

INSPECTION OF MACHINERY.

5° Elizabeth II., No. XXIII.

No. 23 of 1956.

AN ACT to amend the Inspection of Machinery Act, 1921-1954.

[Assented to 21st November, 1956.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Inspection of Machinery Act Amendment Act, 1956.*

(2) In this Act the Inspection of Machinery Act, 1921-1954,

Act No. 11 of 1922 as reprinted with amendments to and including Act No. 20 of 1951 incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938, and further amended by Acts Nos. 33 of 1953 and 55 of 1954,

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is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Inspection of Machinery Act, 1921-1956.

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

3. Section fifty-three of the principal Act is amended— S. 53 amended.

- (a) by adding after the word, "engine" in line four of subsection (1), the passage, ", or of any Diesel locomotive engine";
- (b) by substituting for the word, "This" being the first word in subsection (3), the passage, "The provisions of subsections (1) and (2) of this";
- (c) by adding to subsection (3) the following paragraph—
 - (j) to any Diesel locomotive engine
 - (i) during any period of exemption granted under subsection (5) of this section; or
 - (ii) having cylinder areas aggregating not more than fifty square inches, except to the extent that subsection (4) of this section provides otherwise;

and

(d) by adding the following subsections:—

(4) Notwithstanding the provisions of subparagraph (iii) of paragraph (j) of subsection (3) of this section, no person shall drive a Diesel locomotive engine to which this Act applies and which has cylinder areas aggregating not more than fifty square inches, across any Government railway according to the meaning given to the expression Government railway by the Government Railways Act, 1904, or across any railway constructed under the Guildford-Greenough Flats Railway Act, 1886 and referred to in the Midland Railway Act, 1919 as the Midland Railway, where crossing such railways is regulated by mechanical and/or electrical signal devices, unless he holds an A or B class Diesel locomotive engine driver's certificate under this Act, and has given proof of sufficient knowledge of the signal code relating to traffic using such railway, but the holding of such a certificate does not authorise a person to drive a Diesel locomotive engine to which this Act applies across any such railway without permission of the controlling authority of the railway to do so.

Cf. Act No. 23
of 1904, as
amended,
s. 2;
50 Vict., No.
24; and No. 24
of 1919.

(5) Where a person desires to make use of a Diesel locomotive engine to which this Act applies in any part of the State north of the twenty-sixth parallel of south latitude but is unable to do so because the services of a driver holding a certificate required under this Act are not available, and applies in writing to the Minister for exemption from the application of the provisions of subsection (1) of this section to the engine, the Minister,

- (a) if of opinion that the services of such a driver are not available, may grant the exemption for any period not exceeding six months, for any one exemption; and
- (b) from time to time thereafter on similar application being made, may if of similar opinion, extend that period but so that no one period of extension exceeds six months; but
- (c) if of opinion that during any such period of exemption or extension the services of such a driver are available, may cancel the exemption or extension by written notice served on the person;

and an exemption or extension so granted, or a cancellation so effected by the Minister, has effect according to its tenor.

4. Section fifty-four of the principal Act is amended by adding after paragraph (e) of subsection (4), the following paragraphs—

S. 54
amended.

- (ea) A and B class Diesel locomotive engine-driver's certificate of service;
- (eb) A and B class Diesel locomotive engine-driver's certificate.

5. The principal Act is amended by adding after section fifty-five the following section:—

S. 55A
added.

55A. (1) In this section—

“proclaimed day” means the day fixed by proclamation for the coming into operation of the Inspection of Machinery Act Amendment Act, 1956.

Cf. Reg. 1
under the
heading,
"REGULA-
TIONS
RELATING
TO THE
CONDUCT
OF EXAM-
INATIONS,"
etc.

A of this Act without examination, or an A class Diesel locomotive engine-driver's certificate issued after examination prescribed under subsection (4) of section eighty-two of this Act, entitles the holder thereof, subject to restrictions or extensions, if any, imposed or granted by the Board under section fifty-seven of this Act, to drive and have charge of any class of Diesel locomotive engine to which this Act applies.

(5b) A B class Diesel locomotive engine-driver's certificate of service issued under subsection (3) of section fifty-five A of this Act without examination, or a B class Diesel locomotive engine-driver's certificate issued after examination prescribed under subsection (4) of section eighty-two of this Act, entitles the holder thereof, subject to restrictions or extensions, if any, imposed or granted by the Board under section fifty-seven of this Act, to drive and have charge of such particular Diesel locomotive engine, or Diesel locomotive engines of such a class, as is specified in the certificate, and is an engine, or class of engine, to which this Act applies. ;

- (b) by adding after the word, "defined" being the last word in subsection (7), the passage, ". or other than a Diesel locomotive engine".
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