



ANNO VICESIMO

**ELIZABETHAE II REGINAE**

A.D. 1971

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**No. 46 of 1971**

An Act to amend the Lifts Act, 1960.

[Assented to 26th August, 1971]

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

Short titles.

1. (1) This Act may be cited as the "Lifts Act Amendment Act, 1971".

(2) The Lifts Act, 1960, as amended by this Act, may be cited as the "Lifts and Cranes Act, 1960-1971".

(3) The Lifts Act, 1960, is hereinafter referred to as "the principal Act".

Commence-  
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of  
principal Act,  
s. 3—  
Interpretation.

3. Section 3 of the principal Act is amended—

(a) by striking out the definition of "crane" or "hoist" and inserting in lieu thereof the following definition:—

"crane" or "hoist" means any apparatus or contrivance (not being a lift) that is driven or worked with the aid of any power other than hand power, by means of 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 therewith but does not include—

- (a) a conveyor belt or chain;
  - (b) a mobile fork lift as defined in section 5 of the Motor Vehicles Act, 1959, as amended;
- or
- (c) an apparatus or contrivance in the nature of earth-moving equipment.;

(b) by striking out the definition of "lift" and inserting in lieu thereof the following definition:—

"lift" means any apparatus or contrivance—

(a) which is attached to, installed in or used in connection with any building or structure;

(b) the movement of which is directed and controlled by a guide or guides;

and

(c) by means of which persons, goods or materials are or can be raised, lowered or moved,

and without limiting the generality of the foregoing, includes any chair lift, escalator and moving walk and any well, shaft, enclosure, door, entrance, supporting structure, machinery, electrical service, equipment and gear connected or used in connection with such apparatus or contrivance, but does not include a conveyor belt or chain by means of which goods or materials are or can be raised, lowered or moved.;

and

(c) by striking out the definition of "owner", "lessee", and "occupier" and inserting in lieu thereof the following definition:—

"owner"—

(a) in relation to a lift, means the owner, lessee or occupier of the building or structure in, or in connection with which that lift is used or is in operation and, in the case of a lift in the course of being installed, altered or repaired, includes the contractor engaged in the erection of the building or structure in or in connection with which that lift is or is to be used or operated or engaged in the installation, alteration or repair of the lift;

and

(b) in relation to a crane or hoist, includes—

(i) the person for the time being taking that crane or hoist on hire or lease;

and

(ii) where relevant, the owner, lessee or occupier of the building or structure in or in connection with which that crane or hoist is used or is in operation,

and, in the case of a crane or hoist in the course of being constructed, installed, altered or repaired, also includes the contractor engaged in the construction, installation, alteration or repair.

Amendment of  
principal Act  
s. 4—  
Application.

4. Section 4 of the principal Act is amended—

(a) by striking out from subsection (1) the word “This” and inserting in lieu thereof the passage “Subject to section 14a of this Act, this”;

(b) by inserting in paragraph (a) of subsection (1) after the word “power” the passage “or any crane or hoist or any hoisting appliance to which the Construction Safety Act, 1967, applies”;

(c) by striking out paragraph (b) of subsection (1);

(d) by inserting in paragraph (c) of subsection (1) after the passage “1920-1955” the passage “, as amended,”;

(e) by striking out from paragraph (d) of subsection (1) the passage “in any factory registered under the Industrial Code, 1920-1958, or the Country Factories Act, 1945” and inserting in lieu thereof the passage “, other than a mobile crane, to which the Industrial Code, 1967, as amended, applies”;

(f) by striking out paragraph (f) of subsection (1);

(g) by striking out from subsection (2) the passage “relating to lifts”;

and

(h) by inserting in subsection (3) after the word “hand” the passage “power or any crane or hoist or any hoisting appliance to which the Construction Safety Act, 1967, applies”.

5. Section 5 of the principal Act is amended by striking out from subsection (1) the passage "Part VI of the Industrial Code, 1920-1958" and inserting in lieu thereof the passage "Part XIII of the Industrial Code, 1967, as amended, or any corresponding previous enactment,".

Amendment of principal Act, s. 5—  
Inspectors.

6. Section 6 of the principal Act is amended—

Amendment of principal Act, s. 6—

(a) by striking out from subsection (1) the passage "the lift apparatus and" and inserting in lieu thereof the passage "the apparatus, the uses to which it is to be put and, where relevant,";

Notification of construction of or alteration to lifts, etc.

(b) by inserting in subsection (4) after the word "lift" the passage "or necessary to conform with any relevant standard prescribed by the Standards Association of Australia";

(c) by inserting in subsection (7) after the passage "and in the case of a" the passage "crane, hoist or";

(d) by striking out from subsection (7) the passage "thirty days" and inserting in lieu thereof the passage "ninety days";

and

(e) by inserting immediately after subsection (7) the following subsection:—

(7a) After the commencement of the Lifts Act Amendment Act, 1971, the provisions of subsection (7) of this section relating to a crane or hoist shall apply to a crane or hoist that is proposed to be worked or used for the first time after being so constructed, erected, added to or altered.

7. Section 7 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 7 of principal Act and enactment of section in its place—

7. (1) The owner of a crane, hoist or lift shall, upon obtaining the approval of an inspector to work or use that crane, hoist or lift where required by section 6 of this Act and before working or using a crane, hoist or lift in respect of which no certificate of registration has been issued, apply in writing in the prescribed form to the Secretary for Labour and Industry for the registration of that crane, hoist or lift and pay the prescribed registration fee.

Registration of cranes, hoists and lifts.

(2) On receiving the application and the prescribed fee the Secretary may register that crane, hoist or lift by issuing a certificate of registration in the prescribed form subject to such conditions, limitations or qualifications as may be prescribed.

(3) The registration of a crane or hoist shall remain in force until the ownership thereof changes or ceases unless sooner cancelled under this Act.

(4) The registration of a lift shall unless sooner cancelled under this Act remain in force until the thirty-first day of January next after it is first registered or its registration was last renewed unless the ownership thereof changes or ceases in which case it shall remain in force until such change or cessation and shall be renewed on or before the thirty-first day of January in each year.

(5) A person who becomes the owner and the person who ceases to be the owner of a registered crane, hoist or lift shall, within thirty days after the change in ownership of that crane, hoist or lift, give the Secretary such particulars in writing of that change in ownership as are prescribed.

(6) A crane, hoist or lift which was registered with the Secretary immediately before the commencement of the Lifts Act Amendment Act, 1971, shall be deemed to be registered under and subject to this section.

(7) For the purposes of this Act—

(a) a crane, hoist or lift shall be deemed to be registered if it is registered or deemed to be registered under this section and the registration is in force;

and

(b) a crane, hoist or lift shall be deemed to be unregistered if it is not registered and not deemed to be registered under this section or its registration is not in force.

Amendment of  
principal Act,  
s. 8—  
Unregistered  
lifts, etc.

8. Section 8 of the principal Act is amended by striking out from subsection (2) the passage “Any owner, lessee or occupier of a building in which an unregistered crane, hoist or lift is situated and” and inserting in lieu thereof the passage “Any owner of an unregistered crane, hoist or lift”.

Amendment of  
principal Act,  
s. 9—  
Closing of lift  
for repairs.

9. Section 9 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “owner, lessee or occupier of the building in which such lift is situated” and inserting in lieu thereof the passage “owner of that lift”;

(b) by striking out from subsection (2) the passage “, lessee or occupier”;

and

- (c) by striking out from subsection (3) the passage “, lessee, or occupier,”.

10. Section 11 of the principal Act is amended—

- (a) by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) The owner of a lift worked solely by hand or a crane or hoist (not being a lift, crane or hoist exempted by the Chief Inspector from the provisions of this Act) shall cause that lift, crane or hoist to be inspected and tested by a competent person at such intervals as may be prescribed and shall keep such records and take such steps in connection with or resulting from that inspection and test as may be prescribed.;

and

- (b) by striking out from subsection (3) the passage “owner, lessee or occupier of the building where any such crane, hoist or lift is situated” and inserting in lieu thereof the passage “owner of the lift, crane or hoist”.

11. Section 12 of the principal Act is amended—

- (a) by striking out from subsection (2) the passage “, lessee or occupier” firstly occurring therein and inserting in lieu thereof the passage “of a crane, hoist or lift”;

- (b) by striking out from subsection (2) the passage “, lessee or occupier” lastly occurring therein;

- (c) by inserting in subsection (2) after the passage “carried out” the passage “pursuant to subsection (1) of this section”;

and

- (d) by striking out from subsection (3) the passage “, lessee or occupier”.

12. Section 13 of the principal Act is amended—

- (a) by striking out from subsection (5) the passage “owner, lessee, or occupier of a building” and inserting in lieu thereof the word “person”;

- (b) by inserting in subsection (5) after the passage “condition of a” the passage “crane, hoist or”;

- (c) by inserting in subsection (5) after the word “such” firstly occurring therein the passage “crane, hoist or”;

- (d) by striking out from subsection (5) the passage “such payment so paid by such lessee or occupier” and inserting in lieu thereof the passage “the amount so paid”;

Amendment of principal Act, s. 11—  
Annual inspection of lifts and cranes.

Amendment of principal Act, s. 12—  
Examination of lifts and directions by inspector.

Amendment of principal Act, s. 13—  
Power of inspector to order cessation of use of crane, hoist or lift.

- (e) by striking out from subsection (6) the passage "owner, lessee or occupier" firstly occurring therein and inserting in lieu thereof the word "person";
- (f) by inserting in subsection (6) after the word "such" secondly occurring therein the passage "crane, hoist or";
- and
- (g) by striking out from subsection (6) the passage "owner, lessee or occupier" lastly occurring therein and inserting in lieu thereof the passage "first mentioned person".

Amendment of  
principal Act,  
s. 14—  
Working of  
lifts by young  
persons.

13. Section 14 of the principal Act is amended—

- (a) by inserting in subsection (2) after the word "any" firstly occurring therein the passage "crane, hoist or";
- and
- (b) by inserting the following subsection immediately after subsection (2) thereof:—

(3) Subsection (1) of this section does not apply to a passenger controlled lift, as defined in the regulations.

Enactment of  
s. 14a of  
principal Act—

14. The following section is enacted and inserted in the principal Act immediately after section 14 thereof:—

Certificates of  
competency.

14a. (1) A person shall not operate or be in charge of a crane to which this section applies unless he holds a certificate of competency authorizing him to operate or be in charge of a crane.

(2) Notwithstanding section 4 of this Act, this section applies to any crane in this State that is fitted with a jib which is capable of being raised and lowered and moved in conjunction with that raising or lowering; but does not apply to any crane or crane of a class to which this section is declared by proclamation under subsection (4) of this section not to apply.

(3) A person shall not suffer or permit another person to operate or be in charge of a crane in contravention of subsection (1) of this section.

(4) The Governor may by proclamation declare that this section shall not apply to any crane or class of crane.

(5) The Chief Inspector may grant a certificate of competency to an applicant who has paid the prescribed application fee and who satisfies the Chief Inspector that he possesses the prescribed qualifications and that he has complied with the conditions (if any) that may be prescribed in relation to the grant of such a certificate.

(6) The Chief Inspector may, after due inquiry and for good cause, cancel, or suspend for such period of time as he thinks fit, a certificate of competency granted or deemed to be granted under this section and a person whose certificate has been so cancelled or suspended shall upon the cancellation or during the period of suspension, as the case may be, be deemed not to hold a certificate of competency for the purposes of this section.

(7) For the purposes of this Act a person who immediately before the commencement of the Lifts Act Amendment Act, 1971, held a crane and hoist driver's certificate of competency granted or deemed to have been granted under the provisions of the Boilers and Pressure Vessels Act, 1968, shall be deemed to have been granted a certificate of competency under this section.

15. Section 15 of the principal Act is amended—

Amendment of  
principal Act,  
s. 15—  
Regulations.

(a) by inserting after paragraph (d) the following paragraph:—

(da) the forms, fees and any other matters or things in relation to the application for and the issue, grant, cancellation, suspension, variation and duration of a certificate of competency and in relation to the testing and examination of any applicant for and holder of a certificate of competency;;

(b) by striking out from paragraph (f) the passage “£50” and inserting in lieu thereof the passage “one hundred dollars”;

and

(c) by inserting after the present contents thereof, as amended by this section, (which are hereby designated subsection (1) thereof) the following subsection:—

(2) A regulation made under this section may refer to or incorporate any standard of the Standards Association of Australia.

16. Section 17 of the principal Act is amended by striking out from subsection (2) the passage “fifty pounds” and inserting in lieu thereof the passage “one hundred dollars”.

Amendment of  
principal Act,  
s. 17—  
Offences.

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

J. W. HARRISON, Governor.