

## REGULATIONS 1978, No. 52\*

Regulations under the *Construction Safety Act*

I, JOHN ARMSTRONG ENGLAND, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Construction Safety Act*.

Dated this twenty-second day of December, 1978.

J. A. ENGLAND  
Administrator

## CONSTRUCTION SAFETY REGULATIONS

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| Citation                      | 1. These Regulations may be cited as the Construction Safety Regulations.   |
| Definition                    | 2. In these Regulations, unless the contrary intention appears—<br>“Act” means the <i>Construction Safety Act</i> ;<br>“licence” means a licence required by the Act and issued under these Regulations and includes a provisional licence;<br>“Rules” means Rules made under section 30 of the Act.  |
| Application                   | 3. This Act applies to all construction work in the Northern Territory.   |
| Notification under section 12 | 4.(1) The notice required by section 12(1) of the Act shall include the following information: <ol style="list-style-type: none"> <li>(a) the constructor's name and business address;</li> <li>(b) the proposed site of construction work;</li> <li>(c) a description of the construction work involved;</li> <li>(d) the estimated duration of the construction work;</li> <li>(e) the estimated total cost of the construction work; and</li> <li>(f) the name of the constructor's representative on the site in charge of the construction work.</li> </ol> <p>(2) The notice referred to in sub-regulation (1) shall be accompanied by a fee being \$1 for each \$1,000 or part of \$1,000 of the estimated total cost of the construction work to be performed, but that fee shall not exceed \$4,000.</p> <p>(3) For the purposes of sub-regulation (2), in assessing the estimated total cost of the construction work to be performed, regard shall not be had—</p> <ol style="list-style-type: none"> <li>(a) to the cost of installed machinery that is inspected under the <i>Inspection of Machinery Act</i>;</li> <li>(b) to the cost of clearing, levelling or filling a site;</li> </ol> |

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\*Notified in the *Northern Territory Government Gazette* on 29 December, 1978.

- (c) to the cost of fencing, access roads or concrete aprons used for access or as standing areas for vehicles; or
- (d) to the cost of furnishing that does not form an integral part of the building or structure.

(4) A constructor who gives notice pursuant to section 12 of that Act shall, upon the request of the Chief Inspector, furnish any necessary information to him within 28 days of the request to verify the accuracy of the total cost of the construction work.

Penalty: \$200.

(5) When the Chief Inspector discovers that the total cost of the construction work exceeds the amount stated by the constructor pursuant to sub-regulation (1)(e), he shall assess the additional fee payable and deliver to the constructor a notice of assessment of that additional fee.

(6) A constructor shall pay the additional fee assessed under this regulation.

Penalty: \$200.

5. Notification required by section 22 of the Act shall include the following information: Notification under section 22

- (a) the date and time of the accident;
- (b) the locality of the accident;
- (c) the name and address of the constructor;
- (d) the occupation of the person injured;
- (e) details of the injuries received by any person;
- (f) a description of the accident;
- (g) an estimate of the period of incapacity of any person injured in the accident; and
- (h) the name and address of any witness to the accident.

6. Notification required by section 23 of the Act shall include the following information: Notification under section 23

- (a) the date and time of the accident;
- (b) the locality of the accident;
- (c) the name and address of the constructor;
- (d) details of the injuries received by any person;
- (e) a description of the accident;
- (f) an estimate of the period of incapacity of any person injured in the accident; and
- (g) the name and address of any witness to the accident.

7. Subject to these Regulations, the Chief Inspector may, upon the application of a person, issue to that person a rigger's, scaffolder's, dogman's or cranechaser's licence, as the case may be, if the Chief Inspector is satisfied that the applicant— Issue of licences

- (a) has attained the age of 18 years;
- (b) has a knowledge of the English language to enable him to safely carry out his duties;
- (c) is not afflicted by defective hearing or vision or any other physical infirmity that is likely to interfere with the efficient or safe discharge of his duties;
- (d) has passed any prescribed examination in respect of the type of licence for which he is applying; and
- (e) has adequate training and experience in the occupation for which he is seeking a licence.

Application  
for licences

**8.** (1) An application for a licence under Regulation 7 shall be made in writing to the Chief Inspector and shall include—

- (a) the applicant's full name;
- (b) his place and date of birth;
- (c) his postal and residential address;
- (d) the name and address of his present employer or, if not employed, his last employer;
- (e) the location of the crane, hoist or structure on which he is to be examined; and
- (f) details of his work experience relevant to the application.

(2) An application for a licence referred to in sub-regulation (1) shall be accompanied—

- (a) by a certificate from a registered medical practitioner, within the meaning of the *Medical Practitioners Registration Act*, stating that the applicant is not suffering from defective hearing or vision or a physical infirmity likely to interfere with the efficient and safe discharge of his duties;
- (b) by a statement detailing his experience signed—
  - (i) in the case of an applicant for a scaffolder's or rigger's licence — by the licence holder from whom he acquired his experience; or
  - (ii) in the case of an applicant for a dogman's or cranechaser's licence — by his supervisor; and
- (c) by a fee of \$4.

## Dispensation

**9.** The Chief Inspector may dispense with compliance with regulation 7(d) and (e) or 8(2) (a) and (b), if the applicant proves to the satisfaction of the Chief Inspector that he holds a scaffolder's, rigger's, dogman's or cranechaser's licence, as the case may be, issued by an authority in the Territory or elsewhere whose standards are, in the opinion of the Chief Inspector, sufficiently high to ensure that the applicant has the necessary skills and experience for a licence to be issued to him.

Rigger's  
licence

**10.**(1) A person shall have at least 12 months experience in rigging work assisting a licensed rigger before the grant of a rigger's licence.

(2) An applicant for a rigger's licence shall be examined by the Chief Inspector and must, before the grant of a rigger's licence, pass that examination to the satisfaction of the Chief Inspector in relation to the following:

- (a) measures and precautions to be taken in connexion with the erection or dismantling of structures, cranes, hoists, winches, derrick poles, plant and other equipment used in rigging work;
- (b) safe working loads for ropes, chains and slings, the splicing and knotting of ropes and the making of slings;
- (c) slinging and lifting of heavy loads;
- (d) safe working loads for and the use of gear and equipment;
- (e) crane signals;
- (f) interpretation of simple plans;
- (g) freehand sketching;
- (h) elementary mathematics; and
- (j) his knowledge of the provisions of these Regulations and any rules relevant to the duties of a rigger.

(3) Prior to the grant of a rigger's licence, an applicant for a rigger's licence may be requested to demonstrate, to the satisfaction of an Inspector, his ability to work and climb at heights.

**11.(1)** A person shall have at least 12 months experience in scaffolding work assisting a licensed scaffolder before the grant of a scaffolder's licence. Scaffolder's licence

(2) An applicant for a scaffolder's licence shall be examined by the Chief Inspector and must, before the grant of a scaffolder's licence, pass that examination to the satisfaction of the Chief Inspector in relation to the following:

- (a) methods used in the construction, dismantling and demolition of scaffolding and the safety precautions and measures used in those methods;
- (b) the safe loading of scaffolding;
- (c) the use of timber in scaffolding, the sizes required and the detection of possible defects in those timbers;
- (d) the gear and component parts used in tubular steel and alloy scaffolding;
- (e) elementary mathematics;
- (f) the interpretation of simple plans; and
- (g) his knowledge of the provisions of these Regulations and any rule relevant to the duties of a scaffolder.

(3) Prior to the grant of a scaffolder's licence, an applicant for a scaffolder's licence may be required to demonstrate his ability, to the satisfaction of an Inspector, to work and climb at heights.

**12.(1)** A person shall have at least 6 months experience in the work of a dogman assisting a licensed dogman before the grant of a dogman's licence. Dogman's licence

(2) An applicant for a dogman's licence shall be examined by the Chief Inspector and must, before the grant of a dogman's licence, pass that examination to the satisfaction of the Chief Inspector in relation to the following:

- (a) precautions to be taken to prevent accidents in connexion with the movement of loads by crane;
- (b) safe and efficient methods of slinging and handling loads;
- (c) safe working loads and uses of rope, chains and terminal fittings;
- (d) estimation of the mass of loads composed of different materials;
- (e) crane signals; and
- (f) his knowledge of the provisions of these Regulations and any rules relevant to the duties of a dogman.

(3) Prior to the grant of a dogman's licence, an applicant for that licence may be required to demonstrate, to the satisfaction of an Inspector, his ability to work and climb at heights.

**13.(1)** A person shall have at least 6 months experience in the work of a cranechaser assisting a licensed cranechaser before the grant of a cranechaser's licence. Crane-chaser's licence

(2) An applicant for a cranechaser's licence shall be examined by the Chief Inspector and must, before the grant of a cranechaser's licence, pass that examination to the satisfaction of the Chief Inspector in relation to the following:

- (a) precautions to be taken to prevent accidents in connexion with the movement of loads by crane;
- (b) safe and efficient methods of slinging and handling loads;
- (c) safe working loads and uses of ropes, chains and terminal fittings;
- (d) estimation of the mass of loads composed of different materials;

- (e) crane signals; and
- (f) his knowledge of the provisions of these Regulations and any rules relevant to the duties of a cranechaser.

Expiry,  
renewal of  
licences

**14.(1)** A licence issued by the Chief Inspector expires—

- (a) on the date specified in the licence being not later than 5 years following the last day of the month in which the licence was granted; or
- (b) if no date is specified — on 30 June following the expiration of 5 years following the date of the grant of the licence.

(2) On application for renewal of a licence the Chief Inspector may satisfy himself by inquiry or examination whether the applicant is still competent to carry on the duties of a licence holder and, if satisfied as to the applicant's competency, he may renew that licence for a further period of not more than 5 years.

(3) The fee for the renewal of a licence is \$4.

Provisional  
licences

**15.(1)** A person may apply to the Chief Inspector for a provisional scaffolder's, rigger's, dogman's or cranechaser's licence.

(2) The Chief Inspector shall grant a provisional licence to a person only to enable that person to gain the experience necessary to have a licence granted to him.

(3) An application for a provisional licence shall be made in the manner prescribed in regulation 9(1), and shall be accompanied—

- (a) by a medical certificate complying with regulation 8(2)(a); and
- (b) by a fee of \$2.

Examination  
of provisional  
licence  
holder

**16.(1)** The holder of a provisional licence issued under regulation 15 may—

- (a) if the licence is a provisional rigger's or scaffolder's licence and has been held by him for 12 months; or
- (b) if the licence is a provisional dogman's or cranechaser's licence and has been held by him for 6 months,

apply to the Chief Inspector to be examined for the purposes of obtaining an appropriate licence.

(2) On receiving an application under sub-regulation (1), the Chief Inspector shall, if he considers that the applicant's experience and ability is adequate, give the applicant notice to present himself for examination at a place and time specified in the notice.

(3) An examination referred to in sub-regulation (2) shall be conducted under the supervision of an Inspector and shall consist of a written or oral examination or a combination of both, and an applicant may, in addition, be required to give a practical demonstration of the skills required to carry out the duties of the occupation for which he requires the licence.

Conditions  
of licences

**17.(1)** A licence issued under these Regulations may be subject to such conditions as the Chief Inspector thinks fit.

(2) Where a licence has been granted subject to conditions, the licensee may, upon payment of the prescribed fee, apply to the Chief Inspector to have the conditions removed or varied.

(3) If the Chief Inspector is satisfied that it is reasonable so to do, he may remove or vary the conditions to which a licence is subject.

(4) The prescribed fee under this regulation is \$4.

Revocation,  
suspension  
of a  
licence

**18.**(1) Where the Chief Inspector reasonably believes that a person is no longer competent to hold a licence, or has failed to comply with a condition to which the licence is subject, the Chief Inspector may, by notice in writing served on that person, revoke or suspend the licence on such terms as he thinks fit.

(2) Where a licence has been revoked or suspended under this regulation, the person whose licence is so revoked or suspended shall, within 7 days of being notified of the revocation or suspension, return the licence to the Chief Inspector.

Penalty: \$100.

(3) A person aggrieved by a decision of the Chief Inspector under this regulation may appeal to a Magistrate as defined in the *Magistrates Act*.

(4) An appeal under sub-regulation (3) shall be in writing and shall state the grounds on which the appellant relies.

(5) A Magistrate may give directions as to the procedure to apply on an appeal under sub-regulation (3).

Driving  
cranes, hoists,  
&c., without  
certificate

**19.**(1) A person shall not, on any site where construction work is taking place, drive, control or operate—

- (a) a crane;
- (b) a hoist with a safe working load of more than one tonne;
- (c) a hoist or builder's hoist used for the raising or lowering of men and materials;  
or
- (d) a builder's hoist with a safe working load of more than one tonne,

unless he has been authorized to do so by the person carrying out or in charge of the work, and unless he is the holder of a current crane and hoist driver's certificate of competency issued under the *Inspection of Machinery Act*.

(2) A person shall not, on any site where construction work is taking place, drive, control or operate a hoist of a safe working load of one tonne or less unless—

- (a) he is over the age of 18 years;
- (b) he has the knowledge of the English language to enable him to safely carry out his duties;
- (c) he has had adequate instruction and practice, in the company of an experienced driver, in the operation of the hoist; and
- (d) he has been authorized to drive, control or operate the hoist by the person carrying out or in charge of the work.

Penalty: \$200.

Fee

**20.** The Minister may declare the fees for the testing of gear under the Act.

Limitation  
of  
application

**21.** Nothing in these Regulations or the Rules shall require a person to be a licensed scaffolder before that person may erect scaffold of 2 m or less in height.