



ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

No. 18 of 1967

An Act to make provision for the safety and welfare of persons engaged on building and other works and for other purposes.

[Assented to 13th April, 1967.]

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

Short title
and
commence-
ment.

1. This Act may be cited as the "Construction Safety Act, 1967", and shall come into operation on a day to be fixed by the Governor by proclamation.

Repeal.

2. (1) The Acts mentioned in the First Schedule are hereby repealed.

(2) The regulations made under the Acts repealed by this Act are hereby repealed.

Application of
Act.

3. (1) This Act shall apply within—

(a) the portions of the State set forth in the Second Schedule ;

and

(b) every portion of the State in which the Governor by regulation declares that it shall apply.

(2) The Governor may by regulation declare that this Act shall cease to apply within any portion of the State except those portions set forth in paragraphs (1), (2) and (3) of the Second Schedule and thereupon this Act shall cease to apply to that portion of the State.

4. In this Act, unless the contrary intention appears— *Interpretation.*

“building work” means work in constructing, erecting, adding to, altering, repairing, equipping, finishing, painting, cleaning, signwriting or demolishing which, when done in relation to a building or structure, is done at or adjacent to the site thereof and which, when done in relation to a ship or other floating structure, includes the construction of a ship or floating structure and all work which is done on or adjacent to a ship or other floating structure in a dock or on a slip or at a wharf :

“Chief Inspector” means the Chief Inspector of Construction Safety referred to in section 6 of this Act :

“compressed air work” means work performed below ground level or under water where any person is required to perform work under an air pressure greater than that of the atmosphere :

“excavation work for a building or structure” means work in or in connection with excavating, shaft sinking or tunnelling carried out at or adjacent to the site of any building work and in conjunction therewith :

“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, or a pistol as defined in the Pistol Licence Act, 1929 :

“gear” includes ladder, plank, rope, chain, coupling, fastening, fitting, hoist-block, pulley, hanger, sling, brace or other movable contrivance of a like kind used or intended to be used on or in connection with work to which this Act applies :

“hoisting appliance” means any appliance or contrivance used or capable of being used for raising, lowering, handling or transporting loads in like manner on or in connection with any work to which the Act applies :

“inspector” means any Inspector of Construction Safety appointed under this Act and includes the Chief Inspector :

“light duty work” means work involving the use of a plank or planks supported on step ladders or trestle ladders on which plank or planks at any one time not more than two persons work and the weight of tools and materials does not exceed fifty pounds :

“Minister” means the Minister of Labour and Industry :

“power driven equipment” means equipment that is driven or worked by compressed air, internal combustion, electricity or any other power, not being human or animal power ; and includes any electrical equipment and wiring associated therewith, and any explosive powered tool ; but does not include any hoisting appliance :

“principal contractor” means—

(a) a person who has undertaken or agreed to carry out any work to which this Act applies ;

or

(b) if there is no such person as mentioned in paragraph (a) in relation to the work, a person who has undertaken or agreed to procure the carrying out of any work to which this Act applies ;

or

(c) if there is no such person as mentioned in paragraphs (a) and (b) in relation to the work, a person who has arranged with or procured directly or indirectly any other person to carry out (whether on behalf of such first named person or any other person whatsoever) any work to which this Act applies ;

or

(d) if there is no such person as mentioned in paragraph (a) or (b) or (c) in relation to the work, a person who employs any person to carry out any work to which this Act applies :

“rigger” means an adult employee who is responsible for the rigging involved in the erection, placing in position, or dismantling of structural steel, plant, buildings, material, equipment and the like (other than scaffolding) and the safety of such operations, when

the erection of tackle involving the use of wire rope, fibre rope or any other gear for lifting or moving is required in connection with such erection, placing in position or dismantling :

“scaffolding” means any structure, framework, swinging stage, suspended scaffolding or boatswain’s chair of a temporary nature, used or intended to be used for the protection, support, or safety of workmen engaged in or in connection with building work, and includes any scaffolding constructed as such, whether or not it is being used as scaffolding :

“Secretary for Labour and Industry” means the person for the time being holding the office of Secretary for Labour and Industry under appointment by the Governor or the person so appointed to perform the duties of the Secretary for Labour and Industry for the time being :

“shoring” means any material or equipment used for the temporary support of any building or structure or part thereof or of any excavation work :

“workman” means any person working for reward whether as an employee, contractor or sub-contractor, but in the case of any person working on a ship, does not include any member of the crew of the ship.

5. (1) For the purposes of this Act the expression “work to which this Act applies” means—

Work to which Act applies.

- (a) any building work on which any hoisting appliance or any scaffolding is used or is intended to be used ;
- (b) the demolition of any building or structure or part of a building or structure the height of which exceeds twenty feet above ground level ;
- (c) any excavation work for a building or structure which excavation exceeds a depth of four feet measured from the top of the excavation ;
- (d) any compressed air work done in connection with building work when any hoisting appliance or scaffolding or explosive is used or is intended to be used ;

and

(e) any other work declared by the Governor by proclamation pursuant to subsection (2) of this section to be work to which this Act applies,

on which workmen are engaged or required to work.

(2) The Governor may from time to time by proclamation declare any work of or in connection with an excavation or tunnel to be work to which this Act applies and may revoke any such proclamation: Provided that no such proclamation shall be made in respect of any works within the meaning of the Mines and Works Inspection Act, 1920-1966.

Appointment
of inspectors.

6. (1) The Chief Inspector appointed under Part VI of the Industrial Code, 1920-1966, shall be the Chief Inspector of Construction Safety.

(2) The Governor may appoint suitable persons to be Inspectors of Construction Safety under this Act.

Notice of
intention to
carry out work.

7. (1) The principal contractor in respect of any work to which this Act applies shall at least twenty-four hours before such work is commenced—

(a) give, either personally or through some other person acting on his behalf, notice in writing to the Secretary for Labour and Industry stating the place and date on which it is intended to commence such work and such other particulars as may be prescribed;

and

(b) pay to the Secretary for Labour and Industry the prescribed fee.

Penalty: One hundred dollars.

(2) It shall be a defence to a charge of any offence against this section to prove that owing to emergency arising from damage caused by earthquake, lightning, explosion, collision, fire, rain, flood or storm it was not practicable to give the notice or pay the fee at least twenty-four hours before the work was commenced and that the notice was given and the prescribed fee was paid as soon as practicable.

(3) Notwithstanding any provision of this Act no notice shall be required to be given for the erection or use of any scaffolding or hoisting appliance in connection with the cleaning or painting of any ship or other floating structure.

(4) Upon conviction for an offence involving failure to pay the prescribed fee, the court shall order payment of the prescribed fee to the Secretary for Labour and Industry in addition to any penalty imposed.

(5) Notwithstanding anything hereinbefore contained, and notwithstanding that no notice as required by subsection (1) of this section was given, payment of the prescribed fee may be recovered by the Secretary for Labour and Industry in any court of competent jurisdiction.

(6) This section shall not apply in respect of—

(a) any scaffolding or hoisting appliance used by a person in the regular employment of the occupier of a factory which is registered under Part V of the Industrial Code, 1920-1966, or under the Country Factories Act, 1945-1965, 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 in connection with repairs to or the cleaning or maintenance of that factory ;

or

(b) any building work on which the only scaffolding consists of a structure or framework of step ladders and planks or trestle ladders and planks used for light duty work and on which workmen are not required to work at a height of more than ten feet above ground level or floor level.

8. (1) All scaffolding, gear, hoisting appliances, power driven equipment and shoring used for or in connection with any work to which this Act applies—

Requirements
for scaffolding,
gear, etc.

(a) shall comply with such requirements as are prescribed in relation thereto, which requirements may refer to or incorporate any standard of the Standards Association of Australia ;

and

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

(2) The principal contractor, or some person acting on his behalf, shall ensure that all working places on or about which work to which this Act applies is being undertaken by him or on his behalf are maintained in a safe and orderly condition.

(3) The principal contractor and every employer who has undertaken any work to which this Act applies shall—

(a) do all such things as are necessary to ensure that the provisions of this Act are complied with ;

and

(b) take all reasonable precautions to ensure the safety of workmen engaged on such work.

Penalty : One hundred dollars.

Appointment of
safety
supervisors.

9. (1) In any place where more than twenty workmen at any one time perform work to which this Act applies, the principal contractor shall, within twenty-four hours after the commencement of such work, appoint or cause to be appointed in writing one or more persons to be a safety supervisor.

Penalty : One hundred dollars.

(2) The principal contractor, or some person acting on his behalf, shall place or cause to be placed the name of the appointed safety supervisor or supervisors on a notice board on the site within twenty-four hours after every such appointment is made.

Penalty : Fifty dollars.

(3) No such appointment shall comply with the provisions of this section unless the person appointed—

(a) is experienced in the work being performed ;

and

(b) has the qualifications prescribed, or is certified by the Chief Inspector to be qualified as a safety supervisor for the purposes of the work being performed.

(4) Every safety supervisor appointed in accordance with this section shall exercise the general supervision of the observance of the requirements of this Act and of promoting the safe conduct of the work generally.

(5) Other duties may be assigned by an employer to a safety supervisor so appointed, provided that such other duties shall not be such as to prevent him from exercising his duties as safety supervisor.

(6) Nothing in this section shall be construed to prevent the same person or persons being appointed as safety supervisor or safety supervisors for a group of sites on which work to which

this Act applies is being undertaken, or to prevent two or more principal contractors from jointly appointing the same person or persons as safety supervisor or safety supervisors, nor to changing the person or persons appointed as a safety supervisor at any particular place.

10. (1) Every employer shall provide for his employees while they are engaged on work to which this Act applies such protective equipment as may be prescribed, subject to such conditions as may be prescribed.

Protective
equipment.

(2) No employee shall fail to wear or use such protective equipment so provided.

(3) Every employer shall, where natural lighting is insufficient, provide adequate artificial lighting for illuminating the site of any work to which this Act applies and regulations may be made with respect to such artificial lighting.

(4) No employee shall remove any safety equipment provided in accordance with the regulations or fail to carry out such protective or safety measures as are required of him by the regulations or act in such a way as to render ineffective any safety or protective measures provided by his employer in accordance with the regulations.

Penalty for any breach of this section : One hundred dollars.

11. The principal contractor or some person acting on his behalf shall provide such of the following which shall comply with such regulations as to kind, standard, quantity or other conditions as may be prescribed for workmen engaged on any work to which this Act applies, when more than the prescribed number (or numbers) of workmen are engaged on that work on any particular site—

Provision of
amenities.

- (1) Wholesome drinking water.
- (2) Washing facilities.
- (3) Accommodation for meals, clothing and tools.
- (4) Sanitary conveniences.
- (5) First aid equipment.
- (6) Appliances for the prevention and extinction of fire.

Penalty : One hundred dollars.

Duty to keep
copy of Act
and
regulations.

12.—

(a) Every employer when carrying out work to which this Act applies shall provide and keep at his principal place of business ;

and

(b) In any case where more than twenty workmen are employed at any one time on any work to which this Act applies the principal contractor shall provide and keep on the site where the work is being carried on,

a copy of this Act and the regulations so as to be available for inspection by any of his workmen at all reasonable times.

Penalty : Fifty dollars.

Special
provision for
rigging
operation.

13. (1) On and after the expiration of a period of one year from the date of the commencement of this Act, wherever work to which this Act applies is being undertaken, no employer shall cause or permit any person to perform any work which involves the lifting, lowering, moving, placing in position or dismantling of structural steel, plant, material or equipment (other than scaffolding) unless a person who holds a current certificate as a rigger is in charge of such work : Provided that this subsection shall apply only in any case where the structural steel, plant, material or equipment (other than scaffolding) concerned—

(a) exceeds two thousand pounds in weight ;

or

(b) is to be lifted, moved, placed into position or dismantled to or at a height which is more than twenty-five feet above the horizontal plane from which the load is to be moved ;

or

(c) is to be lowered, moved or placed into position at a level more than fifteen feet below the horizontal plane from which the load is to be moved.

Penalty : One hundred dollars.

(2) An application for a certificate as a rigger shall be made to the Chief Inspector in the manner prescribed and the Chief Inspector shall issue such a certificate to any person who has complied with the regulations relating thereto.

(3) The class or classes of certificates to be issued to riggers, the form and duration of such certificates, the issue of interim certificates, the terms and conditions upon which and the circumstances in which any such certificates may be issued, held, suspended, cancelled, altered, extended, removed or

replaced, the fees payable in respect thereof, the qualifications, standards and other requirements required of applicants for such certificates, the examination or testing of such applicants and the fees payable in respect of such examination or testing shall be as prescribed.

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

(a) which causes loss of life to any person ;

or

(b) which incapacitates a person for work in the course of his ordinary employment ;

or

(c) in which any load bearing part of any scaffolding, gear, hoisting appliance or shoring 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 workman injured in the accident (and in the case of persons other than workmen, the principal contractor) shall keep for a period of not less than three years a record relating to the accident containing such of the particulars referred to in paragraph (d) 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, hoisting appliance or shoring 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 person responsible for sending the notice becomes aware of such death ;

(b) if the accident incapacitates a person for three days or more, be sent within twenty-four hours after the person responsible for sending the notice becomes aware of the fact that the incapacitated person has been or will be incapacitated for three days or more ;

(c) in all other cases, be sent as soon as possible, but within twenty-four hours after the person responsible for sending the notice or causing it to be sent, as the case may be, becomes aware of the occurrence of the accident ;

and

(d) 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 use, remove, repair or alter the scaffolding, gear, hoisting appliance or shoring in connection with which the accident occurred without the written permission of the Chief Inspector.

(6) Notwithstanding the provisions of subsection (2) of this section, whenever an accident to which this section applies occurs as a result of electric shock or as a result of a workman being overcome by any gas, vapour or fumes, the employer of the injured workman shall, irrespective of the period of incapacity, send written notice of the accident to the Chief Inspector as soon as possible but within twenty-four hours after the person responsible for the sending of the notice becomes aware of the accident.

(7) 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 one hundred dollars.

Powers of inspectors.

15. (1) If it appears to an inspector that on any work to which this Act applies—

(a) the use or operation on any such work of any scaffolding, gear, shoring, hoisting appliance or power driven equipment would be dangerous to life or limb of any person ;

or

(b) any scaffolding, gear, shoring, hoisting appliance or power driven equipment does not comply with or is not set up, erected, maintained or used in accordance with the requirements prescribed by the regulations,

the inspector shall give such directions in writing to the owner or person in charge of the scaffolding, gear, shoring, hoisting

appliance or power driven equipment, as the inspector considers necessary for preventing accidents or for ensuring or securing compliance with those requirements and specifying the time within such directions shall be complied with and the owner or person in charge as the case may be shall carry out those directions within the time so specified.

(2) If it appears to an inspector that, on any work to which this Act applies or in any other work in connection or in conjunction therewith, any person whether engaged on such work or not is exposed or is likely to be exposed to a risk of injury from falling, or from being struck by falling or moving material or from any other potential hazard, and that it is reasonable and practicable to protect any person from such risk by a fence, guard, screen, net, rope, scaffolding or other precautions, or by the supply to a workman and use by him of protective equipment, he shall give such directions in writing as he considers necessary to the principal contractor, or, if the principal contractor is not on the site where the work is being carried out at the time, to the person carrying out or in charge of the work, to take such precautions as the inspector considers necessary and within the time specified by the inspector for the purpose of removing or reducing such risk.

(3) Whenever any inspector gives any directions as aforesaid, he shall also, if he considers it necessary, at the same time or subsequently, order any persons forthwith to cease to use, or work in connection with any scaffolding, gear, shoring, hoisting appliance or power-driven equipment, or in the case of directions given under subsection (2) of this section to cease to work in the place specified in the direction until the directions have been complied with.

(4) There shall be an appeal to the Minister against any directions and order of any inspector under this section, and any such appeal shall be lodged in writing at the office of the Minister within twenty-four hours from the receipt of the directions. The Minister may hear the appeal, or appoint some person to do so, and the Minister or person appointed by him, shall make such order as shall to the Minister or such other person seem fair and reasonable and the order when made shall be final.

(5) Any person who—

(a) refuses or fails to comply with any direction given to him by an inspector in pursuance of this section ;

or

(b) refuses or fails to comply with any order given to him by an inspector to cease to use or work in connection with any scaffolding, gear, shoring, hoisting

appliance or power-driven equipment or to cease to work in a specified place ;

or

(c) refuses or fails to comply with any order made by the Minister or person appointed by him as aforesaid,

shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

Powers of inspection.

16. (1) Every inspector may at all reasonable times, for the purpose of making any inspection or examination or inquiry necessary or convenient to be made in connection with the administration and enforcement of this Act enter and remain in or upon any land, building, structure or works and may, with the approval of the Chief Inspector, take with him a member of the police force when he has reasonable cause to suspect that he may be hindered or disturbed or may in any way be obstructed in the execution of his duties.

(2) Every inspector may require the production of any book or record required to be kept under this Act or the regulations and may inspect, examine and copy the same.

Inspector may be accompanied by interpreter.

17. (1) Any inspector entering any land, building, structure or works for the purposes of section 15 of this Act may take with him an interpreter.

(2) Any question or requisition made on behalf of such inspector by such interpreter shall be deemed to have been put or made by the inspector and the answer thereto made to the interpreter shall be deemed to have been made to the inspector.

Obstructing inspector.

18. A person shall not—

(a) hinder or disturb an inspector or interpreter in the execution of his duties or powers under this Act ;

or

(b) omit to truly answer or reply to any question which any inspector is authorized to ask under this Act ;

or

(c) fail to produce any book or record which, pursuant to subsection (2) of section 16 of this Act, he is required by an inspector to produce ;

or

(d) directly or indirectly prevent any person from appearing before or being questioned by an inspector.

Penalty : Two hundred dollars.

19. The Governor may make regulations prescribing such matters as are required or permitted to be prescribed for the purposes of this Act or are necessary or convenient to give effect to or facilitate the operation of this Act and without limiting the generality of the foregoing may make regulations—

Regulations.

(a) prescribing a penalty not exceeding one hundred dollars for a breach of any regulation ;

and

(b) prescribing the fees payable pursuant to any provision of this Act.

20. This Act shall bind the Crown.

Act to bind
Crown.

21. All proceedings for offences against this Act shall be disposed of summarily.

Summary
procedure.

22. In any proceedings for an offence against this Act the allegation in the complaint that a specified place is within the portion of the State to which this Act applies shall be deemed proved in the absence of proof to the contrary.

Facilitation
of proof.

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

EDRIC BASTYAN, Governor.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

ACTS REPEALED.

Number and Year of Act.	Title of Act.
No. 2161 of 1934	Scaffolding Inspection Act, 1934
No. 5 of 1940	Scaffolding Inspection Act Amendment Act, 1940
No. 24 of 1957	Scaffolding Inspection Act Amendment Act, 1957
No. 46 of 1961	Scaffolding Inspection Act Amendment Act, 1961
No. 48 of 1963	Scaffolding Inspection Act Amendment Act, 1963

Section 3.

SECOND SCHEDULE.

PORTIONS OF STATE WITHIN WHICH ACT APPLIES.

(1) The municipalities of Adelaide, Brighton, Burnside, Campbelltown, Enfield, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Payneham, Port Adelaide, Prospect, St. Peters, Thebarton, Unley, Walkerville, West Torrens and Woodville :

(2) The Garden Suburb :

(3) The municipalities of Elizabeth, Gawler, Kadina, Moonta, Murray Bridge, Peterborough, Renmark, Salisbury, Victor Harbour and Wallaroo :

(4) The district council districts of Barossa, East Torrens, Gumeracha, Kadina, Meadows, Millicent, Munno Para, Noarlunga, Onkaparinga, Stirling and Tea Tree Gully :

(5) Those portions of the district council districts set forth in this paragraph which lie within a radius of five miles from the post offices respectively specified opposite the names of such district council districts :—

Angaston	Angaston
Barmera	Barmera
Berri	Berri
Encounter Bay	Victor Harbour
Loxton	Loxton
Mobilong	Murray Bridge
Mount Gambier	Mount Gambier
Naracoorte	Naracoorte
Nuriootpa	Nuriootpa
Port Elliot	Victor Harbour
Port Lincoln	Port Lincoln
Port Pirie	Port Pirie
Tanunda	Tanunda
Waikerie	Waikerie

(6) Those portions of the municipality of Port Augusta and the City of Whyalla which lie within a radius of ten miles from the Port Augusta and Whyalla Post Offices respectively :

(7) The reclaimed area at the Outer Harbor, comprising Harbors Board blocks 30 and 49 in the Hundred of Port Adelaide :

(8) That portion of the harbor of Port Adelaide, in the Hundred of Port Adelaide, County of Adelaide, bounded on the south by the southern boundary of the Hundred of Port Adelaide and on the north by the production easterly of the southern boundary of Harbors Board block 80 and comprising portion of the Old Port Reach, Gawler Reach and Hindmarsh Reach.

(9) The whole of Torrens Island, in the Hundred of Port Adelaide.

(10) Within the area commonly known as the Village of Woomera, and more particularly described in Pastoral Lease No. 1684.

(11) Those portions of the Hundred of Murtho and the County of Hamley bounded as follows:—Commencing at a point on the south-western boundary of section 20 in the Hundred of Murtho being distant 3,000 ft. north-west of the south-western corner of said Section; thence south-westerly in a straight line through section 19 at a south-western angle of 95° to the south-western boundary of section 20 to the eastern boundary of 150 link reserve continuing south-westerly across reserve and River Murray to the western boundary of said river; thence generally northerly, westerly and northerly along the said river boundary to a point normal to the centre line of the Chowilla Dam and distant one half mile southwards therefrom; thence north-westerly through section 17 County of Hamley along a line parallel to and distant one half mile south of the said centre line to the south-eastern boundary of the Renmark-Wentworth Road; thence north-easterly along said road boundary to a point normal to the centre line of the said dam and distant one half mile northwards therefrom; thence south-easterly along a line through the said section parallel to and distant one half mile north of the centre line of the said dam to the western boundary of River Murray continuing south-easterly across said river to its eastern boundary; thence southerly along the said river boundary to the western boundary of section 20 in the Hundred of Murtho; thence southerly along said section boundary to the point of commencement.