

# AUSTRALIAN CAPITAL TERRITORY.

No. 12 of 1946.

## AN ORDINANCE

### To amend the Scaffolding and Lifts Ordinance 1941-1942.

**B**E it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1940*, as follows:—

1.—(1.) This Ordinance may be cited as the *Scaffolding and Lifts Ordinance 1946*.\* Short title and citation.

(2.) The *Scaffolding and Lifts Ordinance 1941-1942* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Scaffolding and Lifts Ordinance 1941-1946*.

2. Section two of the *Scaffolding and Lifts Ordinance 1942* is repealed. Repeal of s. 2 of Ordinance No. 7 of 1942.

3. Section five of the Principal Ordinance is amended— Definitions.

(a) by inserting, before the definition of “Chief Inspector”, the following definition:—

“‘building work’ means any work done in constructing, erecting, adding to, altering, repairing, equipping, finishing, painting, cleaning or demolishing which, when done in relation to a building or structure is done at or adjacent to the site of the building or structure and includes work done in excavating for or preparing the foundations of a building or structure;”;

(b) by omitting the definition of “crane” and inserting in its stead the following definition:—

“‘crane’ means any derrick crane, jib crane, cantilever crane, overhead travelling crane, bridge or gantry crane, locomotive crane, mobile crane, power shovel, excavator, charging crane,

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\* Notified in the *Commonwealth Gazette* on 28th November, 1946.  
739/45.—PRICE 5d.

fly-fox, hoist or hoisting appliance, sheer-legs, derrick-pole, or any other apparatus or contrivance used or capable of being used for raising, lowering, handling or transporting loads in like manner, and includes a pile driver or tilter and also includes the supporting structure and the gear used in connexion with the crane, but does not include a lift;”;

- (c) by omitting the definition of “engine” and inserting in its stead the following definition:—

“‘engine’ means—

(a) any machine or machinery driven by other than manual power;

(b) any boiler, pressure vessel or air lock, used or intended for use in connexion with the carrying out of building work, demolition work, or excavation work and includes the supporting structure and the gear used in connexion with the engine;”;

- (d) by omitting the definition of “gear” and inserting in its stead the following definition:—

“‘gear’ includes any ladder, plank, chain, rope, hook, sling, hanger, yoke, fastening, shackle, slipring, turnbuckle, stay, brace, block, bracket, pulley, kibble, box, bucket, grab, hose, electrical conductor or fitting, or other equipment used in connexion with scaffolding or a lift, crane or engine;”;

- (e) by omitting the definition of “horizontal base”;

- (f) by omitting the definition of “lift” and inserting in its stead the following definitions:—

“‘lift’ means any apparatus or contrivance within, or attached to a building or structure, worked by any power other than manual power by which persons or goods are raised or lowered, and includes the supporting structure, machinery, equipment, gear and enclosures used in connexion with the lift;

‘passenger lift’ means any lift by which persons other than the attendant or persons required for loading or unloading goods are carried, and includes any lift certified by the Chief Inspector to be a passenger lift;

‘power crane’ means any crane driven by other than manual power;”;

(g) by omitting the definition of "scaffolding" and inserting in its stead the following definitions:—

"'scaffolding' means structure, staging, platform or swinging stage or boatswain's chair set up or used for or in connexion with the carrying out of—

- (a) building work;
- (b) the erection or dismantling of machinery, plant or equipment; or
- (c) the erection or demolition of stacks of timber, goods or materials,

and includes the supporting structure and gear used in connexion with the scaffolding;

'supporting structure' means any structure, structural member or foundation (including any part of a building or its foundations) subject in any manner to direct or indirect loading as the result of the installation or use of scaffolding or of a lift, crane or engine"; and

(h) by adding at the end thereof the following definition:—

"'the Regulations' means any Regulations made under, or adopted as a law of the Territory by, this Ordinance."

4. Section seven of the Principal Ordinance is amended—

(a) by inserting in sub-section (1.), after the word "crane", the words "or to carry out any demolition work or excavation work";

Notice of  
intention to  
erect scaffolding,  
&c.

(b) by inserting in sub-section (2.), after the word "build", the words "or set or place in position,";

(c) by inserting in that sub-section, after the word "crane", the words "or to carry out any demolition work or excavation work"; and

(d) by omitting sub-section (3.) and inserting in its stead the following sub-sections:—

"(3.) the provisions of sub-sections (1.) and (2.) of this section shall not apply to or in respect of—

(a) any scaffolding which—

(i) is used in connexion with the erection or demolition of stacks of timber, goods or materials; or

(ii) is so placed that a person or object falling therefrom could not fall a distance of more than six feet;

- (b) demolition work, being the demolition of—
- (i) a building of not more than one storey, where the height of the building measured from its lowest to its highest point does not exceed twenty-five feet; or
  - (ii) a structure the height of which measured from its lowest to its highest point does not exceed twenty-five feet; or
- (c) excavation work, being the excavation for the foundations of any building or structure or part thereof to a depth of not more than five feet below the ground level.

“(4.) For the purposes of sub-paragraph (i) of paragraph (b) of the last preceding sub-section, the lowest point of a building shall be deemed to be the ground level at the lowest point or, where any floor is below the ground level at the lowest point, the lowest such floor.

“(5.) For the purposes of sub-paragraph (ii) of that paragraph, the lowest point of a structure shall be deemed to be the ground level at the lowest point.”

Scaffolding, &c.,  
to be in  
accordance  
with the  
Regulations.

5. Section eight of the Principal Ordinance is amended by inserting, after the word “build,” the words “set or place in position.”

Entry by  
inspector.

6. Section ten of the Principal Ordinance is amended—

- (a) by omitting the words “, during working hours,” and inserting in their stead the words “at all reasonable times”; and
- (b) by adding at the end thereof the words “and make such examination and inquiries as he thinks necessary to ascertain whether the requirements of this Ordinance and the Regulations are being, and have been, complied with”.

Inspector  
may give  
directions  
as to  
scaffolding, &c.

7. Section twelve of the Principal Ordinance is amended—

- (a) by inserting in paragraph (a) of sub-section (1.), after the word “therewith,” the words “or the manner of executing any building work,”;
- (b) by inserting in paragraph (b) of that sub-section, after the word “erection”, the words “or with regard to any building work”;

- (c) by inserting in that sub-section, after the word "gear" (third occurring), the words "or of such building work"; and
- (d) by inserting in sub-section (3.), after the word "gear", the words " , or to execute any building work,".

8. Section thirteen of the Principal Ordinance is amended by inserting in sub-section (1.) after the word "used" (second occurring), the words "or the person in charge of the building work". Appeal from directions given by inspector.

9. Section fourteen of the Principal Ordinance is amended by inserting in paragraph (b), after the word "gear", the words "or to cease to execute any building work,". Offences.

10. Section seventeen of the Principal Ordinance is amended— Regulations.

- (a) by inserting in paragraph (a) of sub-section (1.), after the word "cranes", the words "or to execute any demolition work or excavation work,";
- (b) by inserting in sub-paragraph (i) of that paragraph after the word "lifts", the words "or cranes";
- (c) by inserting after paragraph (c) of sub-section (1.) the following paragraph:—

"(ca) the notices to be given to the Chief Inspector of any accident arising out of or occurring in the course of—

- (i) the erection, maintenance or use of scaffolding, lifts, engines, cranes or gear; or
- (ii) the execution of any building work."; and

- (d) by omitting from paragraph (d) of that sub-section the words "and cranes" and inserting in their stead the words " , cranes and gear ".

Dated this twenty-seventh day of November, 1946.

HENRY

Governor-General.

By His Royal Highness's Command,

VICTOR JOHNSON

Minister of State for the Interior.