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ELIZABETHAE II REGINAE

A.D. 1960

No. 53 of 1960

An Act to regulate the use of passenger and other lifts,
to repeal the Lifts Regulation Act, 1908-1934,
and for other purposes.

[Assented to 24th November, 1960.]

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

Short title
and commence-
ment.

1. This Act may be cited as the "Lifts Act, 1960", and shall
come into operation on a day to be fixed by proclamation.

Repeal.

2. The Lifts Regulation Act, 1908-1934 is repealed.

Interpretation.
Cf. 949, 1908,
s. 2.

3. In this Act unless the context otherwise requires—

"crane" or "hoist" means any wire, rope, or chain attached
to a building or structure, driven or worked by the
aid of any power other than hand power (together
with the structure and machinery connected there-
with), by which goods or materials are or can be
raised or lowered or otherwise moved in conjunction
with raising or lowering and includes the supporting
structure machinery equipment and gear connected
with a crane or hoist :

"inspector" means—

- (1) The Chief Inspector of Lifts ; or
- (2) Any person for the time being acting as the
Chief Inspector of Lifts ; or

(3) Any Inspector of Lifts ;

“lift” means any apparatus or contrivance attached to any building or structure or used in connection with any building or structure by which persons, goods or materials are or can be raised or lowered and whose direction of movement is restricted by a guide or guides and includes any supporting structure, machinery, equipment, gear, well, shaft, enclosure, door or entrance of to or used in connection with a lift :

“owner”, “lessee”, and “occupier” where used in reference to a lift mean respectively any owner, lessee, and occupier of the building or structure in which or in connection with which such lift is used or is in operation and, in the case of a lift in the course of installation, alteration or repair, “occupier” includes the contractor for the erection of the building or structure in or in connection with which the lift is being installed altered or repaired and the contractor for the installation alteration or repair of the lift.

4. (1) This Act shall apply to and in respect of all cranes, hoists and lifts in this State except— Application.

- (a) any lift worked solely by hand power which is exempted by the Chief Inspector pursuant to subsection (3) of this section ;
- (b) any hoisting appliance used in connection with building construction work as defined in the Scaffolding Inspection Act, 1934-1957 ;
- (c) any machinery to which the Mines and Works Inspection Act, 1920-1955 applies ;
- (d) any crane or hoist in any factory registered under the Industrial Code, 1920-1958 or the Country Factories Act, 1945 ;
- (e) any crane or hoist owned by a *bona fide* agriculturist, and used on any farm for agricultural, horticultural, viticultural or dairy purposes ;
- (f) any crane or hoist vested in or in the use of the South Australian Railways Commissioner.

(2) The provisions of this Act relating to lifts shall bind the Crown.

(3) The Chief Inspector may at any time in his absolute discretion exempt any lift worked solely by hand from the provisions of this Act and may at any time revoke any such exemption.

Inspectors.

5. (1) The Chief Inspector appointed under Part VI of the Industrial Code, 1920-1958 shall be the Chief Inspector of Lifts.

(2) The Governor may appoint suitable persons to be Inspectors of Lifts under this Act.

Notification of construction of or alteration to lift, etc.

6. (1) Every person who intends to erect or construct any crane, hoist or lift shall, before commencing such erection or construction, give to the Chief Inspector notice in writing of the said intention, and shall at the same time deliver or send to the Chief Inspector complete plans, drawings and specifications showing correct measurements and describing fully the whole of the lift apparatus and its proposed position in the building concerned and all such other information as may be prescribed by the regulations.

(2) Every person who intends to add to or alter a crane, hoist or lift which is registered with the Secretary for Labour and Industry shall before commencing such addition or alteration give to the Chief Inspector notice in writing describing the intended alterations and additions together with all such other information as may be prescribed by the regulations.

(3) A person shall not commence to erect, construct, add to or alter any crane, hoist or lift or cause or permit any other person to erect, construct, add to or alter the same until the Chief Inspector has issued a permit in the form set out in the regulations.

(4) Before granting a permit the Chief Inspector may require any alterations or modifications to the plans, drawings and specifications which appear to him to be necessary for the safe working of the proposed crane, hoist or lift or to ensure compliance with this Act and the regulations.

(5) Every crane, hoist and lift shall be erected in accordance with the description, plans, specifications and drawings submitted to and approved by the Chief Inspector and in conformity with any directions endorsed on the permit and in conformity with this Act and the regulations.

(6) Every person who intends to erect, construct, add to or alter any crane, hoist or lift shall, not more than seven days before or later than twenty-four hours after the actual commencement of the erection, construction, addition or alteration notify the Chief Inspector in writing in the prescribed form of his intention.

(7) A person shall not work or use any crane, hoist or lift constructed, erected, added to or altered, until an inspector has given his approval thereto in writing, and in the case of a

lift which is not registered under this Act, until a certificate of registration has been issued by the Secretary for Labour and Industry or a provisional certificate of registration has been issued by the Chief Inspector. The Chief Inspector may issue such a provisional certificate upon such terms and conditions as he thinks fit provided that no such provisional certificate shall remain in force for any period exceeding thirty days.

(8) Any person who fails to comply with the requirements or directions of an inspector or to give any notice required by this section shall be guilty of an offence.

7. (1) Every owner, lessee or occupier of any building in which a crane, hoist or lift is situated shall, upon obtaining the approval of an inspector to use or work a crane, hoist or lift as required by subsection (7) of section 6 and before working or using the crane, hoist or lift, register the same with the Secretary for Labour and Industry, in writing in the prescribed form.

Registration
of lifts, etc.

(2) Any crane, hoist or lift to which this Act applies in respect of which the owner, lessee or occupier has paid the annual registration fee for the calendar year during which this Act comes into operation pursuant to the Lifts Regulation Act, 1908-1934, shall be deemed to be registered with the Secretary for Labour and Industry.

(3) The registration of every lift, crane or hoist shall be renewed on or before the thirty-first day of January in each year.

(4) Any person becoming the owner, lessee or occupier of a building in which a crane, hoist or lift is situated which at the time was registered by the previous owner, lessee or occupier with the Secretary for Labour and Industry, shall advise the Secretary for Labour and Industry of the change of ownership, leasing or occupation within thirty days after such change.

8. (1) Every crane, hoist or lift which is not registered with the Secretary for Labour and Industry shall, unless there is in force in respect thereof a provisional certificate of registration issued pursuant to subsection (7) of section 6, be deemed to be unregistered.

Unregistered
lifts, etc.

(2) Any owner, lessee or occupier of a building in which an unregistered crane, hoist or lift is situated and who works or uses or causes or permits the use of the crane, hoist or lift shall be guilty of an offence.

9. (1) When any lift is closed for repairs, a notification to that effect shall be posted conspicuously on or near such lift on each floor, and if it is intended to be closed for at least

Closing of lift
for repairs.
1908, 940, s. 8.

twenty-four hours a notification to the same effect and setting forth the repairs necessary and proposed to be effected, shall be sent in writing to the Chief Inspector by the owner, lessee or occupier of the building in which such lift is situated.

(2) After such notification no owner, lessee or occupier shall be liable to be prosecuted under this Act for the defectiveness, unsoundness, or want of conformity of such lift with the provisions of this Act during the time during which the lift is so closed for repairs.

(3) When the repairs have been executed and the operation of the lift has been resumed the same shall forthwith be notified by the owner, lessee, or occupier, to the Chief Inspector.

Safety precautions to be taken.

10. Any person erecting, altering or maintaining a crane, hoist or lift or working thereabout or thereon or any person contracting to do such work shall take all reasonable precautions including those prescribed by the regulations and those directed by an inspector to ensure the safety of any person including any person working on or about the crane, hoist or lift.

Annual inspection of lifts.

11. (1) Except as provided in subsection (2) of this section every lift shall be inspected and tested once in every year or more frequently as required by an inspector.

(2) Every lift worked solely by hand (not being exempted from the provisions of this Act by the Chief Inspector pursuant to subsection (3) of section 4) and every crane and hoist shall be inspected and tested once in every two years or more frequently as required by an inspector.

(3) Any inspection and testing under subsection (1) or subsection (2) of this section shall in each case be carried out in the presence of an inspector, and the owner, lessee or occupier of the building where any such crane, hoist or lift is situated shall provide all the necessary labour and equipment, and take all necessary measures to facilitate the inspection.

Examination of lifts and directions by inspector.
Cf. 1908, 949, s. 6.

12. (1) Notwithstanding the provisions of section 11 an inspector may at any time inspect and examine any crane, hoist or lift constructed before or after the coming into operation of this Act whether in use or in the course of construction, alteration or maintenance, and for that purpose may at all reasonable hours enter any building place or premises and make such examination and enquiries as he thinks necessary to ascertain whether the requirements of this Act and the regulations are being complied with.

(2) Upon the request of an owner, lessee or occupier an inspector shall issue to such owner, lessee or occupier a certificate certifying the result of any inspection carried out.

(3) If it appears to an inspector that the use of any crane, hoist or lift would be or is dangerous or would expose or exposes any person using or working in connection with such crane, hoist or lift, to a risk of injury, or that the provisions of this Act or the regulations are not being complied with, he may give such directions in writing to the owner, lessee or occupier or the person using, operating, constructing, erecting, altering or maintaining the crane, hoist or lift as he thinks necessary to prevent any risk of injury or to ensure compliance with this Act and the regulations.

13. (1) When any inspector gives any directions in accordance with section 12 he may at the same or at any other time order any persons forthwith to cease using the crane, hoist or lift until such directions or any order on appeal therefrom have or has been complied with.

Power of
inspector to
order cessation
of use of lift.

(2) An inspector may at any time rescind any order which he has given.

(3) There shall be an appeal to the Minister against the directions of any inspector under section 12. 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 so to do, 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 to 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 to cease to use a crane, hoist or lift ; 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.

(5) Any owner, lessee, or occupier of a building not primarily liable for the condition of a lift, and to whom an inspector has given directions in writing as hereinbefore provided in respect of such lift, and who carries out such directions and has thereby incurred any expense, shall be entitled to recover, before any special magistrate or two justices of the peace or by action in

any court of competent jurisdiction, from the person primarily liable or from the person to whom he is liable to pay rent, or to deduct from any rent payable or to become payable by him, the amount so paid by him. The production of the receipts for such payment so paid by such lessee or occupier shall, on payment of rent or rent becoming payable, be a good and sufficient discharge for the amount so paid.

(6) Where such directions in writing have been so given to any owner, lessee, or occupier not liable except for this Act for the condition of such lift the production of such directions in writing shall be a bar to any proceedings at law by any person whomsoever against such owner, lessee, or occupier for carrying out such directions.

Working of
lifts by young
persons.
1908, 949, s. 7

14. (1) Except as provided in subsection (2) hereof no crane, hoist or lift shall be worked or taken charge of by any person under 18 years of age; and such person working or taking charge of any crane, hoist or lift and any person employing him so to do shall each be guilty of an offence against this Act.

(2) The Chief Inspector may, on written application, grant an exemption in writing from subsection (1) of this section with respect to any lift which, in his opinion, can be worked safely by any person under the age of 18 years and such exemption shall remain in force until revoked.

Regulations.
Cf. 1908, 949,
s. 10.

15. The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which may be necessary or convenient to be prescribed for giving effect to this Act; and in particular but without limiting the generality of the foregoing in respect of the following matters :—

- (a) the erection, construction, addition, alteration, inspection, maintenance and working of cranes, hoists and lifts;
- (b) the description, plans, drawings and specifications required in connection with the erection, construction, addition and alteration to cranes, hoists and lifts;
- (c) the notification of accidents arising from or in respect of cranes, hoists and lifts;
- (d) the safety of persons engaged in the erection, construction, addition, alteration, inspection, maintenance and working of cranes, hoists and lifts;

- (e) the fees which may be charged for the inspection of plans, drawings and specifications, for registration, inspections and for certificate of inspection. All such fees shall be paid into general revenue and may be recovered summarily by the Secretary for Labour and Industry ;
- (f) penalties not exceeding £50 for the breach of any regulation.

16. The *Government Gazette* purporting to contain any regulation shall be evidence of the contents of such regulation, and that the same was duly made and published and is in force.

Evidence of regulations.
949, 1908,
s. 12.

17. (1) Every person who interferes with or resists any inspector in the execution of any power or duty conferred or imposed upon him by this Act or who contravenes or fails to comply with any provision of this Act whether by act or omission, shall be guilty of an offence.

Offences.
949, 1908,
s. 13.

(2) Every person who is guilty of an offence against this Act shall be liable on conviction to a fine not exceeding fifty pounds.

18. Proceedings for offences against this Act shall be heard and determined summarily.

Summary procedure.
949, 1908,
s. 15.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Lieutenant-Governor.