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# INSPECTION OF SCAFFOLDING

15° Geo. V., No. XXXIX.

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**No. 39 of 1924.**

[As amended by Acts

- No. 21 of 1926, assented to 6th November, 1926 ;
- No. 13 of 1930, assented to 19th November, 1930 ;
- No. 45 of 1938, assented to 31st January, 1939 ;
- No. 4 of 1945, assented to 27th November, 1945 ;
- No. 14 of 1950,<sup>1</sup> assented to 17th November, 1950 ;
- No. 4 of 1954, assented to 25th August, 1954 ;
- No. 15 of 1955, assented to 1st November, 1955 ;
- No. 76 of 1962,<sup>2</sup> assented to 6th December, 1962.

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

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**AN ACT to make provision for the Inspection of Scaffolding and Gear and for other purposes.**

Amended by  
No. 4 of 1954,  
s. 2,  
No. 76 of  
1962, s. 3.

[Assented to 16th January, 1925.]

**BE** it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the *Inspection of Scaffolding Act, 1924–1962.*

Short title  
and com-  
mencement of  
Act.  
No. 39 of  
1924, s. 1 (1)  
No. 76 of  
1962 s. 1 (3).

(2) [*Repealed by No. 76 of 1962, s. 4.*]

1A. This Act binds the Crown.

Application  
of Act to  
the Crown.  
Added by  
No. 76 of  
1962, s. 5.

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<sup>1</sup> Came into operation on 27th February, 1951, G.G. 9/3/51.

<sup>2</sup> Came into operation on 2nd August, 1963, G.G. 2/8/63.

*Inspection of Scaffolding.*

Interpretation.  
Q., 1915, No.  
25, s. 3.  
No. 39 of  
1924, s. 2;  
No. 21 of  
1926, s. 3;  
No. 13 of  
1930, s. 2;  
No. 45 of  
1938, s. 3;  
No. 4 of  
1945, s. 2;  
No. 76 of  
1962, s. 6.

2. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say :—

“ Gear ” includes—

- (a) any ladder, plank or plant used by a builder forming part of or used or intended to be used in connection with scaffolding ;
- (b) any chain, rope, fastening, hoist, crane, conveyor, stay, block, pulley, hanger, sling, brace or other moveable contrivance of a like kind, used or intended to be used by workmen or for the support or protection of workmen,

but does not include a power operated jib or hammer head crane.

Gear.  
Substituted by  
No. 78 of  
1962, s. 6.

Horizontal  
base,  
No. 39 of  
1924, s. 2;  
amended by  
No. 21 of  
1926, s. 3, and  
No. 4 of  
1945, s. 2.

“ Horizontal base ” means ground level : Provided that where any scaffolding is erected upon permanent floors with walls on all sides not less than three feet higher than the working platform, then such permanent floor shall be deemed the horizontal base : Provided also, that in the case of scaffolding erected or used below the ground level, “ Horizontal base ” shall mean the base of the scaffolding : Provided also, that in the case of scaffolding erected or used above any area of water, “ Horizontal base ” shall mean the bed of the water-way immediately below such area of water.

Inspector.

“ Inspector ”—The chief inspector of scaffolding and any inspector appointed under this Act, and any person appointed for the time being to perform the whole or any part of the duties of an inspector.

The term “ inspector ” with respect to any mechanical gear, as prescribed, includes the chief inspector and inspectors appointed under the Inspection of Machinery Act, 1921.

- “Minister”—The Minister for Works or other Minister of the Crown for the time being charged with the administration of this Act. **Minister.**
- “Owner”—The owner of any scaffolding or gear and the mortgagee, lessee, hirer, and borrower thereof, and any overseer, foreman, agent, and person having the control, charge, or management thereof. **Owner.**  
No. 39 of 1924, s. 2, amended by No. 13 of 1930, s. 2 (b).
- “Place”—Any structure or area, enclosed or otherwise, and whether above or below ground, wherein or whereon any scaffolding or gear is erected or used; the term includes any road, street, bridge, wharf, house, or building. **Place.**  
No. 39 of 1924, s. 2, amended by No. 13 of 1930, s. 2 (c).
- “Prescribed”—Prescribed by this Act, or any Order in Council or regulation made thereunder. **Prescribed.**
- “Regulations”—Regulations made under the authority of this Act. **Regulations.**
- “Rigger” means the person in charge of the erection, use or dismantling of gear and being the holder of a license under this Act empowering him to act in such employment. **Rigger.**  
Added by No. 76 of 1932, s. 6.
- “Scaffolder” means the person in charge of the erection or dismantling scaffolding and/or gear and being the holder of a license under this Act empowering him to act in such employment. **Scaffolder.**  
Inserted by No. 45 of 1933, s. 3, amended by No. 74 of 1932, s. 6.
- “Scaffolding” includes any structure, any swinging stage, boatswains chair or stage, ladder or formwork set up or used or intended to be set up or used by workmen in connection with the carrying out of any works, or for the support or protection of workmen or persons on or in the vicinity of any works. **Scaffolding.**  
Inserted by No. 13 of 1930, s. 2 (d). Substituted by No. 76 of 1932, s. 6.
- “Serious bodily injury” means an injury that is likely to incapacitate the person suffering the injury from work for three or more working days. **Serious bodily injury.**  
Substituted by No. 76 of 1932, s. 6.

*Inspection of Scaffolding.*

Workman.  
Inserted by  
No. 13 of  
1930, s. 2 (e).

“ Workman ” means any person, not being the owner of scaffolding or gear, who is employed or engaged on works for the owner, and includes any overseer or foreman employed by the owner.

The term does not include any person who, being the owner of any premises himself and without the assistance of workmen, carries out works in connection with such premises for his own benefit, or any person who, otherwise than as a servant, agent, or contractor, voluntarily and without remuneration assists such first-mentioned person in the carrying out of the said works ;

Works.  
Inserted by  
No. 13 of  
1930, s. 2 (e).

“ Works ” includes the construction, erection, demolition, alteration, repair, cleaning, painting, and any other kind of work in connection with any building, structure, ship, boat, well and excavations for building operations, but does not include work in connection with mine timbering.

Expenses to  
be paid out  
of moneys  
appropriated  
Q., 1915, No.  
25, s. 4.  
No. 39 of  
1924, s. 3.

3. All expenses of carrying this Act into execution shall be paid out of moneys to be from time to time appropriated by Parliament for the purpose.

Appointment  
of inspectors.  
Q., 1915, No.  
25, s. 5.  
No. 39 of  
1924, s. 4.

4. (1) The Governor may from time to time—

- (a) appoint a chief inspector of scaffolding, and so many inspectors and other officers as appear necessary for the purposes of this Act ;
- (b) assign a district or districts to an inspector, but such assignment shall not be construed to limit the powers and authority of such inspector in respect of any other district except to the extent by which they are expressly so limited by such assignment, or be construed in any way to limit the powers and authority of the chief inspector.

Certificate.

(2) Every inspector shall be furnished with a certificate of appointment, and upon applying for admission to any place shall, if required, produce such certificate to the occupier of the place.

(3) Any person who—

False certificate.

- (a) makes use of any forged, counterfeited, or false certificate ; or
- (b) falsely pretends to be an inspector,

shall be liable to imprisonment, with or without hard labour, for any period not exceeding six months.

5. The Minister may from time to time issue certificates of approval to qualified persons to act as public inspectors of scaffolding in such localities as he may direct.

Public inspectors. Q., 1915, No. 25, s. 6. No. 39 of 1924, s. 5.

Such certificates shall only be issued upon the applicants furnishing, by examination, such evidence of fitness and competency as may be prescribed.

Such certificate shall authorise the persons to whom they are granted to act as inspectors of scaffolding under this Act.

All holders of such certificates shall have and be subject to all such powers, authorities, duties, and obligations as may be prescribed.

6. Every inspector shall keep full minutes of all his proceedings, and shall from time to time report the same to the chief inspector, with such particulars and information as the chief inspector requires.

Inspector to keep minutes and report to chief inspector. Q., 1915, No. 25, s. 7. No. 39 of 1924, s. 6.

7. (1) Any inspector may at any reasonable time by day or by night enter any place where there is or where he has reason to believe there is any scaffolding or gear, whether constructed or used or in course of construction or use, and may inspect and examine any scaffolding or gear therein.

Powers and duties of inspectors. Q., 1915, No. 25, s. 8. No. 39 of 1924, s. 7, amended by No. 13 of 1930, s. 3.

(2) In making such inspection the inspector may—

- (a) call to his aid any member of the police force, or any person he thinks competent to assist therein ;
- (b) examine the owner or any person there present as to compliance with this Act in any particular.

Occupiers to allow entry and inspection. Q., 1915, No. 25, s. 9. No. 39 of 1924, s. 8.

8. Every occupier of any place and every owner of scaffolding or gear shall afford to the inspector all reasonable facilities and all such information as may reasonably be required by him for the exercise of his powers under this Act.

Obstructing an inspector. Q., 1915, No. 25, s. 10. No. 39 of 1924, s. 9.

9. Every person who—

- (a) impedes, obstructs, or delays an inspector in the exercise of any power or duty under this Act ; or
- (b) makes any false reply to any question put to him by the inspector having reference to this Act ; or
- (c) fails to comply with a requisition of the inspector made under any such power ; or
- (d) fails to furnish any facilities or any information in his possession or power, which may be reasonably required by the inspector for the exercise of any such power ; or
- (e) conceals any person from the inspector, or prevents any person from appearing before or being examined by him, or attempts so to conceal or prevent any person ; or
- (f) uses any threat or abusive or insulting language to an inspector or to an employee with respect to any inspection or examination ;

shall be deemed to obstruct an inspector in the execution of his duty under this Act, and shall be liable to a penalty not exceeding twenty pounds :

Provided that no person shall be required, under this section or the two last preceding sections, to answer any question or give any evidence tending to criminate himself.

Scaffolding, etc., to be in accordance with Act. Q., 1915, No. 25, s. 11. No. 39 of 1924, s. 10.

10. All scaffolding and all gear shall be of the description prescribed by the regulations, and shall be set up, built, maintained, and used in accordance with this Act.

11. (1) On all scaffolding that exceeds or is likely to exceed twenty feet from the horizontal base, there shall be one scaffolder employed or engaged in the supervision of the erection of, dismantling of or addition to that scaffolding and he shall remain on duty on the place during the erection of, dismantling of or addition to the scaffolding.

Licensed scaffolder or rigger to be employed. Formerly s. 10A inserted by No. 45 of 1938, s. 4. Repealed and re-enacted by No. 78 of 1962, s. 7.

(2) Subsection (1) of this section does not apply to any such scaffolding as is referred to in that subsection that is used on works relating to a single storey dwelling house.

(3) On all gear that exceeds or is likely to exceed twenty feet from the horizontal base, there shall be one rigger employed or engaged in the supervision of the erection and use of that gear and he shall remain on duty on the place during the erection and use of that gear.

12. (1) Where it appears to an inspector—

(a) that the use of any scaffolding or gear would be dangerous to the life or limb of any workman employed on the works whether he is or is not using such scaffolding or gear ;

(b) that with regard to any scaffolding or gear erected or used or in the course of erection or use this Act is not being complied with, he may, by notice in writing, give directions to the owner thereof to make safe, to dismantle, to render unusable, or to remove from any place that scaffolding or gear or both in order to prevent accidents or ensure a compliance with this Act, and the owner shall, unless notice of appeal is given under subsection (5) of this section, carry out those directions within the time specified in the notice.

Inspector may give directions as to scaffolding, etc. Q., 1915, No. 25, s. 12. No. 59 of 1924, s. 11, repealed and new section 11 inserted by No. 45 of 1938, s. 5, now re-numbered s. 12. Amended by No. 78 of 1962, s. 8.

(2) (a) When it appears to an inspector that the employment of a person on any works without the use of scaffolding or gear would be dangerous to human life or limb, he may, by notice in writing to any person so employed and to the person for whom the works

are to be or are being carried out, give directions for scaffolding or gear to be used to his satisfaction, and, unless notice of appeal is given under subsection (5) of this section, those directions shall be carried out within the time specified in the notice.

(b) It is sufficient compliance with paragraph (a) of this subsection, if either person to whom a notice has been given under that paragraph carries out the directions contained in that notice.

(3) When it appears to an inspector that the employment of any person on the construction, sinking, alteration or repair of any well exceeding a depth of twelve feet below the ground surface level without the use of scaffolding, shoring, tonging and timbering, or any one or more of them, would be dangerous to life or limb he may by notice to the owner of such well, or his agent or contractor, or to any person employed on such work, direct that scaffolding, shoring, tonging and timbering, or any one or more of them as specified in the notice, shall be erected or carried out to the satisfaction of the inspector and be used for such work and unless notice of appeal is given as hereinafter provided such direction shall forthwith be carried out.

(4) Where any inspector gives any notice prescribed by subsection (1) or subsection (3) of this section he may at the same or any other time order any persons forthwith to cease to use or to work in connection with or near the scaffolding or gear or the well, as the case may be, until such directions or any order on appeal therefrom have or has been complied with. Any such order of an inspector may be rescinded by him.

(5) The person to whom such notice or order has been given, or the owner, within seven days after the receipt of such notice or order, may serve on the inspector a written requisition to refer the matter to the decision of the nearest police or resident magistrate who shall hear and determine the dispute in manner prescribed, and whose decision shall be final.

(6) Any person who fails to comply with any notice or order given to him by an inspector in pursuance of this section, or any decision on appeal therefrom, shall be liable to a penalty not exceeding fifty pounds.



13. If any scaffolding or gear is not kept in conformity with this Act, or if with respect to the same there is a breach of this Act, or if the owner fails to comply with an order or request duly made by an inspector with respect to the same, the owner shall be liable to a penalty not exceeding twenty pounds.

Not keeping scaffolding in conformity with Act. Q., 1915, No. 25, s. 14. No. 39 of 1924, s. 12.

The adjudicating court, in addition to or instead of inflicting a penalty, may order certain means to be adopted by the owner within a time to be named in the order for the purpose of bringing his scaffolding or gear into conformity with this Act, and may upon application enlarge the time so named; and if after the expiration of the time originally named or enlarged as aforesaid the order is not complied with, the owner shall be liable to a penalty not exceeding one pound for every day during which such non-compliance continues.

14. No person shall be employed or engaged on or in connection with any scaffolding or gear extending beyond fifteen feet in height, unless such person has a sufficient knowledge of the English language to enable him to speak such language intelligibly.

Persons employed on scaffolding or using gear to have knowledge of English language.

Inserted by No. 13 of 1930, s. 7, as s. 12A, now re-numbered s. 14.

15. (1) Where an accident happens to scaffolding or gear or where loss of life or serious bodily injury to any person, by reason of an accident caused by scaffolding or gear, occurs, the owner of the scaffolding or gear shall, within twenty-four hours after the occurrence, send notice to the inspector at his office or usual place of residence, specifying the cause of the accident, and the name and residence of every person killed or so injured; and notwithstanding any other provision in this Act, no repairs or alterations to such scaffolding or gear shall be made after such occurrence without permission in writing of an inspector or of the local officer of police if an inspector is not immediately available.

Inspector to be notified of accident. Q., 1915, No. 25, s. 15. No. 39 of 1924, s. 13.

Amended by No. 76 of 1922, s. 9.

(2) Every owner who neglects to send such notice, or makes or allows to be made any such repairs or alterations without such permission as aforesaid, shall be liable to a penalty not exceeding twenty pounds.

Inquiry into  
cause of  
accident.  
Q., 1915, No.  
25, s. 16.  
No. 39 of  
1924, s. 14.

16. (1) In the event of an accident happening to scaffolding or gear, or where any loss of life or serious bodily injury has occurred as in the last preceding section mentioned, the Minister may direct an inquiry to be held before a court consisting of a police or resident magistrate.

(2) The court shall have power to hold such inquiry at such times and places as the Minister appoints.

(3) The Minister may obtain for the use of the court a report from a legally qualified medical practitioner or other competent person upon the cause of such death or the nature, extent, and cause of such injury.

(4) Every such inquiry shall be held publicly, in such manner and under such conditions as the court thinks most effectual for ascertaining the causes and circumstances of such accident, and for enabling the court to make the report hereinafter mentioned.

(5) The court shall have, for the purpose of such inquiry and the summoning and examination of witnesses thereat, all the powers which are possessed by any two justices in the case of summary proceedings upon complaint.

(6) The court or some person appointed by it may enter and inspect any place the entry or inspection whereof appears to the court to be requisite.

(7) The court shall report to the Minister as far as possible the causes of the accident, and the circumstances attending the same, adding thereto such observations as it thinks fit.

(8) Every person summoned shall be allowed such expenses as the court may order.

(9) The court may make such order as it thinks fit respecting the payment of the costs and expenses of the inquiry, and such order may, on the application of any party entitled to the benefit of the same, be enforced in a summary way by complaint under the Justices Act, 1902-1948.<sup>1</sup>

<sup>1</sup> Now Justices Act, 1902-1962.

(10) Any costs and expenses ordered by the court to be paid by the Minister, and any remuneration paid to persons forming the court, shall be paid out of moneys provided by Parliament for the purposes of this Act.

(11) A representative of the person killed or injured, a representative of the industrial union of employers, and a representative of the industrial union of workers representing the class of employment in which the persons who met with an accident were employed at the time of the accident, and concerning which accident the Minister has ordered an inquiry under this section, shall be entitled to be present at and take part in such inquiry, and shall have full power to call, examine, and cross-examine witnesses thereat.

17. The provisions of the two last preceding sections do not apply to any mine subject to the Mines Regulation Act, 1906-1938,<sup>1</sup> or any Act amending or in substitution for that Act.

Limitation<sup>1</sup>  
of proceeding<sup>1</sup>  
sections.  
Q., 1915, No.  
25 s. 17.  
No. 39 of  
1924, s. 15.

18. No owner of scaffolding or gear shall contract with any employee against any liability under this Act.

No contracting  
out.  
Q., 1915, No.  
25, s. 18.  
No. 39 of  
1924, s. 16.

19. Every owner of scaffolding or gear shall cause to be affixed and maintained in such place or places as the inspector directs the prescribed abstracts of this Act, and in default of so doing shall be liable for a first offence to a penalty not exceeding two pounds, and for a second or subsequent offence to a penalty not exceeding five pounds.

Abstract of  
Act, etc., to  
be posted up.  
Q., 1916, No.  
25, s. 19.  
No. 39 of  
1924, s. 17.

20. Any order, notice, or process to be served in pursuance of this Act shall be deemed to be duly served upon the owner or occupier of any place, or upon any owner of scaffolding or gear, if such order, notice, or process is sent through the post office by registered letter addressed to such owner or occupier at his last known place of abode or business, or is affixed to the door or some other conspicuous part of the place, as the case may be.

Service of  
order, notice,  
or summons.  
Q., 1915, No.  
25, s. 20.  
No. 39 of  
1924, s. 18.

<sup>1</sup> Now Mines Regulation Act, 1906-1961.

False entries,  
etc.  
Q., 1915, No.  
25, s. 21.  
No. 39 of  
1924, s. 19.

21. Every person who—

- (a) makes in any prescribed book, register, notice, certificate, list, record, or document an entry which in any material particular is false ; or
- (b) makes use of any entry or report which in any material particular is false,

shall be liable to a penalty not exceeding ten pounds or to be imprisoned for any period not exceeding three months.

Who may be  
proceeded  
against for  
offences.  
Q., 1915, No.  
25, s. 22.  
No. 39 of  
1924, s. 20.

22. (1) Every person guilty of any breach or contravention of this Act shall be punishable therefor, and it shall be no defence to prove that the person proceeded against was the agent or employee of the owner or occupier or was acting in pursuance of any order or direction given by the owner or occupier.

Exemption  
of owner or  
occupier on  
conviction  
of the actual  
offender.

(2) When an owner or occupier is charged with an offence against this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges to be the actual offender brought before the court at the time appointed for hearing the charge, and if after the commission of the offence has been proved the owner or occupier proves to the satisfaction of the court that he used due diligence to enforce this Act, and that such other person committed the offence in question without his knowledge, consent, or connivance, such other person shall be convicted of the offence, and the owner or occupier shall be exempt from any penalty.

Proceedings  
against actual  
offender.  
Q., 1915, No.  
25, s. 23.  
No. 39 of  
1924, s. 21.

23. Where it appears to an inspector at the time of discovering any offence that the owner or occupier had used due diligence to enforce this Act, and also by what person the offence was committed, and that it was committed without the knowledge, consent, or connivance of the owner or occupier, and in contravention of his orders, then proceedings may be taken against the person who is alleged to be the actual offender in the first instance without first proceeding against the owner or occupier.

24. (1) No person shall be liable under this Act as an owner of scaffolding or gear unless the same is under his immediate power or control.

When owners and mortgagees not liable.  
Q., 1915, No. 25, s. 24.  
No. 39 of 1924, s. 22.

No mortgagee of scaffolding or gear shall be liable under this Act unless he is in actual possession thereof or has the same under his immediate power or control.

(2) For the purposes of this section the words "immediate power or control" means that the scaffolding or gear is used by the owner or mortgagee thereof personally, or by his agents, servants, or others under his orders or directions and for his benefit or profit.

(3) Nothing herein shall exempt any corporate body from liability under this Act by reason only that any scaffolding or gear is under the control of any directors, secretary, manager, or other person elected or employed by such corporate body for the benefit of or on behalf of such body.

25. (1) All penalties and fees imposed by or pursuant to this Act may be recovered in a summary way under the Justices Act, 1902-1948.<sup>1</sup>

General provisions as to penalties.  
Q., 1915, No. 25, s. 25.  
No. 39 of 1924, s. 23.

(2) Every person guilty of an offence against this Act for which no other penalty is provided shall be liable to a penalty not exceeding twenty pounds.

(3) No prosecution for any breach or contravention of this Act shall be instituted without the authority of the Minister or the chief inspector.

No prosecution without authority.

26. The following provisions apply to legal proceedings under this Act :—

Proceedings before Justices.  
Q., 1915, No. 25, s. 26.  
No. 39 of 1924, s. 24.

(a) Where by this Act any owner of scaffolding or gear is required to give or serve any notice, the burden of proof that this Act has been complied with shall be on such owner.

(b) The burden of proof that any scaffolding or gear was not, on any date alleged in a complaint, in the place alleged, shall be on the defendant.

<sup>1</sup> Now Justices Act, 1902-1962.

*Inspection of Scaffolding.*

- (c) It shall be sufficient to state the name of the ostensible owner or occupier, or the title of the firm or company or corporation by which the owner or occupier is usually known ; and the burden of proof that the person, firm, company, or corporation so named is not the owner or occupier shall be on the defendant.
- (d) It shall not be necessary to prove the constitution of any district under this Act or the boundaries thereof.

Regulations.  
Q., 1915, No.  
25, s. 27.  
No. 39 of  
1924, s. 25 ;  
No. 21 of  
1926, s. 5 ;  
No. 13 of  
1930, s. 5 ;  
No. 45 of  
1933, s. 6 ;  
No. 14 of  
1950, s. 4.  
No. 4 of  
1954, s. 8 ;  
No. 15 of  
1955, s. 2 ;  
No. 76 of  
1962, s. 10.

27. (1) [Subsection (1) repealed by No. 14 of 1950, s. 4.]

(2) The Governor may make regulations prescribing all forms, fees and matters which by this Act are required or permitted to be prescribed or are convenient for carrying into operation or for facilitating the operation of this Act and in particular without prejudice to the generality of the foregoing power may make regulations—

Officers.

- (a) Regulating the duties of inspectors and other officers, and providing that such inspectors and officers in the exercise and discharge of their duties shall not unreasonably or unduly interfere with the work or processes being carried on in any place ; and prescribing the qualifications of inspectors, and requiring that before appointment they shall give, by examination competitive or otherwise, satisfactory evidence of their competency ;
- (b) Prescribing the qualifications of person<sup>s</sup> desiring to be scaffolders or riggers and requiring that before they are licensed as such they shall give, by examination as prescribed or by other prescribed means, satisfactory evidence of their competency ; regulating the licensing of scaffolders and riggers, prescribing the forms of licenses and the terms and conditions thereof ;
- (c) Prescribing the form and manner of giving, furnishing, granting, or keeping orders, notices, applications, plans, records, and other documents in pursuance of this Act ;

inserted by  
No. 45 of  
1933, s. 6,  
as (a1), now  
lettered (b).  
Substituted by  
No. 76 of  
1962, s. 10.

- (d) Prescribing the manner in which scaffolding and gear shall be set up, built, maintained, and used ; the construction and placing of swinging stages or scaffolds, gantries, and gear so as to ensure safety ; requiring written notice to be given to an inspector before the erection of scaffolding or the use of gear, which notice shall state the estimated cost of the work in connection with which scaffolding or gear is intended to be used ; and prescribing what gear shall be deemed to be mechanical gear for the purposes of this Act regulating the use of that mechanical gear, prescribing the licenses that shall be required to operate such gear and the form, terms and conditions of the licenses ;
- (e) For the protection of workmen from electric wires so near scaffolding or gear as to be a source of danger ;
- (f) Requiring a municipal council or road board to notify the chief inspector, with prescribed particulars, whenever notice is received by such council or board under any building by-law or regulation in force for the time being in the district, of the intention of any person to commence to build, take down, alter, add to, or repair any building ;
- (g) Regulating the proceedings upon references to police or resident magistrates, and upon inquiries into accidents, and the manner of defraying and the recovery of the costs and expenses thereof ;
- (h) Prescribing abstracts of the provisions of this Act, to be affixed and maintained by owners of scaffolding or gear.
- (i) Prescribing the precautions and measures to be taken throughout the State for securing the safety of persons where the roof of any building or structure whether constructed or in course of construction is or is intended to

Scaffolding, etc.  
No. 39 of  
1924, s. 25 (c),  
amended by  
No. 13 of  
1930, s. 5 (a) ;  
No. 14 of  
1950, s. 4,  
No. 76 of  
1982, s. 10.

Protection  
of workmen.  
Inserted by  
No. 21 of  
1926, s. 5,  
and amended  
by No. 13 of  
1930, s. 5 (b).

Notice by  
municipal  
council, etc.  
Inserted by  
No. 21 of  
1926, s. 5.

References  
to police  
magistrates,  
etc.

Abstracts.

*Inspection of Scaffolding.*

be sheathed with asbestos cement or other brittle material and whether gear or scaffolding of any height is or is not used in connection with the building or structure.

(3) (a) The regulations may enable an inspector to—

- (i) direct that gear shall be used and scaffolding or gear shall be constructed in such manner as in his opinion is necessary to render scaffolding or gear safe ;
- (ii) approve of the dimensions and manner of use of foot planks ;
- (iii) approve of hardwood timber for use as putlogs ;
- (iv) direct how and where putlogs may be placed ;
- (v) direct how and where bracing may be placed ;
- (vi) direct where the use of brick blocking or drums is permitted and the manner in which they may be used in or for any part of scaffolding or gear ;
- (vii) direct how the hangers of a swinging stage shall be fitted ;
- (viii) approve the plans and specifications of gantries proposed to be erected ;
- (ix) direct the manner in which gantries shall be erected ;
- (x) approve of timber for planking for large stages upon ships in dock or upon slips as an alternative to Oregon pine ;
- (xi) direct the boarding-over of well holes, staircases, lifts and by fixing of guard-rails down all stairs and across landings and well holes or the adoption of means for the protection of workmen and others working in or about a building in the course of erection, repair or alteration ;
- (xii) direct the use of gear or scaffolding other than that specifically provided for in the regulations ;



- (xiii) approve of the fittings and devices used in connecting the various members of scaffolding constructed of metal tubes ;
- (xiv) approve of species of Australian hardwood timber as an alternative to Oregon pine platform planks used in connection with scaffolding constructed of metal tubes ;
- (xv) direct the places in which abstracts of sections of the Act shall be affixed and maintained in any premises.

(b) The regulations may prohibit the use of a thing as gear or in or for any part of scaffolding absolutely or otherwise than in manner prescribed where in the opinion of an inspector that use would, notwithstanding compliance with the requirements of other regulations made pursuant to the provisions of this section, render scaffolding unsafe.

(c) The regulations may prohibit the erection of a gantry until plans and specifications for its erection shall first have been approved by an inspector.

(d) The regulations may provide a penalty not exceeding twenty pounds for any breach of the same.

Penalty.

**28.** The chief inspector of scaffolding shall furnish annually to the Minister a report upon the operation of this Act.

Annual Report.  
Q., 1915, No.  
25, s. 28.  
No. 39 of  
1924, s. 26.

**29.** Nothing in this Act shall affect the provisions of the Inspection of Machinery Act, 1921.

Inspection  
Machinery  
Act not  
affected.  
No. 39 of  
1924, s. 27

## THE SCHEDULE

[Repealed by No. 14 of 1950, s. 5.]