

SCAFFOLDING INSPECTION ACT, 1934.

No. 2161 of 1934.

An Act to consolidate certain Acts providing for the inspection of scaffolding and for other purposes.

[Assented to 8th November, 1934.]

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

- 1.** This Act may be cited as the “ Scaffolding Inspection Act, 1934 ”, and shall come into operation on a day to be fixed by proclamation. Short title and commencement.
- 2.** (1) This Act is a consolidation of the Acts mentioned in part I. of the first schedule, and the said Acts are hereby repealed. Consolidation and repeal.
- (2) The orders-in-council and regulations mentioned in part II. of the first schedule are hereby repealed.
- 3.** (1) This Act shall apply to— Application of Act.
- (a) the municipalities of Adelaide, Brighton, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Port Adelaide, Prospect, St. Peters, Thebarton, Unley, and Woodville ; 935, 1907, s. 2.
1682, 1925,
s. 2.
Proclamation
made 12.5.1926.
- (b) the district council districts of Burnside, Campbelltown, Marion, Mitcham, Payneham, Walkerville, West Torrens, Yatala North, and Yatala South ;
- (c) the Garden Suburb ;

s. 1. This Act was proclaimed to commence on 1st June, 1937: *Gazette* 25th March, 1937, p. 642.

s. 3. At 23rd October, 1937, the following changes had been made with respect to the following district council districts:—(a) The district council district of Burnside was constituted a municipality: *Gazette* 16th May, 1935, p. 1308. (b) The district council district of Yatala North was included in the district council district of Salisbury: *Gazette* 22nd June, 1933, p. 1048. (c) The name of the district council of Yatala South was altered to the district council of Enfield: *Gazette* 11th July, 1935, p. 38.

(d) the municipalities of Gawler, Kadina, Moonta, Mount Gambier, Murray Bridge, Peterborough, Port Augusta, Port Pirie, Victor Harbour, and Wallaroo, and to the district council district of Kadina; and

(e) any municipalities and district council districts, or portions thereof, to which the Governor may by proclamation declare that this Act shall apply.

(2) The Governor may make any proclamation as aforesaid. The Governor may, by proclamation, revoke or vary any such proclamation, and may, by proclamation, declare that this Act shall cease to apply to any municipality or district council district mentioned in paragraph (d) of subsection (1).

Interpretation.
935, 1907, s. 3.
951, 1908, s. 3.
1646, 1924,
s. 2.

4. In this Act, except where inconsistent therewith—

“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 connection with any building :

“inspector” means any inspector appointed under this Act, and any acting or assistant inspector similarly appointed :

“Minister” means the Commissioner of Public Works or other Minister of the Crown appointed to administer this Act :

“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 connection with any building, structure, ship, or boat, and any swinging stage used or intended to be used for any of the purposes aforesaid; but does not include any steps and planks and trestles and planks, usually used for painting, paperhanging, and decorating, and for riveting iron.

Appointment
of inspectors.
935, 1907,
ss. 4 and 5 (3).

5. (1) The Governor may appoint one inspector, and such acting or assistant inspectors as he may think fit, to carry out the provisions of this Act. No person shall be appointed as aforesaid unless he has had at least four years' experience in the erection of scaffolding.

(2) The inspector shall have an office in the city of Adelaide.

6. (1) Any person intending to erect any scaffolding or hoisting appliance shall, at least twenty-four hours before commencing to erect the same, give notice in writing to the inspector of his intention and shall at the time of giving notice as aforesaid pay the prescribed fee. Notice as aforesaid shall be delivered at the office of the inspector.

Notice of erection of scaffolding. 935, 1907, s. 5 (part). 951, 1908, s. 4, 1646, 1924 s. 3.

(2) 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 subsection (1) hereof.

(3) No notice shall be required to be given for the erection of any scaffolding on any ship or boat.

(4) Any person who fails to give any notice required by this section shall be guilty of an offence and liable to a penalty not exceeding five pounds.

7. All scaffolding, and all gear used in connection therewith, and all hoisting appliances, shall comply with the requirements of the regulations in the second schedule, and shall be set up, erected, maintained, and used in accordance with the said regulations.

Requirements for scaffolding and gear. 935, 1907, s. 6, 1646, 1924, s. 4.

8. (1) In every case where there occurs in connection with any scaffolding, gear, or hoisting appliance any accident causing loss of life or serious bodily injury to any person, the owner of the scaffolding, gear, or hoisting appliance shall forthwith after the occurrence cause notice thereof to be given to the inspector, specifying the cause of the accident and the name and residence of every person killed or so injured; and, notwithstanding any provision of section 6, no repairs or alterations to the scaffolding, gear, or hoisting appliance shall be made after any such occurrence without the permission in writing of the inspector.

Report of accidents. 951, 1908, s. 5, 1646, 1924, s. 7.

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

(3) Any owner who neglects to give any such notice as aforesaid, or makes or permits to be made any such repair or alteration without such permission as aforesaid, shall be guilty of an offence and liable to a penalty not exceeding ten pounds.

9. As soon as practicable after receiving any such notice as mentioned in the next preceding section the inspector shall proceed, or cause an assistant inspector to proceed, to the

Powers of inspectors. 951, 1908, s. 6, 1646, 1924, s. 8.

place where the accident occurred, and the inspector or assistant inspector shall thereupon inquire into the cause of the accident, and may examine the owner of the scaffolding, gear, or hoisting appliance and all persons employed in or about the said place, and shall report the result of the inquiry to the Minister.

Inquiry into
cause of
accident.
951, 1908,
s. 7.
1646, 1924,
s. 9.

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

(2) The special magistrate, together with the said person (if any), shall have power to hold the inquiry at such times and places as are necessary or convenient, and shall report on the cause of the accident to the Minister.

(3) With respect to the summoning and attendance of witnesses at or upon any such inquiry and the examination of witnesses upon oath, every such special magistrate shall have all the powers which he would have or might exercise in any case under the Acts in force for the time being relating to summary jurisdiction of justices.

General
powers of
inspectors.

935, 1907, s. 7.
1646, 1924,
s. 5.

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

- (a) that the use of any scaffolding or any gear used in connection 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 connection therewith, or any hoisting appliance, erected, or used, or in course of erection, the requirements of the regulations in the second schedule are not being complied with,

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

(2) Whenever any inspector gives any directions as aforesaid, he may also, at the same time or subsequently, order any persons forthwith to cease to use, or work in connection with, any scaffolding, gear, or hoisting appliance until the directions have been complied with.

(3) There shall be an appeal to the Minister against the directions 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 may be deemed right and proper, and the order when made shall be final.

(4) 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, or hoisting appliance ; or
- (c) refuses 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 fifty pounds.

12. Any person who obstructs any inspector in the execution of any power or duty conferred or imposed on him by this Act shall be guilty of an offence and liable to a penalty not exceeding five pounds.

Obstructing
Inspector.
935, 1907, s. 8.

13. (1) The Governor may make regulations rescinding, amending, or adding to the regulations in the second schedule, including the prescribing of penalties for any breach thereof and prescribing the fees payable pursuant to section 6. Every such regulation shall be published in the *Government Gazette*, and laid before Parliament within fourteen days after the publication thereof, or, if Parliament is not then sitting, within fourteen days after the commencement of the next ensuing session.

Power to
rescind, &c
regulations
935, 1907, s. 9.
1646, 1924,
s. 6.

(2) Notwithstanding any publication thereof, no such regulation shall continue to have any force or effect if the same shall be disapproved, either wholly or in part, by resolution of either House of Parliament within thirty days after the regulation is laid before Parliament, if Parliament shall be so long in session : Provided that if Parliament shall not be in session for thirty days after the regulation is laid before it, then no such regulation shall continue to have any force or effect if disapproved by either House of Parliament within thirty days after the commencement of the next session of Parliament

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

Summary
procedure.
935, 1907
s. 10.

Facilitation of
proof.
1682, 1925
s. 3.

15. 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.

SCHEDULES.

THE FIRST SCHEDULE.

PART I.

Acts Repealed.

Number and year of Act.	Short title.
No. 935 of 1907	The Scaffolding Inspection Act, 1907
No. 951 of 1908	The Scaffolding Inspection Act Amendment Act, 1908
No. 1646 of 1924	Scaffolding Inspection Act Amendment Act, 1924
No. 1682 of 1925	Scaffolding Inspection Act Amendment Act, 1925

PART II.

Orders-in-Council and Regulations Repealed.

Heading of Order-in-Council or Regulation.	Date of making.
Additional Regulations under "The Scaffolding Inspection Acts, 1907 and 1908."	29th September, 1909
Regulations under "The Scaffolding Inspection Act, 1907."	16th February, 1911
The Scaffolding Inspection Acts, 1907 to 1924	3rd September, 1925

THE SECOND SCHEDULE.

REGULATIONS RELATING TO SCAFFOLDING AND GEAR USED IN CONNECTION THEREWITH.

935, 1907.
The Schedule.
Regulations
made on
29/9/1909,
16/2/1911,
and 3/9/1925.

1. In these regulations "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 connection with any building, structure, ship, or boat, and any swinging stage used or intended to be used for any of the purposes aforesaid, but does not include steps and planks and trestles and planks, usually used for painting, paperhanging, and decorating, and for riveting iron.

AS TO SWINGING STAGES.

2. (1) Every scaffolding built or erected as a swinging stage shall be so constructed that it shall be capable of bearing three times the maximum weight required. The blocks used shall be of iron or wood, not less than four inches in diameter, and shall consist of double and single blocks. Good sound rope shall be used, and shall be not less than two and three-quarter inches in circumference.

(2) Every such scaffold used as aforesaid shall be constructed of not less than twelve inches by two inches planking, running full length, and the width between supports shall be not more than fifteen feet. Supports shall be of wrought iron, two and one-half inches by one-half inch, carried around stage with loop on top to receive tackle, and bolted to planking with three-eighths inch bolts each end. A strong cleat shall be screwed to planking under centre.

- (3) Every such scaffold shall have overhead or wall attachments or weights securely fixed.
- (4) There shall be a guard rail three feet from floor of not less than nine inches sectional area, and a fender board of not less than nine inches on the outside and at both ends.

AS TO SCAFFOLDING FOR MASONS, BRICKLAYERS, AND OTHER ARTISANS AND LABOURERS.

3. (1) In every scaffold erected for and used by masons, bricklayers, and other artisans and labourers the standards shall be not more than nine feet apart. Standards shall be not less than five inches in diameter or twenty inches sectional area, and shall be embedded not less than twenty-four inches in the ground or in barrels filled with sand or earth: Provided that no scaffold erected for and used by masons and bricklayers shall be less than five planks wide.

(2) Ledgers shall be not more than five feet apart, and not less than fifteen inches sectional area.

(3) Putlogs shall be not less than five feet long and not less than twelve inches sectional area, and shall be of stringybark.

(4) Scaffold boards shall be not less than one and one-half inches thick, and free from all defects. All planking shall be laid butting with one putlog at each end, and putlogs spaced not more than five apart.

(5) All scaffolding erected on street frontages shall have guard boards on each stage, nine inches by one and one-half inches in size, and any such guard boards shall be secured to standards.

(6) Where a building of more than one storey is being erected there shall be a guard rail, not less than six inches in sectional area, extending throughout the whole length of every working platform, except such parts thereof as are used for ladder ways or hoist ways. Each rail shall be placed three feet above the floor of the platform, and shall be securely fixed to the standards.

(7) Where buildings of more than one storey are being erected on street frontages, there shall be a guard board of not less than eighteen inches high, secured to standards.

(8) Bracing shall be not less than twelve inches sectional area, and shall be placed to the satisfaction of an inspector.

(9) All scaffolding shall be secured by good sound rope of not less than one and three-quarter inches circumference and fifteen feet in length, or by bolts not less than five-eighths of an inch in diameter. All lashings shall be properly wedged, and such wedging shall be tightened after rain.

(10) Where buildings of more than two storeys are being erected, the buildings shall, immediately after the joists are laid, have a temporary covering of close planking on joists or girders in cases where men are working underneath, except those portions needed for ladder ways and hoist ways.

(11) All gangways shall be constructed to the satisfaction of an inspector.

AS TO INTERNAL SCAFFOLDING.

4. (1) In every scaffold erected inside any building or structure intended to be used and used by painters, plasterers, and other artisans and labourers, the ledgers shall be not less than twelve inches sectional area, and not more than six feet six inches apart, with standards not more than nine feet apart and twelve inches sectional area.

(2) Bracing shall be not less than twelve inches sectional area, and shall be placed to the satisfaction of an inspector. The dimensions and sizes herein may be altered with the permission of the inspector.

(3) Properly framed trestles and slipheads may be used in lieu of standards.

AS TO SCAFFOLDING IN CONNECTION WITH ONE-STORIED BUILDINGS.

5. (1) In every scaffold erected for and used in the construction of one-storied buildings the standards shall be not more than nine feet apart. Standards shall be not less than twelve inches in circumference four feet from the butt, and be embedded not less than eighteen inches in the ground or in barrels filled with sand or earth.

(2) External scaffolds shall be not less than three feet nine inches wide, and internal scaffolds shall be not less than three feet wide.

(3) Ledgers shall be not less than fourteen inches in circumference four feet from the butt, or, if sawn timber be used, not less than twelve inches sectional area, and shall be of stringybark or clean oregon.

(4) Putlogs shall be not less than five feet long and not less than nine inches sectional area, and shall be of stringybark.

(5) Run planks and outrigger staging shall be fixed and maintained to the satisfaction of an inspector.

(6) This regulation shall not apply to churches, halls, or warehouses.

AS TO SCAFFOLDING IN CONNECTION WITH BUILDINGS OF ALL KINDS.

6. (1) Putlogs, instead of being of stringybark, may be of iron, provided that it is not less than three inches by half an inch, and not less than five feet long, or of T-steel two and a half inches by two and a half inches by quarter of an inch, not less than five feet long.

(2) For all upright poles or standards where spliced the splicing shall be not less than nine feet, and for horizontal poles or ledgers the splicing shall be not less than four feet six inches.

(3) All scaffolding and all gear shall be securely erected, and shall at all times be maintained and kept in good and safe manner and condition.

(4) Slipheads or trestles shall not be used as a mason's or bricklayer's scaffold.

AS TO SCAFFOLDING IN CONNECTION WITH RE-INFORCED CONCRETE BUILDINGS.

7. (1) No working platform shall be less than two feet wide.

(2) All runs and gangways shall be of sufficient width to ensure safety, and shall be not less than three inches in thickness.

(3) All runs and gangways consisting of two or more planks shall be properly cleated together so as to prevent unequal sagging.

(4) All trestles and slipheads shall be properly constructed of good sound timber.

AS TO LADDERS.

8. (1) Ladders shall be of clean oregon, larch, or other approved timber, with rungs of split stringybark or iron set at not more than nine inch centres in centre of stiles.

(2) No batten ladder shall be used except on a roof as a creeper.

(3) All ladders shall stand not less than six feet above staging.

(4) All ladders shall be effectively lashed, and shall be stayed where their length exceeds twenty-two feet, but this shall not apply to painters, paperhangers, and decorators.

PENALTIES.

9. If any scaffolding or gear is in any respect, whether by commission or omission, not strictly in accordance with these regulations, or with any of these regulations, the person setting up, or erecting, or maintaining, or who set up, erected, or maintained the scaffolding or gear, the owner, the lessee, and the occupier of the scaffolding or gear, the person for the time being in charge of the scaffolding or gear, and the person carrying out the work, whether as contractor or as sub-contractor, in connection with which the scaffolding or gear is used, shall be liable in respect of each breach of the regulations to a penalty not exceeding £10, and each non-compliance, whether by commission or omission, may, for the purpose of computing any such liability, be regarded as a separate breach.

FEES PAYABLE PURSUANT TO SECTION 6.

10. (1) In this regulation the expression "estimated cost" means:—

(a) where the work in respect of which it is intended to erect scaffolding or any hoisting appliance, or both of them, is the erection of a new building, the total cost of the building when completed; and

(b) where the work in respect of which it is intended to erect scaffolding or any hoisting appliance, or both of them, is work in connection with a building other than the erection of a new building, the total cost of the work when completed,

as estimated by the person intending to erect the scaffolding or hoisting appliance, or both of them, at the time the said person gives the notice required to be given by section 6: Provided that any such person shall, if required so to do, satisfy the inspector that any such estimated cost is reasonably accurate.

(2) The following fees shall be payable pursuant to the said section 6:—

(a) Where the estimated cost does not exceed £500 the fee shall be two shillings and sixpence:

(b) Where the estimated cost exceeds £500 but does not exceed £700 the fee shall be five shillings:

(c) Where the estimated cost exceeds £700 but does not exceed £1,000 the fee shall be ten shillings: and

(d) Where the estimated cost exceeds £1,000 the fee shall be ten shillings for the first £1,000, together with an additional sum of five shillings for each succeeding £1,000 or part thereof of the estimated cost.