



Australian Capital Territory

# **Scaffolding and Lifts Act 1957**

**A1957-8**

**Republication No 2**

**Effective: 9 December 1998 – 29 March 2001**

Republication date: 20 January 2020

Last amendment made by A1998-54

## **About this republication**

### **The republished law**

This is a republication of the *Scaffolding and Lifts Act 1957* effective 9 December 1998 to 28 March 2001.

### **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 (Republication) Act 1996*, part 3, division 2 authorised 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 (Republication) Act 1996*, s 14 and s 16). 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.



Australian Capital Territory

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**SCAFFOLDING AND LIFTS ACT 1957**

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

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Australian Capital Territory

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## SCAFFOLDING AND LIFTS ACT 1957

An Act relating to Scaffolding, Lifts and Cranes and to Building, Excavation and Compressed Air Work

### PART I—PRELIMINARY

**1. Short title**

This Act may be cited as the *Scaffolding and Lifts Act 1957*.<sup>1</sup>

**3. Repeal and saving**

(1) Subject to the next succeeding subsection, 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Ordinance 1946*, the *Scaffolding and Lifts Ordinance 1953* and the *Scaffolding and Lifts Ordinance (No. 2) 1953* are repealed.

(2) Notwithstanding the repeal effected by the last preceding subsection, section sixteen of the *Scaffolding and Lifts Ordinance 1941* 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.

(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 Act 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.

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(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 Act 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 Act had been in force when they were given, granted or done, respectively.

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

#### **4. Interpretation**

In this Act, unless the contrary intention appears—

“the Scaffolding and Lifts Act” means the *Scaffolding and Lifts Act 1912* 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 the 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 Act.

#### **6. Appointment of Chief Inspector etc.**

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 Act and the Regulations.

#### **6A. Fees payable**

There are payable to the Territory such fees as may be determined by the Minister under section 6B for the purposes of this section in respect of—

- (a) applications for permits to erect lifts and for learners’ permits;

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- (b) reviewing the designs and descriptions of cranes, hoists, lifts, plant, scaffolding and gear and the inspection and testing of cranes, hoists, lifts, plant, scaffolding and gear;
- (c) the examination of applicants for—
  - (i) certificates of competency as power crane drivers, power hoist drivers, riggers, dogmen, scaffolders and crane chasers; and
  - (ii) certificates as authorised attendants,and the issue of such certificates and copies of such certificates; and
- (d) the notification of intention to commence building work, excavation work or compressed air work.

**6B. Power of Minister to determine fees**

The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Act.

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

**7.<sup>3</sup> Application and modifications**

(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 Act, by force of this Act 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 Act.

(2) The provisions of the *Scaffolding and Lifts Regulations*, other than subregulation (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 Act, by force of this Act in the Territory as laws of the Territory, subject to the modifications prescribed in Part II of the Schedule to this Act.

(3) Sections eleven, twelve, seventeen and seventeen A of the Scaffolding and Lifts Act and subregulation (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 Act 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 Act.

(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 subsection to be brought into operation on the date fixed by the Minister in pursuance of that subsection, 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 authorized attendant, in pursuance of those provisions as if those provisions had commenced to apply by force of this Act in the Territory as laws of the Territory on the date of commencement of this Act, 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 subsection.

## **8. Interpretation**

In the application in the Territory of the Scaffolding and Lifts Act—

- (a) a reference in that Act to the Minister shall be read as a reference to the Minister for the time being administering this Act;
- (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 *Australian Capital Territory Gazette*.

## **PART III—REGULATIONS**

### **9. Regulations**

(1) The Executive may make regulations, not inconsistent with this Act, prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for prescribing penalties not exceeding—

- (a) in the case of a natural person—10 penalty units; and
- (b) in the case of a body corporate—50 penalty units;

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.



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**THE SCHEDULE**

Section 7

**PART I**

**MODIFICATIONS OF THE SCAFFOLDING AND LIFTS ACT 1912 OF THE STATE OF  
NEW SOUTH WALES IN ITS APPLICATION IN THE TERRITORY**

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**PART II**

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

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*Scaffolding and Lifts Act 1957*

**NOTES**

1. *The Scaffolding and Lifts Act 1957* as shown in this reprint comprises Act No. 8, 1957 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

2. The *Legislation (Republication) Act 1996* (No. 51, 1996) authorises the Parliamentary Counsel in preparing a law for republication, to make certain editorial and other formal amendments in accordance with current legislative drafting practice. Those amendments make no change in the law. Amendments made pursuant to that Act do not appear in the Table of Amendments but details may be obtained on request from the Parliamentary Counsel's Office.

Table 1

**Table of Ordinances**

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Scaffolding and Lifts Ordinance 1957</i>	8, 1957	19 Sept 1957	19 Sept 1957	
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	19, 1966	23 Dec 1966	23 Dec 1966	—
<i>Scaffolding and Lifts Ordinance 1968</i>	5, 1968	21 Mar 1968	21 Mar 1968	—
<i>Scaffolding and Lifts Ordinance 1974</i>	26, 1974	30 July 1974	30 July 1974	—
<i>Scaffolding and Lifts Ordinance 1976</i>	7, 1976	24 Feb 1976	24 Feb 1976	—
<i>Scaffolding and Lifts (Amendment) Ordinance 1977</i>	28, 1977	1 July 1977	1 July 1977	—
<i>Scaffolding and Lifts (Amendment) Ordinance 1978</i>	17, 1978	4 July 1978	4 July 1978	—
<i>Scaffolding and Lifts (Amendment) Ordinance 1981</i>	15, 1981	30 June 1981	30 June 1981	—
<i>Scaffolding and Lifts (Amendment) Ordinance 1982</i>	15, 1982	7 May 1982	7 May 1982	—
<i>Scaffolding and Lifts (Amendment) Ordinance (No. 2) 1982</i>	68, 1982	18 Aug 1982	18 Aug 1982	—
<i>Scaffolding and Lifts (Amendment) Ordinance 1983</i>	34, 1983	29 Sept 1983	1 Oct 1983	—

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**NOTES**—continued

**Table of Ordinances**—continued

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

**Self-Government day 11 May 1989**

Table 2

**Table of Acts**

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Acts Revision (Position of Crown) Act 1993</i>	44, 1993	27 Aug 1993	27 Aug 1993 (see s. 2)	—
<b>(Reprinted as at 31 December 1993)</b>				
<i>Statute Law Revision (Penalties) Act 1998</i>	54, 1998	27 Nov 1998	Ss. 1 and 2: 27 Nov 1998 Remainder: 9 Dec 1998 (see <i>Gazette</i> 1998, No. 49, p. 1078)	—

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**NOTES**—continued

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
S. 2.....	rep. No. 28, 1977
S. 5.....	rep. Act No. 44, 1993
S. 6A.....	ad. No. 34, 1983 am. No. 38, 1989
S. 6B.....	ad. No. 34, 1983
S. 8.....	am. No. 38, 1989
S. 9.....	am. No. 19, 1966; No. 38, 1989; Act No. 54, 1998
The Schedule.....	am. No. 19, 1966; No. 5, 1968; No. 26, 1974; No. 7, 1976; No. 28, 1977; No. 17, 1978; No. 15, 1981; Nos. 15 and 68, 1982; No. 34, 1983; No. 38, 1989
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3. Section 7—	The modifications made by Part I and Part II of the Schedule have been incorporated in the reprint of the <i>Scaffolding and Lifts Act 1912</i> of the State of New South Wales and the <i>Scaffolding and Lifts Regulations</i> of the State of New South Wales respectively both of which are published separately.

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