

The Inspection of Machinery Act, 1904.

(No. 53 of 1904.)

ARRANGEMENT.

Sec.

1. Short title and commencement.
2. Interpretation.
3. Repeal.
4. Non-application of Act.

Administration.

5. Districts.
6. Chief Inspector and Inspectors.
7. Inspector's certificate of appointment.
8. False certificate.
9. Powers and duties of Chief Inspector.
10. Inspector to keep minutes, and report to Chief Inspector.
11. Powers and duties of Inspectors.
12. Inspector may call in aid.
13. Penalty for obstructing Inspector.

Machinery subject to Act.

14. Machinery to which Act applies.
15. Persons having machinery subject to this Act to notify Inspector.

Employment of Young Persons.

16. Young persons not to be employed in certain cases.

Fencing of Machinery.

17. Certain machinery to be fenced.
18. Notice of machinery requiring fencing.

Defective Machinery.

19. Faulty or defective machinery.

Provisions affecting Boilers.

20. Certain provisions of the Act applied to boilers.
21. Persons having boilers subject to Act to notify Inspector.
22. Boilers to be fitted with certain fittings.
23. Boilers not to be worked unless fitted with two safety valves.
24. Setting of boilers.
25. Standards and appliances to be provided.
26. Record of first inspection.
27. Subsequent inspections.
28. Inspector's record-books.
29. When boilers to be inspected.
30. May be inspected at any reasonable time.
31. Aid to be given by owner for purpose of inspection.

Sec.

32. Notice to owner of faulty boiler.
33. Authorised working pressure of boilers coupled together.
34. Owner to notify inspector of repairs.
35. Increasing pressure in boiler.

Fees for Inspection.

36. Fees for inspection.
37. Horse-power, how calculated.
38. Inspector receiving excessive fees.

Certificates of Inspection.

39. Certificate of inspection.
40. Certificate to be exhibited in conspicuous place.
41. Duration of certificate of boiler.
42. Duration of certificate of machinery.
43. Stamping official registered number on boiler.
44. Working without a certificate.

Duties and Liabilities of Owners of Boilers and Machinery.

45. Notice of sale, etc., of boiler or machinery.
46. Liability of owner in first instance.
47. Proceedings against actual offender.
48. Notice of intention to prosecute.
49. When owners and mortgagees not liable.

Inquiries as to Accidents.

50. Inspector to be notified of accident.
51. Inspector to inquire and report.
52. Inquiry into cause of accident.

Examination and Certificates of Engine-drivers.

53. Drivers in charge of engines.
54. Drivers of travelling engines.
55. Drivers of marine engines.
56. Examinations.
57. Applications for examinations and certificates.
58. Issue of certificate.
59. Certain engine-drivers to be deemed to hold certificates under this Act.
60. Certificate of service may be granted.
61. Interim engine-drivers' certificates.
62. Saving of certificates issued before Mines Regulation Act, 1899.
63. Certificates from beyond State recognised.

Inspection of Machinery.

Sec.

- 64. Disqualification of holder of certificate.
- 65. Acting without certificate.
- 66. Obtaining certificates improperly.
- 67. False testimonial.
- 68. Chief Inspector may require engine and its boilers to be in charge of separate persons.

Miscellaneous.

- 69. Owner's name to be affixed to portable engine or machinery.
- 70. Notice of removal of boiler.
- 71. Power to enter and inspect certificates.

Sec.

- 72. Responsibility of owners, etc., maintained.
- 73. Lloyd's certificate may be accepted.
- 74. Documents may be written or printed.
- 75. Service of notices, etc.
- 76. General penalty.
- 77. Summary procedure for recovery of fees and penalties.
- 78. Expenses of administration.
- 79. Protection of Inspectors from liability.
- 80. Appeal.
- 81. Annual report.
- 82. Regulations.

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SCHEDULES.

WESTERN AUSTRALIA.



ANNO QUARTO

EDWARDI SEPTIMI REGIS,

XXVIII.

No. 53 of 1904.

AN ACT to provide for the Inspection and
Regulation of Boilers and Machinery.

[Assented to 24th December, 1904.]

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

1. This Act may be cited as the *Inspection of Machinery Act*, 1904, and shall come into operation on a day to be fixed by proclamation. Short title and commencement.

2. In this Act, if not inconsistent with the context,—

Interpretation.

“Boiler” means: (a) any boiler or vessel in which or by means of which steam is generated for working any kind of machinery, or is used for application to any manufacturing or other process; but does not include (b) any boiler used for any process or purpose where a pressure not exceeding ten pounds per square inch above atmospheric pressure is required. It includes the setting, and all the

fittings and mountings, steam and other pipes, feed-pumps, injectors, and other equipments necessary to maintain the safety of the boiler.

“Building” means any manufactory, mill, shop, shed, building, or place, whether above the ground or underground, in which any boiler or machinery is erected, or where the same is kept, used, worked, or in operation.

“District” means any district proclaimed under this Act.

“Inspector” means any person appointed to be an inspector of machinery under this Act acting within a district for which he is appointed.

“Machinery” means and includes every shaft, whether upright, oblique, or horizontal, and every drum, wheel, strap, band, or pulley by which the motion of the first moving power is communicated to any machinery; and every machine, gearing, contrivance, or appliance worked by steam or water power, or by electricity, gas, compressed air, oil, or in any other manner by which motive power may be obtained, except by hand, treadle, wind, or animal power.

“Magistrate” means a police magistrate or a resident magistrate.

“Minister” means the responsible Minister of the Crown charged for the time being with the administration of this Act.

“Owner” means and includes the person being the owner of any boiler or machinery, as also the hirer, bailee, or mortgagee in possession thereof, and any engineer, overseer, foreman, agent, or person in charge or having the control or management of any boiler or machinery.

“Premises” includes any house, building, structure, yard, or place, and any mine, timber area, farm, paddock, field, road, or place, and any punt, raft, boat, ship, steamship, or vessel, not exempted from the operation of this Act, in which a boiler is kept or used, or any machinery is kept, worked, used, or is in operation.

“Prescribed” means prescribed by this Act and the regulations thereunder.

“Regulations” means the regulations made under this Act.

Repeal.
First Schedule.

3. The Acts mentioned in the First Schedule are hereby repealed and amended to the extent and in manner therein indicated: Provided that—

All regulations, orders, and notifications made under the Steam Boilers Act, 1897, and in force at the time of the repeal, shall be deemed to have been made under this Act.

All certificates granted under the said Act, and in force or use at the time of the repeal, shall continue in force and use for the purposes of this Act.

All proceedings in respect of offences against the said Act may be instituted, prosecuted, and completed thereunder in like manner in all respects as if the Act were not repealed.

4. This Act shall not apply to any boilers or machinery—

Non-application of Act.

- (1.) Used on or employed in the working of the Government Railways under the control of the Commissioner of Railways; or
- (2.) Of any ocean-going steamship; or
- (3.) Of any steamship engaged in making any coasting voyage within the meaning of the Colonial Passengers Ordinance, 1861; or
- (4.) Of any steam or oil launch or motor car not used at any time for carrying goods or passengers for reward.

Administration.

5. The Governor may, by proclamation, from time to time divide the State into districts, with such boundaries as he thinks convenient, and may assign to any district a name by which it shall be known for the purposes of this Act; and may, in like manner, from time to time, alter the boundaries of any district.

Districts.

6. The Governor may, from time to time, appoint a Chief Inspector of Machinery, and for each district one or more Inspectors of Machinery.

Chief Inspector and Inspectors.

Any person may be appointed Inspector without examination who, prior to the passing of this Act, has been employed as an Inspector under the Steam Boilers Act, 1897.

Every other person before appointment shall pass an examination to be prescribed, and shall have been for at least five years actually employed in a workshop or workshops as a mechanic in the manufacture and repair of engines and machinery, or where work of a similar character is performed.

Any person may be appointed Inspector for two or more districts.

7. Every Inspector shall be furnished with a certificate, in writing, under the hand of the Minister, of his appointment for the district named therein; and on his entering into or upon any building or premises for any of the purposes of this Act, he shall, if required, produce such certificate to the owner.

Inspector's certificate of appointment.

False certificate.

8. Any person who falsely pretends to be an Inspector shall be guilty of an offence and liable to imprisonment, with or without hard labour, for not exceeding six months.

Powers and duties of Chief Inspector.

9. The Chief Inspector shall, within every district, have all the powers of an Inspector in such district, and he may exercise such powers alone or in conjunction with any Inspector.

Inspector to keep minutes, and report to Chief Inspector.

10. Every Inspector shall keep minutes of all his proceedings, and shall from time to time report the same to the Chief Inspector, with such particulars and information as the Chief Inspector requires.

Powers and duties of Inspectors.

11. An Inspector may enter into or upon any building or premises where any machinery (whether declared to be subject to this Act or not) is placed or erected, or is in use, or working, or is kept, and may inspect and examine such machinery and the appliances connected therewith or belonging thereto, to ascertain whether the provisions of this Act have been complied with.

Such entry may be made at any time in the day-time, whether such machinery is in operation or not, or at night-time if such machinery is in operation.

Inspector may call in aid.

12. In making such inspection the Inspector may call to his aid any person he may think competent to assist therein, and may require the owner of the machinery to explain the working thereof, and may examine him as to the compliance with this Act in any particular.

Penalty for obstructing inspector.

13. Any person who—

(a.) wilfully impedes an Inspector in the execution of his duty; or

(b.) being the owner of machinery refuses, when required by an Inspector so to do, to explain the working thereof, or to give such information as aforesaid,

shall be liable to a penalty not exceeding twenty pounds.

Machinery subject to Act.

Machinery to which Act applies.

14. The several kinds and descriptions of machinery and articles mentioned in the Second Schedule shall, save as is mentioned in section four, be deemed to be machinery for the purposes of this Act.

Second Schedule.

The Governor may, by Order in Council published in the *Government Gazette*, from time to time declare that any other kinds of machinery save as last aforesaid shall be subject to the provisions of this Act; and in any such case, and from and after a date to be fixed by such Order in Council, the machinery therein mentioned shall be so subject.

The Governor may, in like manner, from time to time declare that any kinds of machinery shall cease to be machinery subject to this Act.

stating the name of such owner, the place where such boiler is erected, kept, or intended to be used, the type and description of boiler, and the grate bar area thereof.

22. Every boiler shall be fitted with the following fittings and mountings:—

Boilers to be fitted with certain fittings.

One steam pressure gauge capable of registering in pounds per square inch up to one and a-half the certified working pressure ;

One gun-metal feed check-valve, flange-jointed ;

One stop-valve, flange-jointed, fitted with gun-metal valve and seating, to be fixed between boiler and steam-pipe ;

One gun-metal blow-off cock, flange-jointed ;

One gauge cock, three-eighths inch Whitworth gas thread, for connecting Inspector's standard gauge ;

A suitable pump or injector, or both, for feeding the boiler ;

A fusible plug in the crown of the fire-box, or other suitable position when necessary ;

Two safety-valves of ample area and flange-jointed, one of which shall be encased and of locked-up design approved by the Chief Inspector.

There shall also be fitted—

(a.) One glass water gauge fitted with cocks complete, and two try cocks to every boiler of six horse-power and under, and two glass water gauges fitted with cocks complete, with approved protectors, to every boiler over six horse-power which has been granted an authorised working pressure of over eighty pounds per square inch ; and

(b.) When two or more boilers are erected side by side and are coupled together, an intermediate stop-valve shall be fitted on the main steam pipe between each boiler in addition to the one flange-jointed to the boiler :

Provided that the owner of any boiler erected before the commencement of this Act shall be allowed three months to comply with the provisions of this section, and in the meantime shall not be liable to any penalty hereunder :

Provided also that subsection (b) shall only apply to boilers erected after the commencement of this Act.

Any owner failing to comply with the provisions of this section shall be liable to a penalty not exceeding twenty pounds.

23. No boiler shall, after the commencement of this Act, be worked unless fitted with two safety-valves each of sufficient area to

Boilers not to be worked unless fitted with two safety valves.

relieve the boiler without increasing the certified pressure more than ten per centum; and one of the valves shall be arranged to the approval of the Inspector, so as to be beyond the control of the person in charge when steam is up; such safety valves may be on one boiler seat.

Any owner failing to comply with the provisions of this section shall be liable to a penalty not exceeding fifty pounds.

Setting of boilers.

24. All boilers set in brickwork or other material erected after the passing of this Act shall be provided with flues and doors, where necessary, of sufficient size, to the approval of the Inspector and in accordance with the regulations.

Standards and appliances to be provided.

25. The Chief Inspector shall provide each Inspector with proper standards and appliances by which all pressure-gauges can at any time be compared and tested, and with all other appliances necessary for carrying into effect the succeeding sections of this Act relating to boilers, and shall from time to time issue to each Inspector such instructions (not inconsistent with this Act or the regulations) as he thinks fit.

Record of first inspection.

26. On the first inspection of a boiler the Inspector shall make and keep a complete record of all particulars necessary to ascertain the state and condition thereof.

Such record shall contain particulars respecting the type and construction of the boiler; the name of the maker; the pressure which the boiler is calculated to sustain, and generally as to the state and condition thereof, and of all appliances used in connection therewith, and the fitness thereof for the particular purpose to which it is applied.

Subsequent inspections.

27. On each subsequent inspection of a boiler the Inspector shall carefully make a comparison with such standards as aforesaid, and shall record any changes since the previous inspection.

If any change or alteration has been made in such boiler, or any repairs effected thereto, he shall duly record the same in such manner as is prescribed by regulations made hereunder.

If no change, or no material change, has occurred in the state and condition of such boiler, he shall also record the fact in manner aforesaid.

Inspector's record-books.

28. (1.) Each Inspector shall be supplied with a record-book, to be kept by him in such manner as is prescribed by regulations.

(2.) Such book shall be open to inspection, without charge, at the office of the Inspector for the district, by the owner of the boiler, or any person authorised in writing by such owner, but not by any other person; and such person authorised as aforesaid may inspect and obtain a copy of any entry relating to the boiler on payment of the prescribed fee.

37. (1.) For the purpose of determining the fees to be charged for inspecting any boiler, three-quarters of a square foot of the fire-grate surface shall be deemed equal to one horse-power for boilers of the multitubular and locomotive types, and one square foot of fire-grate surface for other classes of boilers. Horse-power, how calculated.

(2.) This section shall not apply to any boiler erected on any foreign or coasting sailing ship, for which a fixed charge is prescribed in the Seventh Schedule.

38. (1.) No Inspector shall make any charge for any inspection over and above the amount prescribed in respect of the kind of boiler or machinery for the inspection of which the same respectively is payable. Inspector receiving excessive fees.

(2.) Every Inspector who knowingly accepts or charges any fee or commission or receives any sum of money over and above the charges allowed by law shall be liable to a penalty not exceeding fifty pounds, and, in addition, to forfeit his office.

Certificates of Inspection.

39. Where an Inspector has inspected any boiler or machinery, and is satisfied— Certificate of inspection.

- (1.) in the case of a boiler, that the same is in good repair, and may be safely used for the purpose for which it is then used; or
- (2.) in the case of machinery, that the same is securely fenced and guarded, and is also in good repair, and may be safely used for the purpose for which it is then used,

he shall thereupon, and on payment of the prescribed fee, grant and issue to the owner thereof a certificate in one of the forms numbered one, two, and three in the Eighth Schedule, and report to the Chief Inspector accordingly. Eighth Schedule.

40. The certificate granted to the owner of any machinery or boiler shall be exhibited in a frame in some conspicuous place, to be determined by the Inspector, where it can be seen by all persons working at or with any boiler or machinery; and every owner who neglects so to exhibit such certificate shall be liable to a penalty not exceeding twenty pounds. Certificate to be exhibited in conspicuous place.

In any proceedings under this section, it shall be a sufficient defence if the defendant satisfies the Magistrate—

- (1.) That owing to the size of the boiler or machinery, the locality where it was working, or other sufficient cause, there was no conspicuous place in which the certificate could reasonably be affixed;

- (2.) That, at all reasonable times, he kept the certificate available for inspection by all persons working at or with the boiler or machinery, and also by the Inspector and all members of the police force; and also
- (3.) That the attendant in charge was provided with a copy of the certificate.

Duration of certificate of boiler.

41. The certificate granted to the owner of a boiler shall remain in force for such period, not exceeding one year, as the Inspector may think fit, which period shall be stated on the certificate:

Provided that the Inspector may at any time cancel or suspend any certificate where he deems it necessary in the interests of the public safety so to do.

Duration of certificate of machinery.

42. The certificate granted to the owner of machinery shall remain in force for one year, if during that period no material alteration or addition is made in or to the same, and the machinery is at all times kept securely fenced and guarded and in good repair, and fit to be safely used for the purpose which it is used:

Provided that, in the case of machinery used solely for threshing, chaff-cutting, or crushing grain, and not worked for more than six months in any one year, the certificate shall remain in force for two years.

Stamping official registered number on boiler.

43. At the first inspection of every boiler the Inspector shall legibly stamp the official registered number of boiler on some conspicuous part of the boiler.

Any person who disfigures, destroys, conceals, or attempts to disfigure, destroy, or conceal such registered number shall be liable to a penalty not exceeding twenty pounds.

Working without a certificate.

44. Every owner who works or uses a boiler or machinery in respect of which a certificate has not been issued, or for which a certificate is not in force, shall be liable to a penalty not exceeding fifty pounds.

Proceedings for a breach of this section shall not be commenced or prosecuted except by an Inspector or a person holding the written consent of an Inspector.

Duties and Liabilities of Owners of Boilers and Machinery.

Notice of sale, etc., of boiler or machinery.

45. (1.) Where a person sells or absolutely disposes of a boiler or a winding engine to any person, the seller shall, within fourteen days, give notice to the Inspector, stating the name, occupation, and abode of the person to whom such sale or disposition has been made.

(2.) Where a boiler or winding engine is let on hire, or for a certain term, or to be returned to the owner, a similar notice shall, in every such case, be given to the Inspector by the lender or owner in manner aforesaid, and on the return of the boiler or winding engine to the lender or owner, notice thereof shall be given to the Inspector by the hirer.

46. (1.) The owner of a boiler or machinery in respect of which an offence has been committed against this Act, and for which a penalty may be imposed, shall in every case (save as hereinafter provided) be deemed in the first instance to have committed the offence, and be liable to pay the penalty; but an owner who has been proceeded against by an inspector shall be entitled, upon complaint or information duly made by such owner, to have any agent, servant, or workman brought before the magistrate at the time appointed for hearing the complaint made against him by the Inspector.

*Liability of owner
in first instance.*

(2.) If, after the commission of the offence has been proved, the owner proves to the satisfaction of the magistrate that he used due diligence to enforce the execution of this Act, and that the said agent, servant, or workman committed the act in question without his knowledge, consent, or connivance, the said agent, servant, or workman shall be convicted of the offence, and shall pay the penalty instead of the owner.

47. Where it appears to an Inspector, at the time of discovering the offence, that the owner had used all due diligence to enforce the execution of this Act, and also by what person the offence was committed, and that it had been committed without the personal knowledge, consent, or connivance of the owner, and in contravention of his orders, then the Inspector may proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the owner.

*Proceedings against
actual offender.*

48. Where an Inspector intends to prefer a complaint against an owner of machinery under section sixteen of this Act, or on the ground that any part of the machinery, or hoist, or any wheel-race is not securely fenced and protected, he shall give ten days' notice previous to the day fixed for hearing the complaint; and if the party complained against intends to bring forward any person skilled in the construction of the machinery as a witness at the hearing of the case, he shall give notice of such intention to the Inspector at least forty-eight hours prior to the hearing of the case.

*Notice of intention
to prosecute.*

49. No person shall be liable to the provisions of this Act as an owner of machinery or a boiler, unless the same is under his immediate power or control; nor shall any mortgagee of machinery or a boiler be liable as hereinbefore mentioned, unless he is in actual

*When owners and
mortgagees not
liable.*

possession thereof or has the same under his immediate power or control.

For the purposes of this section the words "immediate power or control" mean where the machinery or boiler is worked or used by the owner of such machinery personally, or by his agents, servants, or others, under his orders or directions, and for his benefit or profit.

Nothing herein shall exempt any corporate body from liability under this Act by reason only that any such machinery or boiler is under the control of any manager or other person employed by such corporate body.

Inquiries as to Accidents.

Inspector to be
notified of accident.

50. (1.) Where loss of life or serious bodily injury to any person by reason of the explosion of a boiler, or by reason of an accident caused by machinery, occurs in any building or premises where there is a boiler or machinery of any kind (whether subject to the provisions of this Act or not), the owner of the boiler or machinery shall, within twenty-four hours thereafter, send notice to the Inspector, at his office or usual place of residence, specifying the cause of the accident and the name and residence of the person or persons killed or injured.

(2.) For the purposes of this section "serious bodily injury" means an injury which is likely to incapacitate the sufferer from work for at least forty-eight hours.

(3.) Every owner who neglects to send such notice as aforesaid shall be liable to a penalty not exceeding fifty pounds.

Inspector to inquire
and report.

51. The inspector shall, immediately on receiving such notice, proceed to the building or premises and inquire into the cause of the accident, and may examine the owner of the boiler or machinery and all persons employed in or about the building or premises, and shall report thereon to the Minister.

Inquiry into cause
of accident.

52. In the event of an accident happening to machinery or a boiler (whether such machinery or boiler comes under the provisions of this Act or not), or where, by reason of such accident, any loss of life or serious bodily injury to any person has occurred, the Minister may direct an inquiry to be held before a magistrate, together with a person skilled in the use and construction of such machinery or boiler, to be appointed by the Minister.

The magistrate, together with such person, shall have power to hold such inquiry at such times and places as the Minister appoints, and shall report on the cause of such accident to the Minister.

With respect to the summoning and attendance of witnesses at or upon any such inquiry, and the examination of such witnesses

upon oath, every such Magistrate shall have all the powers which he would have or might exercise in any case within his ordinary jurisdiction under the Justices Act, 1902.

Examination and Certificates of Engine-drivers.

53. (1.) Every person employed or acting as an engine-driver in charge of any steam engine shall hold an engine-driver's certificate under this Act. Drivers in charge of engines.

Such certificates shall be by examination, and shall be of three grades, to be called first-class, second-class, and third-class engine-drivers' certificates respectively.

A first-class certificate shall entitle the holder thereof to drive and have charge of any steam engine other than a locomotive.

A second-class certificate shall entitle the holder thereof to drive and have charge of any steam stationary engine except a winding engine by which men are raised or lowered, or used for hauling ore or other material from the main underlay shaft of any mine.

A third-class certificate shall entitle the holder thereof to take charge of any engine, the cylinder of which does not exceed twelve inches in diameter; or, if the engine has more than one cylinder, the combined area of the cylinders of which does not exceed that of a single cylinder the diameter of which is equal to twelve inches, such engine not being a winding engine or a locomotive or traction engine.

(2.) This section shall not apply—

- (a.) To any steam engine owned or hired by any *bona fide* agriculturist and used on any farm for agricultural or dairy purposes, and not worked for more than six months in any year; or
- (b.) To any steam pump erected on any mine or premises, and not capable of pumping more than six thousand gallons per hour; or
- (c.) To any engine used for domestic purposes.

54. (1.) Every person employed or acting as an engine-driver who is in charge of a locomotive or traction engine while being propelled or moved from place to place by its own motive power and machinery shall be the holder of a locomotive and traction engine-driver's certificate under this Act. Drivers of travelling engines.

(2.) For the purposes of this section, every such person shall pass an examination, and obtain from the Board of Examiners appointed under this Act a certificate of competency and of the possession of the necessary knowledge and requirements as to the working of such engine or machinery.

(3.) The holder of a certificate under this section without any restriction expressed therein shall be deemed to be the holder of a second-class certificate under section fifty-three hereof; but if any restriction is expressed therein, such certificate shall be equivalent to a third-class certificate under that section.

Drivers of marine engines.

55. Every person employed or acting as an engine-driver in charge of a steam engine forming part of the propelling machinery on board any local ship, vessel, or steamer employed in conveying goods or passengers for reward shall be the holder of a marine engine-driver's certificate.

The holder of a marine engine-driver's certificate shall be deemed to be the holder of a second-class certificate under section fifty-three.

Examinations.

56. Examinations for engine-drivers' certificates, locomotive and traction engine-drivers' certificates, and marine engine-drivers' certificates shall be supervised by such persons as may be appointed by, and under the direction of, a Board consisting of the Chief Inspector of Machinery, and two qualified persons appointed by the Governor, of which the Chief Inspector of Machinery shall be chairman.

Any two members of the Board shall be a quorum.

Applications for examination and certificates.

57. All applications for examination shall be forwarded to the Chief Inspector of Machinery at Perth, accompanied with the prescribed fee, and the certificate of a duly qualified medical practitioner that the applicant is not subject to deafness, defective vision, epilepsy, or other physical infirmity which would render him unfit for his duties.

Issue of certificate.

58. (1.) On an applicant passing the prescribed examination, the Board shall issue a certificate of the appropriate class, to be called an "engine-driver's certificate," or "locomotive and traction engine-driver's certificate," or "marine engine-driver's certificate."

(2.) The Board may grant or refuse a certificate upon any grounds it deems advisable.

Certain engine-drivers to be deemed to hold certificates under this Act.

59. The holder of a first-class or second-class certificate of competency or service issued under the Mines Regulation Act, 1895, or the Coal Mines Regulation Act, 1902, shall be deemed to be the holder of a first-class or second-class certificate, as the case may

be, under this Act; and the holder of an engine-driver's certificate issued under the Boat Licensing Act, 1878, shall be deemed to be the holder of a marine engine-driver's certificate under this Act.

60. (1.) The Board may, at any time within two years of the commencement of this Act, grant certificates of service, without examination, to any persons of good repute on the following conditions:—

Certificate of service may be granted.

- (a.) An applicant for a first-class certificate of service shall furnish evidence to the satisfaction of the Board that he has been in charge of and has efficiently managed and driven on a mine, for a period of not less than twelve months prior to the twelfth day of October, one thousand eight hundred and ninety-five, winding, pumping, and crushing engines with boilers and appendages: Provided that a similar certificate of competency or service has not been refused by a Board appointed under any Act mentioned in section fifty-nine.
- (b.) An applicant for a second-class certificate of service shall furnish evidence to the satisfaction of the Board that he has been in charge of and has efficiently managed and driven an engine the cylinder of which exceeds twelve inches in diameter, or if the engine has more than one cylinder, the combined area of the cylinders of which exceeds that of a single cylinder the diameter of which is equal to twelve inches, for a period of twelve months at least prior to the commencement of this Act, and has not previously failed to obtain a certificate of competency before a Board appointed under the Acts mentioned in section fifty-nine.
- (c.) An applicant for a locomotive and traction engine-driver's certificate of service, or a third-class certificate of service, must furnish evidence to the satisfaction of the Board that he has been in charge of and has efficiently managed machinery worked by steam for a period of twelve months at least prior to the commencement of this Act; and
- (d.) Every applicant shall furnish to the Board the certificate of a duly qualified medical practitioner that the applicant is not subject to deafness, defective vision, epilepsy, or other physical infirmity which would render him unfit for his duties.

(2.) Every certificate of service shall convey the same privileges as a certificate of competency of the same class.

Interim engine-drivers' certificates.

61. Where an engine-driver holding a certificate equivalent to a certificate under this Act has had no opportunity of presenting himself for examination, the Board, or any member thereof, on being satisfied as to the experience of such engine-driver, may grant him an interim certificate of the same status, which shall operate accordingly until the day next afterwards appointed for the examination of engine-drivers.

Saving of certificates issued before Mines Regulation Act, 1899.

62. All certificates of competency or service issued prior to the commencement of the Mines Regulation Act Amendment Act, 1899, without restrictions expressed therein, shall be equivalent to a first-class certificate of competency granted under this Act, and any such certificate with restrictions shall be equivalent to a second-class certificate granted under this Act.

Certificates from beyond State recognised.

63. On payment of the prescribed fee the Board may, without examination, grant any certificate required by this Act to any person of good repute who satisfies the Board that he is the holder of a corresponding certificate of equal status, granted after examination by any duly constituted and recognised authority outside the State.

Disqualification of holder of certificate.

64. (1.) Where it appears to the Board that the holder of a certificate under this Act, or any person deemed to be the holder of a certificate under this Act, is guilty of any offence or misconduct, or who develops any symptom of epilepsy or other serious complaint which would render him unfit to be trusted to efficiently perform his duties as such holder, the Board may call upon him to appear before such persons as the Minister may appoint to show cause why he should not be disqualified.

(2.) The evidence taken at such inquiry shall be on oath or affirmation, which any person appointed as aforesaid may administer.

(3.) The persons appointed to hold such inquiry shall report thereon to the Board.

(4.) If upon such report it appears to the Board that the person called upon has failed to show good cause why he should not be disqualified, the Board may advise the Minister accordingly.

(5.) The Minister may thereupon, by notice in the *Government Gazette*, disqualify him for such period as he thinks fit, and during the period of disqualification he shall be deemed not to be the holder of a certificate, or may alter, suspend, or cancel such certificate.

Acting without certificate.

65. (1.) Any person who acts in the capacity of engine-driver in charge of any steam engine without a proper certificate, where a certificated driver is by law required, and every person who knowingly employs such uncertificated driver or person so in charge as aforesaid, is liable to a penalty not exceeding five pounds for every day or part of a day during which he so acts.

78. All moneys paid to inspectors by way of salary, and all the costs and charges of carrying this Act into execution, shall be paid out of the moneys appropriated for that purpose from time to time by Parliament, and all fees and penalties received under this Act shall be paid into the Treasury and form part of the Consolidated Revenue. Expenses of administration.

79. No matter or thing done by any Inspector *bonâ fide* in the execution of this Act shall subject such Inspector or the Crown to any liability whatsoever in respect thereof. Protection of inspectors from liability.

80. The owner of a boiler or machinery shall have the right of appeal to the Minister against the decision of the local inspector with respect to any boiler or machinery coming within the provisions of this Act. Appeal.

81. An annual report of the operation of this Act shall be laid before both Houses of Parliament. Annual report.

82. The Governor may from time to time, by order in Council, make regulations not inconsistent with this Act — Regulations.

- (1.) Regulating the duties of the Chief Inspector and of Inspectors;
- (2.) Prescribing the forms of notices to be given under this Act in any case where the same are not herein provided for;
- (3.) Prescribing the time and place in each district at which fees shall be paid to an Inspector, or to some other officer or person other than an Inspector;
- (4.) Regulating the examinations for certificates, and prescribing the fees to be paid by applicants for certificates, the forms of such certificates, and the nature and amount of experience required by applicants;
- (5.) Prescribing how and under what circumstances certain engines may be driven by uncertificated persons; and
- (6.) Generally for carrying this Act into execution.

Section 3.

First Schedule.

Date.	Short Title.	Extent of Repeal or Amendment.
42 Vict., No. 24	The Boat Licensing Act, 1878	In section six <i>omit</i> the words "engines and boilers." In section seven <i>omit</i> the words "masters and engine-drivers," and <i>insert</i> "and masters" in place thereof; <i>omit</i> the words "or to drive engines." In section eight <i>omit</i> the words "master or engine-driver" where they occur, and <i>insert</i> "and master." In section ten <i>omit</i> the words "master or engine-driver," and <i>insert</i> "and master." In section twelve <i>omit</i> the words "masters and engine-drivers," and <i>insert</i> "and masters" in place thereof. In section fifteen <i>omit</i> the words "engines, boilers." In section seventeen <i>omit</i> the words "master or engine-driver" wherever appearing, and <i>insert</i> "or master."
61 Vict., No. 22	The Steam Boilers Act, 1897	The whole.
63 Vict., No. 49	The Mines Regulation Act Amendment Act, 1899	Sections 16, 17, 18, 19, 20, and 21.
1 & 2 Edw. VII., No. 25	The Coal Mines Regulation Act, 1902	Sections 31 to 36 inclusive.
3 Edw. VII., No. 37	The Factories Act, 1904	Sections 32, 33, 35, and 36.

Section 14.

Second Schedule.

The Inspection of Machinery Act, 1904.

MACHINERY SUBJECT TO ACT.

All machinery worked by steam, water, electricity, gas, oil, compressed air, or any other manner (other than machinery driven by hand, treadle, wind, or animal power), and used in printing, flour-milling, saw-milling, quartz-crushing, rock-crushing, batteries, weight-raising, chaff-cutting, foundries, and breweries.

Third Schedule.

Section 15.

The Inspection of Machinery Act, 1904.

NOTICE OF OWNERSHIP OF MACHINERY.

To the Inspector of Machinery

For the.....District.

I [or we] hereby give you notice that I am [or we are] the owner of the machinery mentioned below:—

1. Description of machinery.....
2. Nature and amount of motive power.....
3. Place where the machinery is erected, kept, or intended to be used.

I [or we] declare the above particulars to be substantially true and correct in every respect.

Dated this day of 19 .

Owner's signature.....

Address.....

Official registered number.....

Fourth Schedule.

Section 18.

The Inspection of Machinery Act, 1904.

NOTICE TO OWNER THAT MACHINERY IS DANGEROUS.

To [name of owner], of

I hereby give you notice that the following parts of the [here name and describe the machine, and the parts requiring to be guarded] in your possession at appear to me to be dangerous, and likely to cause bodily injury to persons engaged in the working thereof, and I am of opinion that the same ought to be securely fenced by [here describe how the protection should be made].

Dated this day of 19 .

.....
Inspector of Machinery,
District.....

Section 21.

Fifth Schedule.

The Inspection of Machinery Act, 1904.

NOTICE OF OWNERSHIP OF BOILER.

To the Inspector of Machinery

For the.....District.

I [or we] hereby give you notice that I am [or we are] the owners of a boiler, particulars of which are hereunder described:—

1. Place where boiler is erected.....
2. Purpose for which used [or proposed to be used].....
3. Maker's name and number.....
4. Where and when constructed.....
5. Description and dimensions of boiler.....
6. Materials used in construction.....
7. Age of boiler on date hereunder.....
8. Area of firegrate in square feet.....
9. Working pressure for which boiler was constructed.....
pounds per square inch.

I [or we] declare the above particulars to be substantially true and correct in every respect.

Dated this day of 19 .

Owner's signature... ..

Address.....

Official registered number.....

Section 32.

Sixth Schedule.

The Inspection of Machinery Act, 1904.

NOTICE TO OWNER THAT BOILER IS DANGEROUS.

To [name of owner] of

I hereby give you notice that on the.....day of.....19 , I inspected a boiler [here describe the boiler and give official registered number] and that the same appears to me to be unsafe [or as the case may be].

You are therefore required to wholly desist from working or using the boiler [or to desist from working or using the boiler until the following repairs or alterations are effected, namely (here set out repairs required), or to desist from working or using the boiler at a greater pressure than....., or to desist from working or using the boiler at a greater pressure than..... until the following repairs are effected, namely,.....].

Dated the day of

Inspector of Machinery,

.....District.

Seventh Schedule.

Section 36.

The Inspection of Machinery Act, 1904.

FEES FOR INSPECTION OF BOILERS.

	£	s.	d.
For every boiler of eight-horse power and under	1	0	0
For every single boiler over eight-horse power and up to 15-horse power	2	0	0
For every single boiler over 15-horse power and up to any power	3	0	0
For two or more boilers (inspected on the same day in the same building, or on the same premises and within a distance of four hundred yards one from the other) over 15-horse power. Full charge for first, viz.	3	0	0
And for every additional boiler	1	5	0
For two or more boilers (inspected on the same day in the same building, or on the same premises and within a distance of four hundred yards one from the other) up to 15 and over 8-horse power, full charge for the first	2	0	0
And for every additional boiler	1	0	0
For every boiler erected on any sailing vessel	2	0	0
Fees for inspection of every digester	1	0	0
Fees for inspection of machinery not being worked by steam from any boiler:—			
For every inspection and grant of certificate in respect of any machinery as prescribed, not to exceed ...	1	0	0

Eighth Schedule.

Section 39.

FORM NO. 1.

The Inspection of Machinery Act, 1904.

CERTIFICATE FOR BOILER.

This is to certify that on the day of , 19 , I inspected, in accordance with the Inspection of Machinery Act, 1904, the boiler mentioned at the foot hereof, and that I consider the same is in good repair and fit to be used for the purpose stated below until the day of , 19 .

Dated this day of , 19 .

.....
Inspector of Machinery.

District.....

.....
Official Registered number Where stamped.....
Description of Boiler.....
Maker's name and where constructed
Authorised working pressure.....in lbs. per square inch.
Purpose for which it is used.....
Owner's name and address.....

Section 39.

FORM No. 2.

The Inspection of Machinery Act, 1904.

CERTIFICATE FOR MACHINERY NOT DRIVEN FROM A STEAM BOILER.

Official Registered Number.....

This is to certify that, in accordance with the Inspection of Machinery Act, 1904, I have inspected the machinery mentioned at the foot hereof, and consider the same is securely fenced and protected, and in good repair, and fit to be used for the purpose stated below until the day of 19 .

Dated this day of 19 .

Inspector of Machinery,
District.....

PARTICULARS RELATING TO THE MACHINERY.

Description of the machinery.....
 Maker's name.....
 Purpose for which used.....
 Motive power.....
 Name and address of owner (if a lessee or temporary
 owner it should be so stated).....

FORM No. 3.

The Inspection of Machinery Act, 1904.

CERTIFICATE FOR MACHINERY ATTACHED TO STEAM BOILER.

Official Registered Number.....

This is to certify that I have inspected, in accordance with the Inspection of Machinery Act, 1904, all machinery on the premises of....., at....., and consider that the same is properly fenced, guarded, and in good repair, and may be used for the purpose for which it is now used.

Dated this day of 19 .

Inspector of Machinery.
District.....