Omit from sub-section (1) "in any district" (twice occurring). (b) Omit sub-section (4), insert— " (4) A person to whom directions have been given under this section may, within twenty-four hours after the directions have been given to him, appeal against the directions to the Minister. " (4A) A person who appeals against the directions of an inspector under the last preceding sub-section shall give notice of the appeal to the inspector. " (4B) The Minister shall hear and determine the appeal with all reasonable dispatch and shall, by order in writing delivered to the appellant (which order shall be final and conclusive), affirm, vary or rescind the directions." (c) After sub-section (5), insert— " (6) In this section, 'the Minister' includes a person authorized by the Minister to hear appeals under this section."
12	Section 17 ..	(a) Omit from sub-section (1) "in any district". (b) Omit from sub-section (2) "in any district". (c) Omit sub-sections (5), (6), (7), (8) and (9), insert— " (5) The Chief Inspector may cancel a certificate of competency referred to in this section if he is satisfied that the holder of the certificate has ceased to be trustworthy or to be competent to drive a power crane or power hoist."
13	Section 17A ..	(a) Omit from sub-section (1) " , in any district". (b) Omit sub-sections (3), (4), (5) and (6), insert— " (3) The Chief Inspector may cancel a certificate of competency referred to in this section if he is satisfied that the holder of the certificate has ceased to be trustworthy or to be competent to act as a rigger, dogman, scaffolder or crane chaser, as the case may be."
14	Section 18 ..	Omit from sub-section (1) "in the prescribed form and accompanied by the prescribed particulars".
15	Section 19 ..	(a) Omit paragraph (a), insert— " (a) driving— (i) any power crane; (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; " (b) Omit from paragraph (b) "as defined by section 17A of this Act".

THE SCHEDULE—continued.

Item No.	Provisions modified.	Modifications.
16	Section 21 ..	Omit the words appearing after the words "fifty pounds".
17	Section 22 ..	(a) Omit sub-section (1). (b) Omit from sub-section (2)— "Without limiting the generality of the powers conferred by sub-section one of this section the Governor may make regulations", insert— "The power of the Minister under the <i>Scaffolding and Lifts Ordinance 1957</i> to make regulations shall be deemed to include power to make regulations, not inconsistent with this Act". (c) Omit paragraph (c) of sub-section (2). (d) Omit sub-section (5).
18	First Schedule ..	Omit.

PART II.

MODIFICATIONS OF THE SCAFFOLDING AND LIFTS REGULATIONS OF THE STATE OF NEW SOUTH WALES IN THEIR APPLICATION IN THE TERRITORY.

Item No.	Provisions modified.	Modifications.
1	Regulation 1 ..	(a) Omit sub-regulation (1). (b) Omit from sub-regulation (2)— "Part III.—Boards of Reference 15". (c) Omit from sub-regulation (2)— "Second Schedule Forms".
2	Regulation 3 ..	(a) After the definition of "Bearing pressure", insert— "'Chief Inspector' has the same meaning as in the Act;". (b) After the definition of "In Commission", insert— "'Inspector' has the same meaning as in the Act;". (c) Omit the definition of "the Act", insert— "'the Act' means the Scaffolding and Lifts Act, 1912-1948 of the State of New South Wales in its application in the Australian Capital Territory ; "'the Explosives Act, 1905' means the Explosives Act, 1905 of the State of New South Wales as continued in force in the Australian Capital Territory ;".
3	Regulation 8 ..	Omit.
4	Regulation 10 ..	Omit.
5	Regulation 11 ..	Omit and insert— "11. A person shall not falsely pretend to be an inspector."
6	Regulation 12 ..	Omit.
7	Part III. . .	Omit.
8	Regulation 17 ..	Omit from sub-regulation (1) all the words after "Chief Inspector".
9	Regulation 35 ..	Omit from sub-regulation (2) "the promulgation of these Regulations", insert "the commencement of the <i>Scaffolding and Lifts Ordinance 1957</i> ".

THE SCHEDULE—continued.

Item No.	Provisions modified.	Modifications.
10	Regulation 69 ..	Omit all the words after "Chief Inspector".
11	Regulation 72A ..	Omit from sub-regulation (1) "A notice, given pursuant to section 6 of the Act, of intention to commence building work, excavation work or compressed air work shall be in or to the effect of Form 8 contained in the Second Schedule to these Regulations and every person giving such notice", insert "A person giving notice pursuant to section 6 of the Act".
12	Regulation 82 ..	Omit from paragraph (d) of sub-regulation (7) "the 1st July, 1950", insert "the commencement of the <i>Scaffolding and Lifts Ordinance 1957</i> ".
13	Regulation 83 ..	(a) Omit from sub-regulation (13) "the Government Analyst", insert "a competent analyst".
14	Regulation 99 ..	(b) Omit the second paragraph of sub-regulation (14). (a) Omit from paragraph (a) of sub-regulation (4) "After the first day of July, 1950,". (b) Omit paragraph (b) of sub-regulation (4), insert— " (b) The Medical Officer's report shall be preserved and produced to an Inspector upon demand.". (c) Omit from sub-regulation (23) "in or to the effect of Form 11 set forth in the Second Schedule to these Regulations".
15	Regulation 100 ..	(a) Omit from paragraph (a) of sub-regulation (4) "After the first day of July, 1950,". (b) Omit paragraph (b) of sub-regulation (4), insert— " (b) The Medical Officer's report shall be preserved and produced to an Inspector upon demand.".
16	Regulation 101 ..	(a) Omit from paragraph (a) of sub-regulation (4) "After the first day of July, 1950,". (b) Omit paragraph (b) of sub-regulation (4), insert— " (b) The Medical Officer's report shall be preserved and produced to an Inspector upon demand.".
17	Regulation 103 ..	After "Department" in sub-regulation (4), insert "of the State of New South Wales".
18	Regulation 122 ..	Omit sub-regulations (14) and (15).
19	Regulation 143 ..	(a) Omit from paragraph (b) of sub-regulation (9) "After 1st July, 1950,". (b) Omit from paragraph (c) of sub-regulation (9) "a test certificate correct in all particulars in Form 14 contained in the second schedule to these Regulations", insert "the test certificate correct in all particulars".
20	Regulation 159 ..	(a) Omit sub-regulations (8) and (9). (b) Omit from sub-regulation (10) "Where the Minister has cancelled or suspended", insert "Where the Chief Inspector has cancelled". (c) Omit the last paragraph of sub-regulation (14). (d) Omit sub-regulation (15).
21	Regulation 160 ..	Omit from sub-regulation (1) all words after "Chief Inspector".
22	Regulation 161 ..	(a) Omit from sub-regulation (1) "in or to the effect of Form 23 set forth in the Second Schedule to these Regulations", insert "made in writing to the Chief Inspector". (b) Omit from sub-regulation (2) "in or to the effect of Form 23 set forth in the Second Schedule to these Regulations", insert "made in writing to the Chief Inspector".

THE SCHEDULE—*continued.*

Item No.	Provisions modified.	Modifications.
22	Regulation 161— <i>continued.</i>	<p>(c) Omit from sub-regulation (3) "in or to the effect of Form 23 set forth in the Second Schedule to these Regulations", insert "made in writing to the Chief Inspector".</p> <p>(d) Omit from sub-regulation (4) "in or to the effect of Form 23 set forth in the Second Schedule to these Regulations", insert "made in writing to the Chief Inspector".</p>
23	Regulation 162 ..	<p>(a) Omit from sub-regulation (1) all words after "Chief Inspector".</p> <p>(b) Omit from sub-regulation (2) all words after "Chief Inspector".</p>
24	Regulation 163 ..	<p>Omit and insert—</p> <p>"163. A fee payable under these Regulations may be sued for and recovered as a debt due to the Commonwealth in any court of competent jurisdiction."</p>
25	Second Schedule ..	Omit.

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.