



ANNO VICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1976

No. 85 of 1976

An Act to amend the Industrial Safety, Health and Welfare Act, 1972.

[Assented to 9th December, 1976]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Industrial Safety, Health and Welfare Act Amendment Act, 1976".

(2) The Industrial Safety, Health and Welfare Act, 1972, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Industrial Safety, Health and Welfare Act, 1972-1976".

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of
principal Act,
s. 7—
Interpretation.

3. Section 7 of the principal Act is amended—

- (a) by striking out from the definition of "building work" in subsection (1) the word "ship" last occurring and inserting in lieu thereof the word "slip";
- (b) by inserting in the definition of "employer" in subsection (1) immediately after the word "industry" the passage "or in or on industrial premises or on or in connection with construction work";
- (c) by inserting in the definition of "work injury" in subsection (1) immediately after the word "industry" the passage "or in or on industrial premises or on or in connection with construction work";

and

“worker” in relation to an industry, industrial premises or construction work includes any person employed or engaged for reward in that industry, industrial premises or construction work, whether or not the person is so employed or engaged under a contract of employment and whether or not the relationship of master and servant exists between that person and any other person:.

**Amendment of
principal Act,
s. 8—
The Industrial
Safety, Health
and Welfare
Board.**

(3a) On the commencement of the Industrial Safety, Health and Welfare Act Amendment Act, 1976, the Chairman and members of the Board in office immediately before that commencement shall by force of this subsection vacate their respective offices.

(a) the Permanent Head who shall be the Chairman of the Board:

(b) the Chief Inspector of Industrial Safety appointed under section 17 of this Act:

and

(c) eight other members appointed by the Governor
of whom—

(i) one shall be nominated by the South Australian Employers' Federation Incorporated;

(ii) one shall be nominated by The Chamber of Commerce and Industry S.A. Inc.;

(iii) one shall be nominated by the Master Builders Association of South Australia Incorporated;

(iv) one shall be nominated by the Metal Industries Association, South Australia;

and

(v) four shall be nominated by the United Trades and Labour Council of South Australia.;

and

(b) by striking out from subsection (5) the passage “or (iv)”, twice occurring, and inserting in lieu thereof, in each case, the passage “, (iv) or (v)”.

Amendment of
principal Act,
s. 11—
Common seal,
meetings, and
quorum.

5. Section 11 of the principal Act is amended by striking out from subsection (2) the word “four” and inserting in lieu thereof the word “six”.

Repeal of
s. 12 of
principal Act
and enactment
of section in its
place—

6. Section 12 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Person to
preside at
meetings of
Board.

12. The Chairman of the Board, or his deputy appointed under subsection (8) of section 8 of this Act, as the case may be, shall preside at all meetings of the Board at which he is present and in the absence of the Chairman and that deputy from a meeting, the Chief Inspector of Industrial Safety shall preside at that meeting.

Amendment of
principal Act,
s. 16—
Duties and
powers of
Board.

7. Section 16 of the principal Act is amended—

(a) by striking out from subsection (4) the passage “Two hundred dollars” and inserting in lieu thereof the passage “Five hundred dollars”;

and

(b) by striking out from subsection (5) the passage “Two hundred dollars” and inserting in lieu thereof the passage “Five hundred dollars”.

Amendment of
principal Act,
s. 19—
Powers of
entry etc.,
of inspectors.

8. Section 19 of the principal Act is amended—

(a) by striking out from subsection (4) the passage “Two hundred dollars” and inserting in lieu thereof the passage “Five hundred dollars”;

and

(b) by striking out from subsection (5) the passage “Two hundred dollars” and inserting in lieu thereof the passage “Five hundred dollars”.

Amendment of
principal Act,
s. 20—
Directions by
an inspector.

9. Section 20 of the principal Act is amended by striking out from subsection (5) the passage “five hundred dollars” and inserting in lieu thereof the passage “one thousand dollars”.

Amendment of
principal Act,
s. 21—
Obligation on
inspectors, etc.

10. Section 21 of the principal Act is amended by striking out from subsection (3) the passage “two hundred dollars” and inserting in lieu thereof the passage “five hundred dollars”.

Amendment of
principal Act,
s. 23—
Industrial
premises not to
be erected
without
approval.

11. Section 23 of the principal Act is amended by striking out from subsection (7) the passage “Two hundred dollars” and inserting in lieu thereof the passage “Five hundred dollars”.

Amendment of
principal Act,
s. 24—
Registration of
industrial
premises.

12. Section 24 of the principal Act is amended—

(a) by striking out from subsection (2) the passage “Five hundred dollars” and inserting in lieu thereof the passage “One thousand dollars”;

(b) by striking out from subsection (6) the word “The”, being the first word in the subsection, and inserting in lieu thereof the passage “Subject to subsection (7) of this section, the”;

and

- (c) by striking out subsection (7) and inserting in lieu thereof the following subsection:—

(7) Where the occupier of registered premises ceases to be the occupier of those premises the registration of those premises shall expire.

13. Section 25 of the principal Act is repealed.

Repeal of
s. 25 of
principal Act.

14. Section 26 of the principal Act is amended—

Amendment of
principal Act,
s. 26—
Notice of
intention to
carry out
construction
work.

- (a) by striking out from subsection (1) the word “the” immediately preceding the word “proclamation”;
and

- (b) by striking out from subsection (2) the passage “Five hundred dollars” and inserting in lieu thereof the passage “One thousand dollars”.

15. Section 27 of the principal Act is amended—

Amendment of
principal Act,
s. 27—
Work injuries.

- (a) by striking out subsection (1) and inserting in lieu thereof the following subsections:—

(1) This section shall apply to every work injury that occurs—

- (a) in or about any industrial premises;
(b) in the course of any construction work;
(c) in any declared industry.

(1a) The Minister may by notice published in the *Gazette* declare any industry (in this section referred to as a “declared industry”) to be an industry for the purposes of this section and may by subsequent notice published in a like manner amend, vary or revoke any such declaration.;

and

- (b) by striking out from subsection (6) the passage “two hundred dollars” and inserting in lieu thereof the passage “five hundred dollars”.

16. Section 28 of the principal Act is amended—

Amendment of
principal Act,
s. 28—
Reports of
certain
accidents.

- (a) by inserting in subsection (1) after the passage “in any industrial premises” the passage “, in any declared industry”;
(b) by striking out from subsection (1) the passage “or shoring”, twice occurring, and inserting in lieu thereof, in each case, the passage “shoring, lift, crane or hoisting appliance”;
(c) by inserting immediately after subsection (1) the following subsection:—

(1a) The Minister may by notice published in the *Gazette* declare any industry (in this section referred to as a “declared industry”) to be an industry for the purposes of this section and may by subsequent notice published in a like manner amend, vary or revoke any such declaration.;

(d) by striking out from subsection (2) the passage "or shoring" and inserting in lieu thereof the passage "shoring, lift, crane or hoisting appliance";

and

(e) by striking out from subsection (3) the passage "two hundred dollars" and inserting in lieu thereof the passage "five hundred dollars".

Amendment of
principal Act,
s. 29—
Duty of
employers, etc.

17. Section 29 of the principal Act is amended by striking out the passage "Two hundred dollars" and inserting in lieu thereof the passage "Five hundred dollars".

Enactment of
new s. 29a in
principal Act—

18. The following section is enacted and inserted in the principal Act immediately after section 29 thereof:—

Policy
statements.

29a. (1) Every prescribed employer shall—

(a) prepare and, as often as may be appropriate, revise a written statement setting out with reasonable particularity, the arrangements for the time being in operation to maintain the safety and health at work of his employees;

and

(b) take all reasonable steps to bring the contents of that statement to the notice of his employees.

Penalty: Five hundred dollars.

(2) In this section "prescribed employer" means an employer who employs ten or more workers in an industry in any industrial premises or on any construction work.

Amendment of
principal Act,
s. 30—
Duty of
workers.

19. Section 30 of the principal Act is amended by striking out the passage "Ten dollars" and inserting in lieu thereof the passage "Twenty-five dollars".

Amendment of
principal Act,
s. 31—
Workers'
safety
representative.

20. Section 31 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "Two hundred dollars" and inserting in lieu thereof the passage "Five hundred dollars";

and

(b) by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) Subsection (1) of this section shall not apply to or in relation to any industrial premises or construction work or to any section or part of such industrial premises or construction work in relation to which the Permanent Head has certified in writing that he is satisfied that there is established and in operation—

(a) a safety committee of which some or all of the members are workers;

or

(b) any other safety arrangements which involve consultation with workers or their representatives and of which he approves.

D. NICHOLLS, Governor