



Western Australia.

ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

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No: XXII.

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

[Assented to, 23rd December, 1897.]

BE it enacted by the Queen'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 Steam Boilers Act, 1897.

Short title.

2. IN the construction of this Act, unless otherwise expressly provided, or the subject or context requires a different construction:

Interpretation.

“Boiler” shall mean any steam boiler or vessel in which steam is generated under pressure used for the purpose of working any engine, pump, or other machinery on any land, or in any mine, or on any wharf, or on any hulk, punt, raft, or vessel not propelled by steam, or

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on any structure employed in any harbour, river, inlet, or lake, or any steam boiler used for any manufacture or other business. It also includes the setting, and all the fittings and mountings, feed-pumps, injectors, donkey-engines, and other equipments necessary to maintain the efficiency of the boiler.

“Building” includes any shed or other place where any boiler is erected, or where the same is kept or is in operation.

“Court” shall mean any two Justices of the Peace in petty sessions.

“District” shall mean any district proclaimed under this Act

“Inspector” shall mean an inspector appointed under this Act acting within a district for which he is appointed.

“Magistrate” shall mean a Resident Magistrate acting in the magisterial district for which he is appointed.

“Minister” shall mean the Minister charged with the administration of this Act.

“Owner” shall mean and include as well the mortgagee, lessee, or hirer as the proprietor of any boiler, and also any engineer, overseer, foreman, agent or person having the control or management of any boiler where the boiler is used in the absence of the person in lawful possession of the same.

“Prescribed” shall mean prescribed by rules or forms made under this Act.

“Rules” shall mean the rules to be framed by the Governor under this Act; and “prescribed” shall mean prescribed by the said rules.

Governor may  
proclaim districts  
in which this Act  
is to be in force.

**3.** THE Governor, by proclamation in the *Government Gazette*, may from time to time set out districts within which this Act shall be in force, and may distinguish such districts by names or numbers, and may from time to time alter or add to such districts. Provided however that nothing in this Act, except where expressly stated, shall apply to any part of the Colony not situate within a proclaimed district.

Governor may  
appoint inspectors  
and chief inspector.

**4.** THE Governor may appoint one or more duly qualified persons to be inspectors for any district or districts, and may appoint another such person to be chief inspector of all the districts, and may also appoint the same person to be inspector of a district, and may assign the duties of the persons so appointed and may remove them from office or from one district to another.

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The chief inspector shall, within every district, have all the powers of an inspector, and may exercise such powers alone or in conjunction with any inspector.

5. THE Minister shall furnish a certificate under his hand to every inspector to the effect that he has been appointed an inspector for the district or districts named therein; and every inspector, on entering any premises or building in pursuance of this Act, shall, if required, produce such certificate to the owner of such premises or building.

Certificate of appointment of inspector.

6. THE Minister shall cause every inspector to be furnished with suitable standard steam gauges, hydraulic pumps, and other appliances for testing the efficiency of boilers and their fittings.

Minister to supply inspector with steam gauges, &c.

7. THE Governor may from time to time make, repeal, or alter rules and forms for giving effect to this Act, and in particular may prescribe for—

Rules and forms.

The qualifications of persons to be appointed inspectors, and the tests and evidence of such qualifications.

The qualifications of persons to have charge of boilers, and the tests and evidence of such qualifications.

The forms of certificates and notices to be given under this Act where not otherwise provided for.

A record book for the entry of particulars as to boilers, the mode and place of keeping, and the conditions for inspecting and obtaining extracts from the same.

The time and place in each district at which fees shall be paid to an inspector or other person authorised to receive the same.

And all such rules and forms shall be published in the *Government Gazette*, and shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament be then sitting, and if Parliament be not then sitting, within fourteen days after its next meeting; and all such rules and forms, when so published and not inconsistent with this Act shall have the force of law, and shall continue in force unless repealed or altered as aforesaid or disallowed by both Houses of Parliament.

8. THE owner of any boiler erected in this Colony, whether within a district or not, shall, within sixty days after the commencement of this Act, and any person who may hereafter become the owner of such boiler shall, within fourteen days after becoming such owner, serve on the inspector of the district where such boiler is erected, or, if it is not erected in a district, on the chief inspector, a

Owner to give particulars of boiler to inspector.

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notice in the form and containing the particulars set out in the First Schedule to this Act, or as near thereto as circumstances will admit. And if such notice be not delivered or posted, by registered letter when practicable, as aforesaid, every such owner shall be liable to a fine not exceeding Ten pounds.

Notice to inspector of sale or letting to hire of boiler.

**9.** EVERY person who, after the commencement of this Act, sells or lets on hire any boiler, shall, within fourteen days after the sale or letting, serve on the inspector a written notice of such sale or letting, and stating the name, occupation, and place of abode of the person to whom the boiler has been sold or let on hire. And every person who contravenes this section shall be liable to a fine not exceeding Ten pounds.

Boilers to be fitted with certain fittings and mountings.

**10.** WITHIN six months after the commencement of this Act, every boiler shall be fitted with the following fittings and mountings of suitable dimensions:—

Two glass water gauges, fitted with cocks complete.

One steam pressure gauge, capable of registering up to one and a half the certified working pressure.

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

One stop valve, flange jointed.

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

One gauge cock, three-quarter inch Whitworth thread, for connecting inspector's standard gauge.

A suitable connection not less than three-quarter inch gas thread flanged on boiler to enable force pump or feed pump to be applied in testing boiler by hydraulic pressure.

A suitable pump or injector for feeding the boiler.

A fusible plug on the crown of the fire-box or other suitable position.

Further accessories required for new boilers.

**11.** AFTER six months from the commencement of this Act no boiler shall be erected unless fitted with at least two safety valves of equal diameter and each of sufficient area to relieve the boiler without increasing the loaded pressure more than ten per centum. The combined area of the two valves shall be in proportion to the fire-grate area and certified working pressure, and shall not be less than two inches in diameter; and one of the valves shall be so arranged as to be beyond the control of the person in charge when steam is up.

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12. ALL boilers working at the commencement of this Act and only having one safety valve of sufficient area, shall in addition be fitted with a second safety valve of the same area and so arranged as to be beyond the control of the person in charge when steam is up.

Further requirement for existing boilers having only one safety valve.

13. WHERE any boiler working at the commencement of this Act is not provided with all the fittings and mountings required by this Act or by the rules, the inspector may, after inspection, grant a certificate for such boiler for a period not exceeding six months after such inspection, unless the absence or deficiency of such fittings or mountings would, in his opinion, imperil the safety of the boiler, in which case he may direct the necessary fittings and mountings to be supplied before granting a certificate.

Inspector may, in his discretion, grant limited certificate for boilers with imperfect fittings, &c.

14. THE nominal horse-power of a boiler shall be calculated from the grate surface, and every square foot of grate surface shall be deemed equal to one horse-power.

Horse-power—how calculated.

15. FOR the purposes of inspection, the owner shall cause every boiler to be emptied and made cool, and all man-hole doors and mud-hole doors to be taken off, and all furnace bars and bridges taken out, and the interior of the boiler freed from any incrustation; and, when required by the chief inspector, all brickwork and other material in which a boiler is set shall be taken down. The owner shall cause all furnaces, flues, backs, and uptakes connected with such boiler to be swept clean, and all safety valves to be taken to pieces; and shall provide appliances for weighing such safety valves. The inspector shall also satisfy himself as to the efficiency of the boiler and safety valves under full steam, and firing with all stop valves closed.

Aid to be given by owner for purpose of inspection.

16. A BOILER shall be deemed to be under the power and control of the owner if the boiler is worked or used by the owner personally, or by his agents, servants, or others, under his orders or directions, and for his benefit or profit; and where an offence is committed in respect of any boiler for which a fine is imposed under this Act, the owner under whose power and control the boiler is shall be *prima facie* chargeable with the offence and liable to pay the penalty; but no person shall be liable, as owner, for any such offence, unless the boiler is under his power and control.

Liability of owner when a boiler is under his power and control.

17. ANY owner who is charged by an inspector with any such offence shall be entitled to lay an information or complaint against any agent, servant, or workman, and obtain a warrant or summons requiring such agent, servant, or workman to appear before the Court at the place and time appointed for hearing the charge made against such owner.

Owner charged with offence may bring actual offender before the Court.

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If owner proves that due diligence has been used, and that offence was committed by servant, the owner shall be exonerated.

**18.** IF, after the commission of the offence has been proved, the owner shall prove to the satisfaction of the Court that he used due diligence to enforce obedience to the Act, and that the said agent, servant, or workman had committed the offence in question without the owner's knowledge, consent, or connivance, the owner shall be discharged, and such agent, servant, or workman may be convicted, and shall then be liable to the fine imposed by this Act and to the costs of the prosecution and of the proceedings by the owner: Provided that nothing herein contained shall exempt any body corporate from any liability under this Act in respect of any boiler by reason only of such boiler being under the control of any director, manager, secretary, or other person employed by such body corporate.

Inspector may, in certain cases, proceed against the actual offender in the first instance.

**19.** WHERE an offence has been committed against this Act and it appears to the inspector that the owner had used due diligence to comply with this Act, and that the offence was committed without his knowledge, consent, or connivance, and in contravention of his orders, the inspector may proceed against the actual offender in the first instance.

Inspector may enter premises.

**20.** EVERY inspector having reasonable justification may at any time enter upon any premises within his district where any boiler may be, in order to satisfy himself that the provisions of this Act are complied with; but it shall be his duty to avoid needless inconvenience to the owner.

When boilers to be inspected.

**21.** THE inspector shall inspect every boiler twice in every twelve months, and may do so oftener if the case requires it. Such inspection shall be made so as not to needlessly prevent or impede the working of the boiler.

Inspector may certify to safety of boiler.

**22.** IF on inspection of a boiler the inspector is satisfied that it is in good repair and may be safely used for its actual or intended purpose, he shall give to the owner a certificate in the form or to the effect of the Second Schedule to this Act; and during the currency of such certificate the boiler shall not be worked at a higher pressure than that mentioned in the certificate.

Certificate to be exhibited and metal plate affixed on boiler.

**23.** THE owner on receiving such certificate shall cause it or a copy to be exhibited and continue exhibited during the time of its currency in a conspicuous place, to the approval of the inspector, and where it can be seen by all persons working at or with the boiler,

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**24.** SUCH certificate shall remain in force for the period mentioned therein not exceeding one year, but shall cease to be in force if

Duration of certificate.

(a.) Any material alteration be made in the boiler to which the certificate relates ; or

(b.) The inspector considers it necessary, in order to give effect to this Act, to cancel or suspend the certificate, and cancels or suspends the same accordingly.

**25.** IF at any time during the currency of a certificate the inspector on examination of the boiler is satisfied that it cannot be safely worked at the pressure named in the certificate, he shall give to the owner a notice in the form or to the effect of the Third Schedule to this Act, mentioning a lower pressure ; and during the currency of such notice the boiler shall not be worked at a higher pressure than that mentioned in the notice. The owner, on receiving such notice, shall cause it to be exhibited and continue exhibited during the time of its currency in a conspicuous place to be approved by the inspector, where the notice can be seen by all persons working at or with the boiler.

Inspector may give notice reducing the pressure allowed by the certificate.

**26.** IF on examination of a boiler at any time the inspector finds that it is dangerous to life or property, he may withhold a certificate for any given time, or cancel or suspend an existing certificate by serving on the owner a notice in writing in the form or to the effect of the Fourth Schedule to this Act ; and after the receipt of such notice the owner shall not allow the boiler to be worked, and shall not allow any certificate or notice no longer operative to be exhibited.

Inspector may withhold certificate or cancel or suspend existing certificate.

**27.** AN owner who works or uses or permits or allows to be worked or used any boiler in respect of which a certificate has not been granted, or is not in force, shall be liable to a fine not exceeding Fifty pounds.

Penalties on infringement of this Act by owner.

An owner who :

Works or permits or allows to be worked or used a boiler at a higher pressure than is authorised by this Act ; or

Does not cause a certificate or notice, as required by this Act, to be exhibited, and continue exhibited as required by this Act ; or

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Allows such certificate or notice to continue exhibited contrary to this Act,

shall be liable, for each such offence, to a fine not exceeding Twenty pounds.

But if, during the contravention of this section by the owner in respect of any boiler, there shall be an explosion of such boiler causing injury to person or property, the owner shall be deemed guilty of a misdemeanour, punishable by fine, not exceeding One hundred pounds, and by imprisonment with or without hard labour for not exceeding two years: Provided that nothing in this section contained shall exempt any other person from any punishment or fine or the owner or any other person from any action or suit to which he may be liable.

Inspector to keep minutes of inspection and enter them in the record book.

**28.** ON every inspection of every boiler the inspector shall make a minute of the condition thereof, and of all the particulars on which such condition was ascertained, and of the alterations and repairs (if any) already executed, and of the alterations and repairs required, and shall, from time to time, make a minute of every material circumstance coming to his knowledge in reference to every boiler and of every act done by him in respect thereof in pursuance of this Act, and the reasons therefor; and shall, at the earliest opportunity, enter in the record book the substance of such minutes under their appropriate headings.

Inspector to enter in record book all matters of which he receives notice under the Act.

Book to be open to public.

**29.** THE inspector shall enter in the record book every matter whereof notice is required by this Act to be delivered or sent to him, and shall further insert any prescribed matter, and shall arrange the contents of the book as may be prescribed. The record book shall be kept open for inspection, *gratis*, at such place in the district as the Minister may appoint; but no person other than the owner of a boiler shall be entitled to an extract or copy of any entry affecting it.

Owner to report boiler explosion to inspector.

**30.** ON the occurrence of an explosion from any boiler to which this Act applies, the owner shall cause immediate notice thereof to be delivered or telegraphed to the Minister, and also shall cause notice thereof containing particulars, as in the Fifth Schedule to this Act, to be delivered or sent by post, prepaid, to the inspector within twenty-four hours after the occurrence, or by the first available post after such twenty-four hours, and shall leave the effects of the explosion unaltered, save so far as necessary to relieve the injured or remove the dead, until an alteration is allowed by an inspector, and on failure to comply with this section shall be liable to a fine not exceeding Fifty pounds.



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**31.** ON receipt of such report the inspector shall deliver or transmit by the first available post a copy thereof to the Minister, and the Minister, having notice of the explosion, whether he has received such report or not, may order the chief or any inspector to proceed to the scene of the explosion and make a detailed report thereon, and the Minister may direct an inquiry into the circumstances to be conducted before a Resident Magistrate and a person skilled in the use and construction of boilers, to be appointed by the Minister, who together shall constitute a Board of Inquiry.

Inspector to send copy of report to Minister, who may direct inquiry.

**32.** THE inquiry shall be held as near as is convenient to the place where the explosion happened. With respect to the summoning and attendance of witnesses at the inquiry, the Resident Magistrate shall have all the powers which he has in his summary jurisdiction, and he and the skilled person aforesaid shall have authority to administer oaths and examine witnesses on oath or otherwise as allowed by law, and to require them to revise and to sign their depositions, and to make returns to inquiries addressed to them, and shall also have authority

Conduct of inquiry and powers of persons holding it.

To require the production of all books, paper, and documents; and

To enter and inspect any building, premises, or place.

Every person so summoned, not being the owner of the boiler or in his service or employment, or in any way connected with the management of the boiler, shall be paid by the Minister such expenses as would be allowed to a witness attending to give evidence in an action in the Supreme Court.

**33.** AT the conclusion of the inquiry the Board of Inquiry shall present to the Minister a full and clear report stating the causes of the explosion, and all the circumstances attending the same, with the evidence, adding, if desirable, observations on the facts or the evidence; and the Minister shall cause such report to be made public in such manner as he may think fit.

Result of inquiry to be reported to Minister.

**34.** AT the conclusion of the inquiry the Board of Inquiry may order the costs and expenses thereof, or any part of them including the remuneration of the persons holding the inquiry, to be paid by any person summoned before them, and such order shall, on the application of any person entitled to the benefit of the same, be enforced by any Court of Petty Sessions as if such costs and expenses were a penalty imposed by such Court. The Minister may, with the consent of the Treasurer, fix and pay the remuneration of the persons holding the inquiry. If no such order is made, and so far as any such order does not extend, the costs and

Costs and expenses of inquiry.

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expenses of the inquiry, including the remuneration aforesaid, shall be paid by the Minister.

If and so far as not otherwise provided for, all costs and expenses incurred by the Minister, including any remuneration paid under this section, and any costs ordered as aforesaid to be paid by the Minister, shall be paid out of moneys to be provided by Parliament.

**35.** NOTHING in this Act, or in any certificate granted hereunder, shall relieve any person from any liability, civil or criminal, but the liabilities of all persons in respect of boilers and machinery shall remain unaffected by this Act.

Act not to relieve from civil or criminal liability.

**36.** THERE shall be paid to the inspector, or to such other person as may be authorised by the Rules, for the inspection of every boiler, and before the grant of a certificate therefor or the removal of the suspension of such certificate, the respective fees in the Sixth Schedule to this Act: Provided that, except in the cases of inspection for renewal of a certificate given for a shorter time than twelve months, and inspection for removal of the suspension of a certificate, one set of fees only shall be payable for one or more inspections in any one year.

Fees for inspection.

**37.** A PERSON who wilfully impedes an inspector in the execution of his duty under this Act, and an owner of any boiler who refuses and neglects to give such information concerning it as an inspector requires for the purposes of this Act, shall for every such offence be liable to a fine of not less than Ten pounds, and not exceeding Twenty pounds.

Penalty for obstructing inspectors.

**38.** A PERSON who counterfeits, or, with intent to deceive, alters any certificate or notice given in pursuance of this Act shall incur the penalties of forgery.

Forgery.

**39.** ALL offences against this Act which are made punishable by fine shall be punishable on summary conviction before two Justices in Petty Sessions; and Sections A and D of the Schedule of the Shortening Ordinance, 1853, shall be incorporated with this Act. And every person convicted of any offence against, or non-observance of any part of this Act for which no penalty is hereby expressly imposed, shall be liable to a fine not exceeding Ten pounds.

Summary conviction for certain offences.

Limit of time for proceeding.

**40.** ALL rights of parties and all liabilities of owners of boilers, accruing before this Act, in respect of any boiler, shall remain unaffected by this Act.

Previous rights and liabilities to be unaffected.

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**41.** EVERY certificate, notice, or other document required by this Act may be either wholly written or wholly printed, or partly written and partly printed.

Documents may be written or printed.

**42.** WHERE this Act requires a document to be served upon any person, it shall be sufficient service if the same is posted, prepaid, to the usual place of abode or business of such person, and the time when by the usual course of post such document would be delivered shall be *prima facie* deemed the time of service.

Service of documents by post.

**43.** WHERE this Act requires a document to be served upon the owner of any boiler, personal service, at the place where such boiler is, upon the foreman or engineer or other person having superintendence of such boiler for the owner, shall be sufficient service on the owner.

Substituted service on the owner.

**44.** THIS Act shall not affect any boilers belonging to any locomotive engine, and used on the Government Railways, nor shall this Act affect any statutory powers of inspecting and regulating steam vessels and their boilers and machinery.

Act not to affect boilers used on Government railways.

**45.** THIS Act shall come into operation on the thirty-first day of December, One thousand eight hundred and ninety-seven.

Commencement of Act.

In the name and on behalf of the Queen I hereby assent to this Act.

GERARD SMITH, Governor.



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## Steam Boilers.

### Third Schedule.

Section 26.

#### Notice reducing Pressure.

To [name and address of Owner.]

I hereby give you notice, that from the service of this upon you until further notice the authorised pressure of your boiler, hereunder described, is reduced to \_\_\_\_\_ lbs. per square inch.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 189 .

[Inspector's signature.]

#### Description of Boiler.

[Follow First Schedule, adding other particulars if necessary to identify the boiler.]

### Fourth Schedule.

Section 27.

#### Notice suspending or cancelling Certificate.

To [name and address of Owner].

I HEREBY give you notice that I have this day inspected at [place] a boiler, of which the following is a description [here insert description], and am of opinion that the said boiler is dangerous to life and property. The existing certificate for the same is \*[suspended, and, if you desire the suspension to be removed, you are required to cause the following repairs and alterations to be effected [here specify them]. And, from the service of this upon you until service of a notice removing the suspension, you are required not to allow the boiler to be worked].

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 189

[Inspector's signature.]

\* Or, omitting the words in brackets, say, "cancelled, and, from the service of this upon you, you are required not to allow the boiler to be worked."

### Fifth Schedule.

Section 31.

#### Report to Inspector of Boiler Explosion.

1. Name of premises or works where the boiler exploded.
2. Address by the post.
3. Day and hour of explosion.
4. Number of persons killed.
5. Number of persons injured.
6. General description of the boiler.
7. Purposes for which the boiler was used.
8. Part of the boiler which failed, and the extent of failure generally.
9. Pressure at which the boiler was worked.
10. Name and address of any society or person by whom the boiler was insured.

Boiler Explosion  
Act, 1882 (Imp.),  
Schedule.

[Signature of person responsible for  
the accuracy of the particulars  
contained in this report.]

Address :

Date :

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Section 37

### Sixth Schedule.

#### *Fees for Inspection.*

	£	s.	d.
For every single boiler of 8 horse-power and under ... ..	1	0	0
For every single boiler over 8 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 (in the same factory) over 15 horse-power— full charge for the first, viz. ... ..	3	0	0
and for every additional boiler ... ..	1	10	0
For two or more boilers (in the same factory) up to 15 and over 8 horse-power—full charge for the first, viz. ... ..	2	0	0
and for every additional boiler ... ..	1	0	0
For two or more boilers (in the same factory) 8 horse-power and under—full charge for the first, viz. ... ..	1	0	0
and for every additional boiler ... ..	0	15	0