

# SCAFFOLDING INSPECTION ORDINANCE 1932.\*

2097

## An Ordinance relating to the Inspection of Scaffolding, and for other purposes.

1. This Ordinance may be cited as the *Scaffolding Inspection Ordinance* 1932.\* Short title.
  
2. This Ordinance shall commence on a date to be fixed by the Administrator by notice in the *Gazette*.† Commencement.
  
3. The provisions of this Ordinance shall apply only in such part or parts of the Northern Territory as are specified by the Administrator by notice in the *Gazette* and in any such part or parts shall apply only to the extent specified in the notice. Application of Ordinance.
  
4. In this Ordinance, unless the contrary intention appears— Definitions.
  - “ Gear ” includes ladder, plank, rope, fastening, hoist-block, pulley, hanger, sling, brace or other movable contrivance of a like kind;
  - “ Hoisting appliance ” means any appliance used for hoisting purposes in erecting, demolishing, altering, repairing, cleaning, painting or carrying on any other kind of work in connexion with any building;
  - “ Inspector ” means any inspector appointed under this Ordinance, and includes any acting or assistant inspector appointed under this Ordinance;
  - “ Scaffolding ” means any structure or framework of timbers, planks or other material used or intended to be used for the support of workmen in erecting, demolishing, altering, repairing, cleaning, painting or carrying on any other kind of work in connexion with any building, structure, ship or boat, and includes any swinging stage used or intended to be used for any of those purposes, but shall not include steps and planks and trestles and planks usually used for painting, paperhanging and decorating, and for rivetting iron.
  
5. The Administrator may appoint an inspector and such acting or assistant inspectors as are necessary for the purposes of this Ordinance. Appointment of inspectors.

\* No. 8, 1932; notified in *Commonwealth Gazette* on 18th February, 1932.

† The date fixed was 8th April, 1932.

Notice to be given before scaffolding erected.

6—(1.) At least twenty-four hours before commencing to erect any scaffolding or hoisting appliance, any person intending to erect such scaffolding or hoisting appliance shall give notice in writing to an inspector of his intention so to do and shall deliver the notice at the office or place of residence of the inspector nearest to the place where it is intended to erect the scaffolding or hoisting appliance.

(2.) Any person who fails to comply with the provisions of the last preceding section shall be guilty of an offence.

Penalty: Ten pounds.

(3.) In any case of emergency arising from damage caused by lightning, explosion, fire, rain or storm, it shall not be necessary to allow any period to elapse after giving the notice required by sub-section (1.) of this section.

(4.) Notwithstanding anything contained in this section, notice shall not be required to be given for the erection of any scaffolding on any ship or boat.

Scaffolding and hoisting appliances to be in accordance with regulations.

7. All scaffolding, and all gear used in connexion therewith, and all hoisting appliances, shall comply with the prescribed conditions, and shall be set up, erected, maintained and used, as prescribed.

Powers of an inspector.

8.—(1.) Whenever it appears to an inspector—

(a) that the use of any scaffolding, or any gear used in connexion therewith, or of any hoisting appliance, would be dangerous to life or limb; or

(b) that, with regard to any scaffolding, or any gear used in connexion therewith, or any hoisting appliance, erected, or used, or in course of erection, the provisions of the last preceding section are not being complied with,

he may give such directions in writing to the owner or person in charge of that scaffolding or gear or hoisting appliance as he deems necessary to prevent accidents or to ensure compliance with the prescribed conditions, and that owner or person shall forthwith carry out those directions.

(2.) Whenever any inspector gives any directions under the last preceding sub-section, he may also, at the same time or subsequently, order any persons forthwith to cease to use, or work in connexion with, any scaffolding or gear or hoisting appliance until those directions have been complied with.

(3.) There shall be an appeal to the Administrator against the directions of any inspector under this section, and that appeal shall be lodged in writing at the office of the Administrator within twenty-four hours from the receipt of a copy of those directions.

(4.) The Administrator may hear any appeal made under the last preceding sub-section, or appoint some person to do so, and the Administrator or the person appointed by him shall make such order as he thinks fit, and that order when made shall be final.

(5.) Any person who—

- (a) refuses or fails to comply with any directions given to him by an inspector in pursuance of this section;
- (b) refuses or fails to comply with any order given to him by an inspector to cease to use, or work in connexion with, any scaffolding or gear or any hoisting appliance; or
- (c) refuses to comply with any order made by the Administrator or by the person appointed by the Administrator to hear an appeal,

shall be guilty of an offence.

Penalty: Fifty pounds.

9. Any person who obstructs any inspector in the execution of any power or duty conferred or imposed on him by this Ordinance shall be guilty of an offence.

Penalty for obstructing inspector.

Penalty: Ten pounds.

10.—(1.) In every case where there occurs in connexion with any scaffolding or gear, or any hoisting appliance, any accident causing loss of life or serious bodily injury to any person, the owner of the scaffolding or gear, or hoisting appliance, shall forthwith after the occurrence cause notice thereof to be given to an inspector, specifying the cause of the accident and the name and residence of any person killed or injured.

Accidents to be reported.

(2.) Notwithstanding anything contained in section six of this Ordinance, no repairs or alterations to any scaffolding or gear, or hoisting appliance, shall be made after any such occurrence as is referred to in the last preceding sub-section without the permission in writing of an inspector.

(3.) For the purposes of this section, the expression "serious bodily injury" means an injury which is likely to incapacitate the sufferer from work for at least one week.

(4.) Every owner who neglects to give the notice referred to in sub-section (1.) of this section, or makes or permits to be made any repair or alteration without the permission referred to in sub-section (2.) of this section, shall be guilty of an offence.

Penalty: Twenty pounds.

Inspectors to inquire and report.

11. As soon as practicable after receiving the notice referred to in sub-section (1.) of the last preceding section, the inspector shall proceed to the place where the accident occurred, shall thereupon inquire into the cause of the accident, may examine the owner of the scaffolding or gear or hoisting appliance and all persons employed in or about the place where the accident occurred, and shall report the result of his inquiry to the Administrator.

Inquiry into cause of accident.

12.—(1.) In the event of an accident to scaffolding or gear or to any hoisting appliance, or where by reason thereof any loss of life or serious bodily injury to any person has occurred, the Administrator may direct an inquiry to be held before a Special Magistrate, together (if the Administrator thinks fit) with a person skilled in the use and construction of scaffolding and gear, to be nominated by the Administrator.

(2.) The Special Magistrate, together with the person (if any) nominated by the Administrator, shall have power to hold any inquiry referred to in the last preceding sub-section at such times and places as are necessary and convenient, and shall report on the cause of any accident to the Administrator.

(3.) With respect to the summoning and attendance of witnesses at or upon any inquiry directed to be held in accordance with the provisions of this section and the examination of the witnesses upon oath or affirmation, any Special Magistrate before whom an inquiry in pursuance of this section is being held shall have all the powers which he would have or might exercise in any case under the Ordinances in force for the time being relating to summary jurisdiction of Justices.

Facilitation of proof.

13. In any proceedings for an offence against this Ordinance the allegation in the complaint that a specified place is within a part of the Northern Territory to which this Ordinance applies shall be deemed proved in the absence of proof to the contrary.

Regulations.

14. The Administrator may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and for prescribing penalties not exceeding Twenty pounds for any breach of the Regulations.