

LIFTS REGULATION ACT, 1908-1934.

BEING

LIFTS REGULATION ACT, 1908, No. 949 OF 1908
[ASSENTED TO 11TH NOVEMBER, 1908.]

AS AMENDED BY

LIFTS REGULATION ACT AMENDMENT ACT, 1926, No. 1762 OF 1926
[ASSENTED TO 9TH DECEMBER, 1926.]

AND

STATUTE LAW REVISION ACT, 1934, No. 2168 OF 1934
[ASSENTED TO 15TH NOVEMBER, 1934.]

An Act to regulate the use of passenger and other lifts.

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 com-
mencement.
Vic. 2048,
1906, s. 2.

1. This Act may be cited as the "Lifts Regulation Act, 1908-1934," and shall come into operation on the first day of January, one thousand nine hundred and nine.

Interpretation.
Ibid., s. 2.
Amended by
1762, 1926,
s. 2, and
S.L.R. Act,
1934.

2. In this Act, except where the subject-matter or context requires a different construction—

"chief inspector" means the Chief Inspector appointed under the Industrial Code, 1920:

"inspector" means any inspector appointed under the last-mentioned Act, including the chief inspector:

"lift" means any apparatus or contrivance within or attached to any building and driven or worked by the aid of gas, steam, hydraulic, electrical, or other power, or by the aid of hand power, and constructed for and used in raising or lowering or otherwise moving in conjunction with raising or lowering persons and goods or persons or goods only, and includes the doors or entrances of or to a lift and any machinery used for driving or working a lift:

"owner, lessee, or occupier," where used in reference to a lift, means any owner, lessee, or occupier of the building in which such lift is in operation:

"this Act" includes the regulations made under this Act.

3. (1) Within sixty days from the commencement of this Act the owner, lessee, or sole occupier of a building in which there is a lift (except any lift worked by hand-power and exempted in writing by the chief inspector) shall lodge in the office of the chief inspector a notice in the form in the first schedule to this Act or to the like effect.

Notice of lifts
to be given.
Vic. 2048,
1906, s. 3.
Amended by
1762, 1926,
s. 3.

(2) If after the expiration of such sixty days such a notice has not been filed in respect of any building within or attached to which there is a lift, every owner, lessee, or sole occupier of such building shall be deemed guilty of an offence against this Act, and no lift shall be used or worked in such building by any owner, lessee, or occupier or other person whatever.

4. No person shall work or use any lift constructed or completed after the commencement of this Act until at least one week after the owner, lessee, or occupier or some person on his behalf has lodged in the office of the chief inspector a notice in the form in the second schedule to this Act or to the like effect.

Notification
of new lifts.
Vic. 2048,
1906, s. 4.

5. An inspector shall from time to time inspect all lifts constructed or used or in course of construction, and for that purpose may during working hours enter any building or premises, and shall, if required by the owner, lessee, or occupier, sign and deliver to him a certificate certifying the result of such inspection.

Entry by
inspector.
Ibid., s. 5.

6. (1) Where on inspecting a lift it appears to an inspector that the use of such lift would be dangerous to human life or limb, or that the regulations under this Act are not being complied with, he may give such directions in writing to the owner, lessee, or sole occupier as he thinks necessary in order to prevent accidents, or to insure a compliance with such regulations; and such owner, lessee, or occupier shall, unless notice of appeal is given as hereinafter provided, forthwith carry out such directions.

Inspector may
give
directions, &c.
Ibid., s. 6.

(2) Where any inspector gives any directions he may at the same or at any other time order any persons forthwith to cease using the lift until such directions or any order on appeal therefrom has been complied with.

(3) Any order of an inspector may at any time be rescinded by him.

(4) The owner, lessee, or sole occupier may, on giving notice to the inspector within twenty-four hours (Sundays and public holidays not included) after such directions have been given, appeal in person to the Engineer-in-Chief or any

person deputed by the Engineer-in-Chief to hear such appeal. The said Engineer-in-Chief or person shall hear and determine such appeal with all reasonable dispatch, and for such purpose shall have all the powers of a board or commission appointed or issued by the Governor, and shall by order in writing affirm, vary, or rescind such directions.

(5) Any person who—

- (a) refuses or fails to comply with any direction given to him by an inspector in pursuance of this section or any order on appeal therefrom, or
- (b) refuses or fails to comply with any order given to him by an inspector in pursuance of this section to cease to use a lift,

shall be guilty of an offence against this Act.

(6) Any owner, lessee, or sole 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 payments 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.

(7) Where such directions in writing have been so given to any owner, lessee, or sole 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.
Vic. 2048,
1906, s. 7,
altered.

7. No lift shall be worked or taken charge of by any person under eighteen years of age; and such person working or taking charge of any lift and any person employing him so to do shall each be guilty of an offence against this Act.

Closing of
lifts for
repairs.
Ibid., s. 8.

8. (1) Any lift may be closed for repairs, and a notification to that effect shall be posted conspicuously on or near such lift on each floor, and if intended to be closed for at least twenty-four hours a notification to the same effect, and

setting forth the repairs necessary and proposed to be effected, shall be sent to the chief inspector by the owner, lessee, or occupier of the building in which such lift is situate.

(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 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.

9. The provisions of this Act are in addition to, and not in substitution for, any provisions of Part V. of the Industrial Code, 1920.

Application
of Act.

Amended by
S.L.R. Act,
1934.

10. (1) 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 this section—

Regulations as
to lifts inspection,
&c.

Vic. 2048,
1906, s. 9,
altered.

(a) as to the construction, inspection, and working of lifts; and

(b) prescribing the fees to be charged by inspectors to owners, lessees, or occupiers of buildings for each inspection, and for certificates of inspection if required. All such fees shall be paid into the general revenue, and may be recovered in a summary way by any inspector.

(2) All such regulations when made by the Governor shall be published in the *Government Gazette*, and when so published shall have the force of law and shall be judicially noticed, and shall be laid before both Houses of Parliament within fourteen days after such publication if Parliament is in session, and if not then within fourteen days after the commencement of the next session.

Notwithstanding any publication thereof, no regulations shall continue to have any force or effect if the same shall be disapproved, either wholly or in part, by resolution of either House of Parliament within thirty days after such regulations shall have been laid before Parliament, if Parliament shall be so long in session: Provided that if Parliament shall not be in session for thirty days after such regulations shall have been laid before it, then no regulation shall

continue to have any force or effect if disapproved by either House of Parliament within thirty days after the commencement of the next session of Parliament.

Regulations
unchallenge-
able unless
quashed by
Supreme
Court.
Of. 945,
1907, s. 142.

11. (1) Any person desiring to dispute the validity of a regulation may apply to the Supreme Court upon affidavit for a rule calling upon the chief inspector to show cause why such regulation should not be quashed, either wholly or in part, for the illegality thereof.

(2) The said court may make absolute or discharge the said rule with or without costs.

(3) All regulations, unless and until so quashed, shall have the like effect as if enacted in this Act.

(4) No regulation shall be challenged or disputed in any other manner.

Evidence of
regulations.

12. 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.

Offences.
Vic. 2048,
1906, s. 10,
altered.

13. (1) Any person who interferes with or obstructs any inspector in the execution of any power or duty conferred or imposed on him by this Act, or who does anything forbidden by this Act, or who omits to do anything required by this Act, shall be guilty of an offence against this Act.

(2) Any person upon conviction of an offence against this Act shall be liable for a first offence to a penalty of not less than two pounds nor more than twenty pounds, or to be imprisoned for any term of not more than ten days, and also for each day such offence is continued after conviction therefor to a further penalty of not more than two pounds or imprisonment for not more than two days, and for every subsequent offence to a penalty of not less than five pounds nor more than fifty pounds, or to be imprisoned for any term of not more than twenty-five days, and also for each day such subsequent offence is continued after conviction therefor to a further penalty of not more than five pounds or imprisonment for not more than five days.

Evidence.
Ibid., s. 10.

14. In any proceedings under this Act the onus of proof that any person, firm, or company is not the owner, lessee, or sole occupier of a building in which a lift is in operation, or that any person is not under eighteen years of age, shall be on the defendant.

15. All proceedings in respect of offences against this Act shall be disposed of summarily.

Procedure.

Substituted by
S.L.R. Act,
1934.

Ss. 16 and 17
repealed by
S.L.R. Act,
1934.

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SCHEDULES.

FIRST SCHEDULE.

S. 3.

“Lifts Regulation Act, 1908.”

Notice of Lift in Operation.

Take notice that there is on the premises [*describe premises*] a lift [*if more than one lift, state how many and in what parts of building they are situated*].

Dated at this day of 19 .
[*Signed*] A.B., owner (lessee or occupier, or on behalf of
owner, *&c.* [*stating his name*]).

To the Chief Inspector of Factories, Adelaide.

SECOND SCHEDULE.

S. 4.

“Lifts Regulation Act, 1908.”

Notice of Lift in Construction.

Take notice that there has been, or is being, constructed on the premises [*describe premises*] a lift [*if more than one lift, state how many and in what parts of building they are situated*], which will be worked on and from the [*here insert date not earlier than one week from date of notice*].

Dated at this day of 19 .
[*Signed*] A.B., owner (lessee or occupier, or on behalf of
owner, *&c.* [*stating his name*]).

To the Chief Inspector of Factories, Adelaide.

Regulations.

The following regulations were in force under this Act on 26th April, 1937:—

Gazette—21st November, 1935, p. 1273.

LIGHTS ON VEHICLES

see Road Traffic.