



NORTHERN TERRITORY OF AUSTRALIA

No. 43 of 1982

AN ACT

To amend the *Construction Safety Act*

[Assented to 29 June 1982]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Construction Safety Amendment Act 1982*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

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

4. INTERPRETATION

Section 4 of the Principal Act is amended -

(a) by omitting from paragraph (d) of the definition of "construction work" the words "millimetres; or" and substituting "millimetres;"

(b) by adding at the end of the definition of "construction work" the following:

"(f) work in constructing or maintaining roads;

(g) work in constructing or maintaining railways;

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- (h) work in constructing or maintaining airfields;
or
- (j) the moving of earth with power-driven equipment for construction purposes;"
- (c) by omitting the definition of "constructor" and substituting the following:

"'constructor' means -

- (a) a person who has contracted with the owner of work to which this Act applies to undertake or carry out such work; or
- (b) where there is no such first-mentioned person referred to in paragraph (a), in relation to the work referred to in that paragraph, an owner -
 - (i) who undertakes or carries out such work; or
 - (ii) who contracts with more than one person to undertake or carry out such work;"
- (d) by inserting after the definition of "constructor" the following:

"'crane' means a structure equipped with a mechanical means for moving or placing a load by raising, lowering or transporting it, and includes -

- (a) machinery or associated lifting apparatus necessary for its operation;
- (b) the supporting structure and foundations;
and
- (c) an excavator equipped with a jib or boom,
but does not include a hoist, lift, escalator, conveyor, mobile fork-lift or any earthmoving machinery;"

- (e) by inserting after the definition of "demolish" the following:

"'Deputy Chief Inspector' means the person appointed, from time to time, under section 7(2) to be the Deputy Chief Inspector of Construction Safety;"

- (f) by inserting in the definition of "hoisting appliance" after "an appliance" the words
", including a crane,"

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- (g) by omitting the definition of "light duty work" and substituting the following:

"'light duty work' means work in which the only support used is planks supported on trestle ladders and on which at no time do the planks support more than 2 persons and more than 25 kilograms of tools and materials;"

- (h) by inserting in the definition of "Inspector" after "Chief Inspector" the words "and the Deputy Chief Inspector";

- (j) by inserting after the definition of "power-driven equipment" the following:

"'public stand' means a stand temporarily erected or temporarily set up to support persons assembled thereon for the purpose of viewing or listening to a performance, or viewing a display, of any kind;"

- (k) by omitting from the definition of "scaffolding" all words after and including "(a) in work" and substituting the following:

"(a) in work to which this Act applies;

(b) for the support or protection of workmen or other persons on, or in the vicinity of, the work; or

(c) as a public stand,

and includes a supporting structure;"

- (m) by inserting in the definition of "structure" after "reclamation" the words "canal, cutting, public stand";

- (n) by inserting after the definition of "structure" the following:

"'supporting structure' means a structure, structural member or foundation, including any part of a building or its foundations, subject to direct or indirect loading as the result of the installation or use of scaffolding, power-driven equipment, a hoisting appliance or a public stand;" and

- (p) by omitting from the definition of "worker" the words "contractor" and "other structure" and substituting "constructor" and "other floating structure" respectively.

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5. REPEAL AND SUBSTITUTION

Section 7 of the Principal Act is repealed and the following substituted:

"7. APPOINTMENT OF CHIEF INSPECTOR, DEPUTY CHIEF INSPECTOR AND INSPECTORS OF CONSTRUCTION SAFETY

"(1) The Minister may, by instrument in writing, appoint a person to be Chief Inspector of Construction Safety.

"(2) The Minister may, by instrument in writing, appoint a person to be Deputy Chief Inspector of Construction Safety.

"(3) Subject to sub-section (4), the Deputy Chief Inspector has all the powers and may perform all the duties and functions of the Chief Inspector.

"(4) The Deputy Chief Inspector shall not exercise a power or perform a duty or function of the Chief Inspector except where -

- (a) there is a vacancy in the office of Chief Inspector; or
- (b) the Chief Inspector is absent from the Territory or is unable to act.

"(5) The Chief Inspector, including the Deputy Chief Inspector, is, in the exercise of his powers and the performance of his duties and functions under this Act, subject to the direction and control of the Minister.

"(6) The Minister may, by instrument in writing, appoint such Inspectors of Construction Safety as he considers necessary for the purposes of this Act.

"(7) The Minister shall not appoint a person to be the Chief Inspector, the Deputy Chief Inspector or an Inspector unless he is satisfied that the person has a licence as a rigger or scaffolder or is otherwise qualified, by training or experience, to hold the appointment."

6. NOTICE OF INTENTION TO CARRY OUT WORK

Section 12(2)(b) of the Principal Act is amended by omitting "no scaffolding is used other than a structure of step-ladders and planks that is used for light duty work and is a structure on which workers are not required to work at a height exceeding 4 metres" and substituting "scaffolding is used for light duty work and is a structure on which workers are not required to work at a height exceeding 2 metres".

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7. NEW SECTION

The Principal Act is amended by inserting after section 12 the following:

"12AA. DIRECTION BY CHIEF INSPECTOR

"Where the constructor with respect to work to which section 12(1) applies has failed to comply with the requirements of that section, the Chief Inspector may, by notice in writing given to the constructor, direct that constructor to give or cause to be given to the Chief Inspector, within the period specified in that first-mentioned notice, a notice in writing, accompanied by the prescribed fee referred to in that section, specifying, in respect of that work, the particulars referred to in paragraphs (a) and (b) of that section.

Penalty: \$2,000 and \$100 for each day on which the offence continues."

8. CONSTRUCTOR'S OBLIGATIONS AFTER APPOINTMENT OF SAFETY SUPERVISORS

Section 15 of the Principal Act is amended by omitting from paragraph (a) the word "notify" and substituting "by notice in writing, inform".

9. AMENITIES

Section 19 of the Principal Act is amended -

(a) by omitting sub-section (1) and substituting the following:

"(1) At a site at which work to which this Act applies is being carried out, the constructor shall provide for the use of workers at that site -

- (a) sanitary conveniences;
- (b) first aid equipment; and
- (c) appliances for the extinction of fire,

and, in addition, subject to sub-section (3), where there are more than 20 workers at any such site at any one time -

- (d) drinking water;
- (e) washing facilities; and
- (f) accommodation for meals, clothing and tools,

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as is or are prescribed in respect of the number of workers at that site, and located in such places as an Inspector from time to time directs."; and

(b) by inserting after sub-section (2) the following:

"(3) For the purpose of satisfying a requirement of sub-section (1) in respect of a site referred to in that sub-section which, in accordance with that sub-section, is required to comply with that requirement, another site which satisfies that requirement may, with the approval of an Inspector, be used to satisfy that requirement of that first-mentioned site."

10. REQUIREMENTS WITH REGARD TO RIGGING, SCAFFOLDING AND DIRECTING CRANE

Section 21(3) of the Principal Act is amended by inserting after "dogman" the word ", rigger".

11. REPEAL AND SUBSTITUTION

Sections 22 and 23 of the Principal Act are repealed and the following substituted:

"22. ACCIDENTS TO BE NOTIFIED TO INSPECTOR

"(1) Where an accident occurs during the course of work to which this Act applies that -

- (a) incapacitates a person from work in the course of his ordinary employment for a period of not less than 7 days;
- (b) involves the breakage, distortion or damage of any load bearing part of scaffolding, gear, hoisting appliance, shoring, formwork or falsework; or
- (c) involves a person suffering an injury due to the use of an explosive-powered tool, or involves the failure of a projectile fired from an explosive-powered tool to lodge in the substance on which the explosive-powered tool is used and that failure results in that projectile being in free flight,

the constructor shall -

- (d) not later than 24 hours after the accident, by notice in writing to the Chief Inspector or an Inspector, whichever is, in all the circumstances, practicable, report the accident; or

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- (e) where it is impracticable to give the notice referred to in paragraph (d) within the period referred to in that paragraph, not later than 24 hours after the accident, by the most expeditious means of communication available to him, provide the Chief Inspector or an Inspector with all the information concerning the accident as is required by the Chief Inspector or Inspector, as the case may be, and, in addition, give the notice referred to in paragraph (d) as soon as practicable.

"(2) Where an accident occurs during the course of work to which this Act applies that -

- (a) causes loss of life; or
- (b) involves a person suffering an electric shock, or being overcome by gas, vapour or fumes,

the constructor shall -

- (c) immediately after the occurrence of the accident, by the most expeditious means of communication available to him, provide the Chief Inspector or an Inspector with all the information concerning that accident as is required by the Chief Inspector or Inspector, as the case may be; and
- (d) not later than 24 hours after the accident, or as soon as practicable, by notice in writing to the Chief Inspector or an Inspector, whichever is, in all the circumstances, practicable, report that accident.

Penalty: \$2,000.

"23. REPORT BY CONSTRUCTOR

"(1) The constructor responsible for reporting an accident referred to in section 22(1) or (2) shall, in the notice required to be given under section 22(1)(d) or (2)(d), as the case may be, in respect of the accident, provide particulars of, in respect of that accident -

- (a) in respect of a notice required to be given under section 22(1)(d), as far as is known -
 - (i) the cause and nature and extent of the injuries sustained;
 - (ii) the cause of the breakage, distortion or damage of the load bearing part of scaffolding, gear, hoisting appliance, shoring, formwork or falsework; or

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- (iii) the cause of the failure of the projectile fired from the explosive-powered tool to lodge in the substance on which the explosive-powered tool is used;
- (b) in respect of a notice required to be given under section 22(2)(d), as far as is known -
 - (i) the cause of death; or
 - (ii) the cause and effect of the electric shock or escape of gas, vapour or fumes;
- (c) if applicable, the name and residential address of the person killed, injured or subjected to the shock, gas, vapour or fumes; and
- (d) such other particulars as are prescribed.

"(2) A copy of a notice under section 22(1)(d) or (2)(d) shall be kept for a period of 3 years by the constructor who prepared it.

Penalty: \$2,000."

12. SCAFFOLDING, &c., NOT TO BE REPAIRED WITHOUT PERMISSION OF INSPECTOR

Section 24(1) of the Principal Act is amended by omitting "or shoring in connexion with which an accident referred to in section 22 or 23 occurred" and substituting ", shoring, formwork, falsework, or explosive-powered tool in connection with which an accident referred to in section 22 occurred".

13. REPEAL AND SUBSTITUTION

Section 25 of the Principal Act is repealed and the following substituted:

"25. CHIEF INSPECTOR OR INSPECTOR TO INQUIRE AND REPORT

"(1) Where the Chief Inspector receives a notice referred to in section 22(1)(d) or (2)(d), the Chief Inspector, or an Inspector nominated by the Chief Inspector, shall inquire as he considers necessary into the circumstances of the accident to which the notice relates with a view to establishing the cause of the accident and shall make a written report of his findings which, in the case of an Inspector other than the Chief Inspector, shall be given to the Chief Inspector.

"(2) In discharging his duty under sub-section (1), the Chief Inspector or an Inspector may require a person to inform him of what the person knows concerning the accident to which a notice referred to in section 22(1)(d) or (2)(d) relates.

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"25A. AVAILABILITY OF REPORT ON ACCIDENT

"(1) A person may make an application, in a form approved by the Chief Inspector and accompanied by the prescribed fee, for a copy of a report made under section 25(1), to the Chief Inspector.

"(2) The Chief Inspector may determine an application under sub-section (1) -

(a) by giving a copy of a report made under section 25(1) to the applicant where that applicant satisfies the Chief Inspector that that applicant -

(i) is a person who has suffered serious bodily injury in the accident to which the report relates;

(ii) is the spouse of a person who was killed or suffered serious bodily injury in the accident to which the report relates;

(iii) is the solicitor, or the solicitor of the spouse, of a person who was killed or suffered serious bodily injury in the accident to which the report relates;

(iv) is the employer, or the solicitor of the employer, of a person who was killed or suffered serious bodily injury in the accident to which the report relates; or

(v) is a person, other than a person referred to in sub-paragraph (i), (ii), (iii) or (iv), who should have access to the report; or

(b) in any other case - by refusing to give a copy of a report made under section 25(1).

"(3) Where the Chief Inspector makes a determination in accordance with sub-section (2)(b), he shall refund the prescribed fee tendered in accordance with sub-section (1) to the applicant to which that determination relates."
