

CONSTRUCTION SAFETY ORDINANCE 1978

No. 88 of 1978

An Ordinance to amend the *Construction Safety Ordinance*

[Assented to 23 August 1978]

BE it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

Short title

1. This Ordinance may be cited as the *Construction Safety Ordinance 1978*.

Principal Ordinance

2. The *Construction Safety Ordinance* is in this Ordinance referred to as the Principal Ordinance.

Commencement

3.(1) Sections 1, 2, 3 and 4 shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.*

(2) The remaining provisions of this Ordinance shall come into operation on the date of commencement of the Principal Ordinance.

4. The Principal Ordinance is amended by inserting after section 1 the following section:

Commencement

“1A. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.”.

5.(1) Section 2(2) of the Principal Ordinance is amended—

- (a) by inserting after “sub-section (1)” the words “but subject to sub-section (3)”;
- (b) by omitting “remains in force until the expiration of the term of the licence” and substituting “remains in force for a period of 2 years immediately following the commencement of this Ordinance”.

(2) Section 2 of the Principal Ordinance is amended by adding at the end the following sub-section:

“(3) Where, before the expiration of the period specified in sub-section (2), a person is granted a licence under this Ordinance of a kind similar to a licence held by him under the repealed Ordinances, the licence under those Ordinances shall, on the date of issue of the licence under this Ordinance, cease to have effect.”.

*Notified in the *Northern Territory Government Gazette* No. 41 on 13 October 1978, page 5. Sections 1 to 4 commenced on 13 October 1978.

6. Section 4 of the Principal Ordinance is amended—

Interpretation

- (a) by inserting after the definition of “constructor” the following definition:

“ ‘cranechaser’ means a person slinging and directing the movement of loads handled by a crane where those loads are at all times in the full view of the crane driver;”;

- (b) by inserting after the definition of “demolish” the following definition:

“ ‘dogman’ means a person slinging and directing the movement of loads handled by a crane where those loads are not at all times in the full view of the crane driver;”;

- (c) by inserting after the definition of “light duty work” the following definitions:

“ ‘mine’ means a mine within the meaning of the *Mines Safety Control Ordinance*;

‘mining work’ means work of any kind carried out at a mine;”;

- (d) by inserting after the definition of “power-driven equipment” the following definition:

“ ‘rigger’ means a person who is responsible for the rigging and the safety of rigging involved in the erection, placing in position or dismantling of—

(a) a building (other than a wooden frame single unit dwelling house); or

(b) any structure, structural steel, plant, equipment or material (other than scaffolding),

that involves the use of wire or fibre rope or other gear for the purpose of lifting or moving anything;”;

- (e) by inserting after the definition of “safety supervisor” the following definition:

“ ‘scaffolder’ means a person who is directly responsible for the erection, alteration or dismantling of scaffolding or gear;”.

7. Section 5 of the Principal Ordinance is amended—

Application

- (a) by omitting from sub-section (4) “This Ordinance” and substituting “Subject to sub-section (5), this Ordinance”; and

- (b) by adding at the end the following sub-sections:

“(5) The Administrator in Council may by notice published in the *Gazette* declare that, for a specified period of time, this Ordinance applies, or specified provisions of this Ordinance apply, to a specified operation in a specified mine.

“(6) Where the Administrator has made a declaration in pursuance of sub-section (5), this Ordinance or the relevant provisions shall apply accordingly.”.

Appointment
of Chief
Inspector
and Inspectors
of Construction
Safety
Duties of
Inspector

8. Section 7(1) and (2) of the Principal Ordinance are amended by omitting “Administrator” (wherever occurring and substituting “Executive Member”.

9. Section 9 of the Principal Ordinance is amended—

- (a) by inserting after sub-section (3) the following sub-section:
“(3A) Where it appears to the Chief Inspector that the circumstances of a particular construction work are such that to waive strict compliance with the standards prescribed under rules made under section 30 will not prejudice safety, the Chief Inspector may give such directions in writing to the constructor as he considers necessary as to the extent to which those standards may on that particular construction work be relaxed.”; and
- (b) by adding at the end the following sub-section:
“(5) It is a defence to a constructor charged with an offence against any rules made under section 30 if he proves that he acted in accordance with a direction received from the Chief Inspector under sub-section (3A).”.

Notice of
intention to
carry out
work

10. Section 12(2) of the Principal Ordinance is amended—

- (a) by omitting from paragraph (a) “or” (last occurring); and
- (b) by inserting after paragraph (a) the following paragraph:
“(aa) the erection of a single unit dwelling house; or”.

Protective
equipment and
safety
measures

11. Section 17 of the Principal Ordinance is amended by adding at the end the following sub-section:

“(5) In this section ‘regulations’ includes rules made under section 30.”.

Requirements
with regard to
riggers, scaffolding
and
directing crane

12. Section 21 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (3) “as a dogman” and substituting “as a dogman or cranechaser”;
- (b) by omitting from sub-section (4) “Penalty: 200 dollars.”; and
- (c) by adding at the end the following sub-section:
“(5) A constructor shall not cause or permit a worker to be engaged in work to which this Ordinance applies involving the direction of the movement of loads by a crane where those loads are at all times in full view of the driver of the crane unless that worker holds a licence as a dogman or cranechaser.
Penalty: 200 dollars.”.

13. Section 26(1) of the Principal Ordinance is amended by omitting "Administrator" (wherever occurring) and substituting "Executive Member".

Inquiry by
Magistrate
into cause of
accident
involving
personal
injury
Accidents
to be noti-
fied to
Inspector

14. Section 22 of the Principal Ordinance is amended—

- (a) by omitting "the employer, in the case of a worker employed by him who is killed or injured, shocked or overcome, or"; and
- (b) by omitting", in any other case,".

15. Section 27(1) to (6) inclusive of the Principal Ordinance are amended by omitting "Administrator" (wherever occurring) and substituting "Executive Member".

Appeal from
Inspector

16. Section 32(a) and (b) of the Principal Ordinance are amended by omitting "or dogman" and substituting ", dogman or cranechaser".

Regulations
