



ANNO DECIMO

ELIZABETHAE II REGINAE

A.D. 1961

No. 46 of 1961

An Act to amend the Scaffolding Inspection Act,
1934-1957.

[Assented to 16th November, 1961.]

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

1. (1) This Act may be cited as the "Scaffolding Inspection Act Amendment Act, 1961". Short title.
- (2) The Scaffolding Inspection Act, 1934-1957, as amended by this Act, may be cited as the "Scaffolding Inspection Act, 1934-1961".
- (3) The Scaffolding Inspection Act, 1934-1957, is hereinafter referred to as "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. Section 3 of the principal Act is amended—
 - (a) by inserting before the word "and" at the end of paragraph (d) of subsection (1) of that section the following paragraph :—
 - (da) the portions of the State to which this Act applies by virtue of any proclamation made prior to the commencement of the Scaffolding Inspection Act Amendment Act, 1961 ;

Amendment of
principal Act,
s. 3—
Application of
Act.

(b) by striking out the word "proclamation" in paragraph (e) of subsection (1) of that section and inserting in lieu thereof the word "regulation";

(c) by striking out subsection (2) of that section and inserting in lieu thereof the following subsection:—

(2) The Governor may from time to time make regulations for the purposes of this section, and, without limiting the generality of the foregoing, may by regulation—

(a) declare that this Act shall apply to any portion of the State to which this Act does not for the time being apply;

(b) revoke or vary any regulation so made;

(c) declare that this Act shall cease to apply—

(i) to any municipality or district council district mentioned in paragraph (d) of subsection (1) of this section; or

(ii) to any portion of the State referred to in paragraph (da) of that subsection.

Amendment of
principal Act,
s. 4—
Interpretation.

4. Section 4 of the principal Act is amended—

(a) by inserting therein before the definition of "gear" the following definition:—

"explosive powered tool" means a tool by which a projectile may be driven against, into, or through, any substance by means of an explosive-charge, and includes every attachment to and accessory of such a tool and every device used or adapted or intended to be used therewith, but does not include a firearm as defined in the Firearms Act, 1958;

(b) by inserting therein before the definition of "scaffolding" the following definition:—

"power-driven equipment" means equipment that is used in connection with work to which this Act applies and is driven or worked by compressed air, internal combustion, electricity or any other power, not being human or animal power; and includes any explosive powered tool; but does not include any hoisting appliance; and

- (c) by striking out the passage “, usually used for painting, paperhanging, and decorating, and for riveting iron” in the definition of “scaffolding”.

5. The following section is enacted and inserted in the principal Act after section 5 thereof :—

Enactment of
s. 5a of
principal Act—

5a. For the purposes of this Act, the expression “work to which this Act applies” means work involving—

Work to
which this
Act applies.

- (a) the erection of any scaffolding or hoisting appliance ;
- (b) the use of any hoisting appliance (except a crane, hoist or lift to which the Lifts Act, 1960, applies) or of any power-driven equipment in connection with—
- (i) the demolition, alteration, repair, cleaning or painting of any building by workmen ;
or
- (ii) the carrying on of any other kind of work on any building by workmen ;
- (c) the demolition of any building the height of which exceeds twenty feet above ground level ; or
- (d) the excavation for building foundations exceeding a depth of five feet below ground level and in which excavation persons are required to work.

In this section the word “workmen” means any persons working for reward whether as employees, contractors or sub-contractors.

6. Section 6 of the principal Act is amended—

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

Amendment of
principal Act,
s. 6—
Notice of
erection of
scaffolding.

(1) Subject to this section, a person shall at least twenty-four hours—

- (a) before commencing any work to which this Act applies ; or
- (b) before any such work which he has undertaken to carry out is commenced by some other person on his behalf—

give notice in writing to the Chief Inspector stating the estimated date when the work will be commenced, and shall at the time of giving the notice pay to the Chief Inspector, or a person appointed by him for the purpose, the prescribed fee ;

- (b) by striking out the word “on” in subsection (3) of that section and inserting in lieu thereof the words “in

connection with the repairing, cleaning or painting of” ; and

(c) by inserting after subsection (4) thereof the following subsections :—

(5) Where the work referred to in subsection (1) of this section is undertaken by a contractor (hereinafter referred to as “the principal contractor”) who has employed another contractor or person to carry out the work, the principal contractor shall be the person responsible for giving the notice referred to in that subsection and for the payment of the prescribed fee.

(6) This section shall not apply in respect of scaffolding or any hoisting appliance used for the support of persons in the regular employment of an occupier of a factory which is registered under Part V of the Industrial Code, 1920-1958, or under the Country Factories Act, 1945, or to any gear or power-driven equipment used in connection with such scaffolding or hoisting appliance if such scaffolding or hoisting appliance, as the case may be, is wholly within that factory and is used solely for the support of those persons when engaged in repairs to or the cleaning or maintenance of that factory.

Repeal and re-enactment of s. 7 of principal Act—

7. Section 7 of the principal Act is repealed and re-enacted as follows :—

Requirements for scaffolding gear, etc.

7. All scaffolding, gear, hoisting appliances and power-driven equipment used for or in connection with any work to which this Act applies—

(a) shall comply with such requirements as are prescribed in relation thereto : and

(b) shall be set up, erected, maintained and used in accordance with such requirements as are prescribed in that behalf :

by the regulations in the second schedule to this Act, as amended or added to from time to time pursuant to section 13 of this Act.

Repeal and re-enactment of s. 8 of principal Act—

8. Section 8 of the principal Act is repealed and re-enacted as follows :—

Report of accidents.

8. (1) This section shall apply to every accident which occurs during the course of work to which this Act applies and

- (a) which causes loss of life to any person ; or
- (b) which incapacitates a person for work in the course of his ordinary employment for more than twenty-four hours ; or
- (c) in which any load bearing part of any scaffolding, gear or hoisting appliance is broken, distorted or damaged.

(2) Whenever an accident to which this section applies occurs, being an accident of a kind referred to in paragraph (a) or paragraph (b) of subsection (1) of this section, the employer of the person injured in the accident shall keep a record relating to the accident containing such of the particulars referred to in paragraph (c) of subsection (4) of this section as are appropriate, and in the case of any such accident which causes loss of life or incapacitates a person for three days or more, the employer shall send written notice thereof to the Chief Inspector.

(3) Whenever an accident to which this section applies occurs, being an accident of a kind referred to in paragraph (c) of subsection (1) of this section, the person who at the time of the accident was controlling the use of the scaffolding, gear or hoisting appliance in connection with which the accident occurred shall send or cause to be sent written notice thereof to the Chief Inspector.

(4) A notice under subsection (2) or subsection (3) of this section shall--

- (a) if a death occurs as a result of the accident, be sent immediately after the death occurs ; and
- (b) in all other cases be sent within twenty-four hours after the accident ; and
- (c) state the cause of death or the cause and nature and extent of the injuries sustained by any person, or of the breaking, distortion or damage, as the case may be, the name and residence of any person killed or injured, and such other particulars as may be prescribed.

(5) After the occurrence of an accident to which this section applies a person shall not repair or alter the scaffolding, gear or hoisting appliance in connection with which the accident occurred without the written permission of the Chief Inspector.

(6) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence and be liable to a penalty not exceeding twenty pounds.

Amendment of
principal Act,
s. 11—
General powers
of inspectors.

9. Section 11 of the principal Act is amended—

(a) by striking out subsection (1) of that section and inserting in lieu thereof the following subsection :—

(1) Where it appears to an inspector—

(a) that the use of any scaffolding, gear, hoisting appliance or power-driven equipment would be dangerous to life or limb ; or

(b) that any scaffolding, gear, hoisting appliance or power-driven equipment does not comply with such requirements as are prescribed in relation thereto or is not set up, erected, maintained or used in accordance with such requirements as are prescribed in that behalf—

the inspector may give such directions in writing to the owner or person in charge of the scaffolding, gear, hoisting appliance or equipment, as the inspector considers necessary, for preventing accidents or for ensuring or securing compliance with those requirements, and the owner or person shall forthwith carry out those directions ;

(b) by striking out the words “building operations” first occurring in subsection (1a) of that section and inserting in lieu thereof the words “any work to which this Act applies” ;

(c) by striking out the words “building operations” secondly occurring in subsection (1a) of that section and inserting in lieu thereof the word “work” ;

(d) by striking out the words “he deems necessary” in subsection (1a) and inserting in lieu thereof the words “the inspector considers necessary” ; and

(e) by striking out the words “or hoisting appliance” where they occur in subsections (2) and (4) of that section and inserting in lieu thereof the words “hoisting appliance or power-driven equipment” in each case.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.