

THE INSPECTION OF MACHINERY ACT, 1921-1951.

No. 11 of 1922.

[Amended by Acts Nos. 42 of 1923, 34 of 1924, 17 of 1941, 37 of 1947, 69 of 1950 and 20 of 1951, and reprinted pursuant to the Amendments Incorporations Act, 1938.]

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WESTERN AUSTRALIA.

INSPECTION OF MACHINERY.

12° Geo. V., No. XLV.

No. 11 of 1922*.

Amended by Acts Nos. 42 of 1923 (a), 34 of 1924 (b), 17 of 1941 (c), 37 of 1947 (d), 69 of 1950 (e), and 20 of 1951 (f), and reprinted pursuant to the Amendments Incorporation Act, 1938.

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

[Assented to 10th February, 1922.]

BE it enacted by the King'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:—

1. This Act may be cited as the *Inspection of Machinery Act, 1921-1951*, and shall come into operation on a day to be fixed by proclamation, provided that such proclamation shall not issue before the first of July, 1922*.

Short title and commencement.
No. 11 of 1922, s. 1, amended by No. 20 of 1951, s. 2.

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

Interpretation.
No. 11 of 1922, s. 2, amended by No. 69 of 1951, s. 3.

“boiler” means and includes—

- (a) any boiler or vessel in which steam is generated above atmospheric pressure for working any kind of machinery, or for any manufacturing or other like purposes;

* Came into operation on the 3rd July, 1922 (see Proclamation published in *Government Gazette* dated 1st July, 1922, p. 1241).
(a) Assented to 22nd December, 1923. (b) Assented to 31st December, 1924.
(c) Assented to 11th November, 1941. (d) Assented to 10th December, 1947.
(e) Assented to 5th January, 1951. (f) Assented to 27th November, 1951.

- (b) any vessel used as a receiver for compressed air or gas, the pressure of which exceeds 30lb. to the square inch, and having a capacity exceeding five cubic feet; but does not include containers used for transport;
- (c) any vessel used under steam pressure as a digester, and
- (d) any steam jacketed vessel used under steam pressure for boiling, heating, or disinfection purposes.

It also includes the setting, smoke stack, and all fittings and mountings, steam and other pipes, feed pumps and 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 or districts for which he is appointed;

“machinery” means every steam engine, motor, or other source of motive power, and every machine, shaft, belt, gearing, pulley, fly-wheel, lift, crane, contrivance or appliance driven by the same for any purpose, but does not include hand, treadle, wind or animal power, or the machines and appliances driven by such sources of 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 manager, 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, or vessel not propelled by its own motive power or machinery, and which is not exempted from the operations 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 or the regulations thereunder;

“prime mover” means an engine driven by steam, compressed air, gas oil, or hydraulic;

“regulations” means the regulations made under this Act;

“winding engine” means any engine used for raising or lowering men or materials in any vertical or inclined shaft on any mine, sewerage, or other works, whether erected on the surface or underground.

3. The Act mentioned in the first schedule is hereby repealed: Provided that—

Repeal
First
Schedule.
No. 11 of 1922,
s. 3.

All regulations, orders, and notifications made under the Inspection of Machinery Act, 1904, 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.

Non-Applica-
tion of
Act.

No. 11 of 1922,
s. 4.

Amended by
No. 17 of 1941,
s. 2.

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

- (1) used on or employed in the working of the Government railways or tramways under the control of the Commissioner of Railways; or
- (2) of any ocean-going ship or steamship; or
- (3) of any ship or steamship engaged in making any coasting voyage within the meaning of the Colonial Passengers Ordinance, 1861, or Navigation Act, 1904; or
- (4) of any steam or oil launch or motor car, or motor lorry, other than a motor car or motor lorry driven by steam and used for carrying goods or passengers for reward; or
- (5) of any traction engine driven otherwise than by steam and used solely for traction purposes; or
- (6) if such machinery is driven by a motor as defined of which the power is less than one horsepower; or
- (7) driven by an internal combustion engine or by electricity, and which is used exclusively by an agriculturist, pastoralist, dairy-farmer, market-gardener, orchardist, or pearler in pursuit of his calling as such and upon which no labour other than that of the owner is employed.

Act to apply
to machinery
used in
joinery
construction.
Added by
No. 89 of
1950, s. 4.

4A. Without limiting the generality of application of the provisions of this Act, they shall, notwithstanding section twenty-nine of the Timber Industry Regulation Act, 1926-1950, apply in respect of machinery used in any place where timber is used in joinery construction, in addition to the provisions of that Act which apply in respect of that machinery.

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.
No. 11 of 1922,
s. 5.

6. (1) The Governor may, from time to time, appoint a Chief Inspector of Machinery, a Deputy Chief Inspector of Machinery, and for each district one or more inspectors of machinery.

Chief
Inspector
and In-
spectors.

No. 11 of 1922,
s. 6, amended
by No. 69 of
1950, s. 5.

(2) The Chief Inspector of Machinery and the inspectors appointed under the Inspection of Machinery Act, 1904, shall be deemed to have been appointed under this Act.

(2a) (a) The Minister may delegate the exercise and discharge of all or any of the powers and functions of the Chief Inspector of Machinery to the Deputy Chief Inspector of Machinery.

[Subsection
(2a) added by
No. 69 of
1950, s. 5.]

(b) Every delegation under this subsection shall be revocable at will and no delegation shall prevent the exercise and discharge of any power or function by the Chief Inspector of Machinery.

(c) Where the exercise or discharge of any power or function by the Chief Inspector of Machinery or the operation of the provisions of any Act, or regulation or by-law is dependent upon the opinion, satisfaction, belief or other state of mind of the Chief Inspector of Machinery, in relation to any matter, the power or function may, where the exercise or discharge of it is delegated to the Deputy Chief Inspector of Machinery, be performed by him upon his own opinion, satisfaction, belief or other state of mind in relation to that matter.

(d) The exercise or discharge of any of the powers or functions of the Chief Inspector of Machinery performed by the Deputy Chief Inspector of Machinery prior to the commencement of the Inspection of Machinery Act Amendment Act, 1950, in purported pursuance of a delegation is validated.

(3) Every applicant for the position of inspector of machinery shall on application pay the prescribed fee, and shall before appointment pass the prescribed examination or otherwise give evidence of his competency, to the satisfaction of the Chief Inspector, and must produce evidence that he has served an engineering apprenticeship of at least five years, during which time he has been engaged in the actual manufacture and repair of engines, boilers and machinery, and that he has had engineering experience of a satisfactory character subsequent to his apprenticeship.

(4) An inspector may be appointed for one or more districts.

(5) Any duly appointed inspector of machinery may exercise any or all of the powers of an inspector of mines under the Mines Regulation Act of 1906, or any amendments thereof, subject to such conditions or restrictions as the Governor may think fit to impose.

(6) Any competent person who is permanently employed in any department and who has given evidence as to his competency as provided by subsection three hereof, may be appointed by the Governor as an inspector, and may exercise the powers of an inspector in any district subject to such conditions and restrictions (if any) as the Governor may think fit to impose.

Inspector's
certificate
of appoint-
ment.

No. 11 of 1922,
s. 7.

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.

Impersona-
tion of
Inspector.

No. 11 of 1922,
s. 8.

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.

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.

Powers and duties of Chief Inspector.
No. 11 of 1922, s. 9.

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.

Inspectors to keep minutes and report to Chief Inspector.
No. 11 of 1922, s. 10.

11. An inspector may enter into or upon any building or premises where any machinery 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.

Powers and duties of Inspectors.
No. 11 of 1922, s. 11.

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.

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.

Inspector may call in aid.
No. 11 of 1922, s. 12.

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 to explain the working thereof, or to give such information as aforesaid,

Penalty for obstructing Inspector
No. 11 of 1922, s. 13.

shall be liable to a penalty not exceeding twenty pounds.

Machinery subject to Act.

14. The machinery mentioned in the second schedule shall, save as is mentioned in section four, be deemed to be machinery for the purposes of this Act.

Machinery to which Act applies. Second Schedule.
No. 11 of 1922, s. 14.

The Governor may by Order in Council published in the *Gazette* from time to time declare that any kinds of machinery shall cease to be machinery subject to this Act.

*Restrictions on employment of young persons
or females.*

Young persons not to be employed in certain cases.

No. 11 of 1922, s. 15, amended by No. 42 of 1923, s. 2, and No. 34 of 1924, s. 2.

15. (1) No young person under fourteen years of age shall be employed in working or assisting to work any machinery.

(2) No male person under eighteen years of age and no female shall be allowed to clean any part of any machinery in motion.

(3) No boiler shall at any time be left in charge of any person unless he is a male of at least eighteen years.

(4) No person under twenty-one years of age or between that age and fifty shall be employed in the control of a passenger lift unless he (a) has served the Empire in any war, and (b) is physically incapable of undertaking more exacting or more laborious work: Provided that no person so employed shall be paid less than the minimum wage prescribed for adult labourers.

Provided also that any person not being under the age of eighteen years, who at the commencement of this Act was employed in the control of a passenger lift, may continue to be so employed.

(5) No female shall be allowed to effect any repairs to any part of a lift or its appliances.

(6) In case of a breach of any of the provisions of this section, the owner of the machinery shall be liable to a penalty not exceeding twenty pounds.

Provisions affecting machinery.

Persons having machinery subject to this Act to notify Inspector. Third Schedule. No. 11 of 1922, s. 16, amended by No. 69 of 1950, s. 6.

16. (1) Every person who becomes the owner of any machinery subject to the provisions of this Act shall, within one month thereafter, send to the inspector of the district where the same is, or in which it is intended to use, keep, or work the same, a notice in writing in the form of the Third Schedule, stating the name of such owner, the place where such machinery is erected, kept, or intended to be used, the kind of machinery and the motive power.

(2) All suppliers of electrical current for power purposes for working machinery subject to this Act shall forward written notification to the Chief Inspector of any new connections made during each quarter; such notifications to be at the office of Chief Inspector on last day of March, June, September, and December each year.

Suppliers of electrical current to notify new connections.

(3) All machinery shall be inspected at least once a year except lifts, which shall be inspected at least twice a year, and agricultural machinery which may be inspected only once in two years, at the discretion of the inspector.

(4) For the purposes of inspection and the granting of certificates, machinery shall, as directed by the Chief Inspector, be grouped, where the motive power of the machinery is applied immediately—

[Subsection (4) added by No. 69 of 1930, s. 6.]

- (a) by prime mover, with the prime mover;
- (b) otherwise than by a prime mover, with the source of the immediate motive power.

17. (1) Any part of any machinery deemed by an inspector to be dangerous, and so certified by him, shall be sufficiently guarded, renewed, or repaired as directed by him; and while the machinery is in motion the guards shall not be removed.

Guards and safety appliances. No. 11 of 1922, s. 17.

(2) The previous subsection shall apply to machinery of every kind to which this Act applies.

(3) Before commencing the erection of any lift attached to or in any building or structure, after the passing of this Act, working plans must be submitted for the approval of the Chief Inspector of Machinery, and must comply with the regulations prescribed.

Lifts.

(4) Every lift shall be provided with doors, locks, and other safety appliances approved by an inspector: Provided that the owner of every lift not so fitted shall be allowed six months after the commencement of this Act to comply with the requirements of this section. Inspectors may apply any test to lifts as may be prescribed, whenever deemed necessary.

Winding
engines.

(5) Every winding engine erected after the passing of this Act shall be provided with indicators for each drum as may be prescribed. Every winding engine used for raising or lowering men shall, within six months of the passing of this Act, be provided with such starting valves, and other safety appliances as may be prescribed.

(6) In case of a breach of any of the provisions of this section, the owner shall be liable to a penalty not exceeding twenty pounds.

Notice of
machinery
requiring
guarding
No. 11 of
1922, s. 18.

18. Where an inspector is of opinion that any machinery subject to this Act, which he deems likely to cause bodily injury to any person engaged in the working thereof, is not sufficiently guarded, he shall serve notice in writing upon the owner, specifying the part of the machinery he considers dangerous, in the form of the Fourth Schedule, or to the effect thereof; and the owner shall, if required by the inspector, sign a duplicate of such notice in acknowledgment of his having received it.

Fourth
Schedule.

If the owner does not comply with such notice within the period mentioned therein, he shall be liable to a penalty not exceeding fifty pounds.

Defective Machinery.

Faulty or
defective
machinery.
No. 11 of
1922, s. 19.

19. Where any machinery subject to the provisions of this Act, or any appliance or contrivance connected or used with such machinery, or any part thereof, is or appears to an inspector to be faulty or defective in any particular, or so dangerous as to be likely to cause loss of life or bodily injury to any person, or where the ventilation of any engine-room where any steam or internal combustion engine is erected and used is defective, he may serve notice in writing to that effect upon the owner of such machinery, and such notice may either require the owner—

- (1) to wholly desist from working or using such machinery, or any appliance or contrivance used or connected therewith, from a date to be fixed in such notice, until certain repairs or alterations to be stated in the notice have been effected; or

- (2) to have the arrangement of such machinery, appliance or contrivance so altered or placed or the faulty or defective part thereof repaired or renewed within a certain time to be stated in such notice so as not to contravene this Act.

Any person upon whom such notice has been served, who fails to comply with the terms thereof, shall be liable to a penalty not exceeding fifty pounds.

Provisions affecting Boilers.

20. All the powers of entry and inspection and other powers and authorities conferred upon inspectors, and all other powers, rights, duties, and authorities conferred upon or given to any person or persons, and all penalties imposed on any owner of machinery or other person under the preceding sections of this Act shall, subject to the provisions hereinafter contained, be applicable and may be enforced in carrying into effect the succeeding sections of this Act relating to boilers.

Certain provisions of the Act applied to boilers. No. 11 of 1922, s. 20.

21. Every person who becomes the owner of any boiler shall, within one month thereafter, send to the inspector of the district where the same is, or in which it is intended to use, keep, or work the same, a notice in writing, in the form of the Fifth Schedule, 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.

Persons having boilers subject to Act to notify Inspector. No. 11 of 1922, s. 21. Fifth Schedule.

22. Every boiler, air receiver, digester, or steam-jacketed vessel registered or re-erected after the passing of this Act shall be fitted with the following fittings and mountings of a quality suitable for the authorised working pressure. All fittings shall be flange-jointed unless otherwise approved by the Chief Inspector.

Boilers to be fitted with certain fittings. No. 11 of 1922, s. 22.

- (1) One steam pressure gauge capable of registering, in pounds per square inch, up to one and a half times the authorised working pressure, fitted with a cock to enable the gauge to be disconnected for testing while the boiler is under steam;

- (2) One gun-metal feed check valve and one gun-metal stop cock or valve, fitted to the boiler between the check valve and the boiler;
- (3) One stop-valve fitted with gun-metal valve and seating, to be fixed between boiler and steam pipe;
- (4) One gun-metal blow-off cock;
- (5) A suitable pump or injector or both, or other approved boiler feed apparatus;
- (6) A fusible plug of approved design in the crown of the fire-box, or other suitable position, when necessary;
- (7) Two safety valves, each of ample area, one of which shall be encased, fitted with easing gear, and of lock-up design approved by the Chief Inspector. The key of the latter valve shall be the property and remain in possession of the owner, who shall be responsible for the maintenance and proper adjusting of the valves to relieve at the authorised pressure within the limits laid down in section twenty-three;
- (8) Two glass water gauges fitted with cocks complete, except in the case of boilers under six-horse power where one glass water gauge if supplemented by two try cocks shall be deemed sufficient. Every glass water gauge shall be fitted with protectors of approved design, except such cases as the Chief Inspector may see fit to exempt;
- (9) One half-inch gas thread cock with female end suitable for connecting the inspector's test pump, the cock to be fixed in the most convenient position as approved by the inspector;
- (10) An intermediate stop valve or approved isolating valve shall be fitted on the branch pipe leading to the main steam pipe, in every case where two or more boilers are connected together, or in such other position as may be approved of by the inspector; providing always, that such valve be placed so as to be between the main stop valve on any boiler and any other boiler or steam pipe under pressure;

- (11) Provided that in the case of air receivers, the following fittings be deemed sufficient:—
- (a) one pressure gauge, as defined in section twenty-two (1),
 - (b) one safety valve of ample area,
 - (c) one stop valve,
 - (d) one blow-off or drain cock,
 - (e) one half-inch cock for inspector's test pump as defined in subsection (9):
- (12) Provided also that, in the case of digesters, the following fittings be deemed sufficient:—
- (a) one stop valve,
 - (b) one safety valve of ample area,
 - (c) one blow-off cock,
 - (d) one reducing valve of approved design fitted to the steam pipe connecting the digester or digesters to the steam boiler in every case where the authorised working pressure of the steam boiler exceeds that of the digester or digesters. In such cases a pressure gauge as defined in section twenty-two (1) is to be fitted on the low pressure side of the reducing valve,
 - (e) one non-return valve between the digester and the boiler,
 - (f) one half-inch cock for inspector's test pump as defined in subsection (9):
- (13) Provided also that, in the case of steam-jacketed vessels for heating or boiling or disinfecting, the following fittings shall be deemed sufficient:—
- (a) one stop valve,
 - (b) one reducing valve of approved design fitted to the steam pipe connecting any such vessel or vessels to a steam boiler, if the authorised pressure of such boiler be greater than that of the vessel or vessels to

which it is connected. A suitable pressure gauge as defined in section twenty-two (1) and a spring-loaded safety valve of ample area to be fitted on the low pressure side of the reducing valve,

- (c) one blow-off or drain cock,
 - (d) one half-inch cock for the inspector's test pump as defined in subsection (9):
- (14) Provided also that the owner of any boiler erected before the commencement of this Act shall be allowed six months to comply with the provisions of this section, and in the meantime shall not be liable to any penalty hereunder;
- (15) Provided also that subsection (10) shall only apply to new boilers or those erected or re-erected after the commencement of this Act;
- (16) Any owner failing to comply with the provisions of this section shall be liable to a penalty not exceeding twenty pounds.

Boilers not to be worked unless fitted with two safety valves. No. 11 of 1922, s. 23.

23. No boiler shall, after the commencement of this Act, be worked unless fitted with two safety valves, as provided in section twenty-two, subsection (7), each of sufficient area to relieve the boiler without increasing the authorised pressure more than ten per centum; such safety valves may be on one boiler seat, provided that the area of the opening to the boiler be not less than one and a half times the area of one of the valves. This section does not apply to air receivers, digesters, or steam-jacketed vessels.

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

Setting of boilers. No. 11 of 1922, s. 24.

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.

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.

Standards and appliances to be provided. No. 11 of 1922, s. 25.

26. On the first inspection of a boiler the inspector shall obtain and record the maker's name, date of construction, type, design, and all measurements thereof in order to determine the safe working pressure. He shall also record the state and condition of the boiler and of all its accessories and the fitness thereof for the particular purpose for which it is used. Such records and computations shall be included in his first report to the Chief Inspector.

Records of first inspection. No. 11 of 1922, s. 26.

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

Subsequent inspections. No. 11 of 1922, s. 27.

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 may be prescribed by regulations.

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.

28. (1) Every inspector shall keep inspection records of each boiler in his district in such manner as shall be determined by the Chief Inspector.

Records of inspection. No. 11 of 1922, s. 28.

(2) Such records as may be prescribed shall be open to inspection, without charge, at the office of the inspector for the district, by the owner of the boiler, or his representative authorised as such in writing by the owner, but not by any other person.

Any other person authorised in writing by the owner may also inspect the inspection records on payment of the prescribed fee, and the owner or any person authorised by him may obtain a copy of any such records on payment of an additional prescribed fee.

When
boilers to be
inspected.
No. 11 of
1922, s. 29.

29. All boilers shall be inspected at least once in every year, or oftener, as occasion may require.

May be
inspected
at any
reasonable
time.
No. 11 of
1922, s. 30.

30. Inspection of boilers may be made at any time in the day-time at all reasonable hours, but an inspector shall give the owner at least seven days' notice in writing, of the date on which such inspection will be made.

If through any unavoidable cause an inspector cannot attend on the date arranged, the inspection, subject to the Chief Inspector's approval, may be made by any competent person together with an engine-driver who is the holder of at least a first-class certificate recognised under this Act. A report signed by these two persons shall be forwarded by the owner to the inspector for the district, and such report may be accepted in lieu of an inspection by himself, and a certificate under section thirty-nine may be granted for any period not exceeding six months, on payment of the prescribed fee.

Aid to be
given by
owner for
purpose of
inspection.
No. 11 of
1922, s. 31.

31. For the purpose of inspection the owner shall, if required, cause every boiler to be emptied, cooled, and dried, and all man-hole doors and mud-hole doors to be taken off, and all furnace bars and brick or stone bridges to be taken out, and the interior of the boiler freed from incrustation, and when required by the Chief Inspector, all brickwork or other material in which a boiler is set, the removal of which may be necessary for the purpose of inspection, shall be taken down.

The owner shall render such assistance as required by the inspector, and shall cause all furnaces, flues, and uptakes connected with such boiler to be swept clean, and, if required, all safety-valves to be taken to pieces.

The inspector may test any boiler by hydraulic pressure, if he considers it necessary to do so, and shall record the results in his report to the Chief Inspector. The owner shall for such purpose have the boiler completely filled with water, and all valves and joints so adjusted and secured that, if necessary, they will withstand a pressure of 50 per cent. in excess of the approved working pressure.

32. (1) If, upon inspection, it appears to the inspector that any boiler is unsafe, or that it would be dangerous to life or property if it were to continue to be used in its then state, he may serve a notice, in writing, in the form of the Sixth Schedule, upon the owner, requiring him—

Notice to owner of faulty boiler. No. 11 of 1922, s. 32.

Sixth Schedule.

- (a) to wholly desist from working or using the boiler; or
- (b) to desist from working or using the boiler until certain repairs or alterations stated in the notice have been effected; or
- (c) to desist from working or using the boiler at a greater pressure than that stated in the notice; or
- (d) to desist from working or using the boiler at a greater pressure than that stated in such notice, until any repairs or alterations mentioned in such notice have been effected.

(2) The person upon whom such notice is served shall, if required by the inspector, sign a duplicate of the notice in acknowledgment of his having received it.

(3) Any person upon whom such notice has been served who fails to desist from working such boiler, according to the exigency of the notice, shall be liable to a penalty not exceeding one hundred pounds.

33. When two or more boilers are coupled together, and the authorised working pressure of the boilers is not the same, the working pressure of the boiler having the greater authorised working pressure shall not exceed the working pressure of the

Authorised working pressure of boilers coupled together. No. 11 of 1922, s. 33.

boiler having the lesser authorised working pressure, unless a reducing valve, approved by the Chief Inspector, is fitted.

Owner to notify Inspector of repairs. No. 11 of 1922, s. 34, amended by No. 20 of 1951, s. 3.

34. (1) Where the owner proposes to effect any repairs to, or in any manner to alter the main structure of the boiler, or to add to or to take away from a boiler any fittings or appliances, or in any manner to alter the construction thereof, he shall forthwith give notice, in writing, to the inspector of the district specifying the intended repairs or alterations.

(2) Any person having effected repairs to any boiler shall furnish a report to the inspector in the district, giving full particulars of the nature of the work done and any other particulars as may be required by the inspector.

(3) This section shall also apply where repairs have been effected in accordance with a notice to effect repairs given by an inspector under the powers hereinbefore contained.

Increasing pressure in boiler. No. 11 of 1922, s. 35.

35. (1) Every person who by any means knowingly does anything to increase, or that tends to increase, the pressure in a boiler beyond that stated in the certificate granted by an inspector and then in force, or in any notice served under section thirty-two, and every person who aids or abets in increasing the pressure as aforesaid, or procures such pressure to be increased, or who in any manner whatsoever tampers with any fitting or valve so as to interfere with the proper and efficient working thereof, or who knowingly conceals from the inspector any defect or any bad workmanship or defective fittings of which he may be aware, shall be guilty of an offence and shall be liable to imprisonment with or without hard labour for a period not exceeding six months, or to a fine not exceeding fifty pounds.

(2) Any person in charge of a boiler at the time such increased pressure is discovered, or who finds the boiler in a state of increased pressure and allows it to continue at such increased pressure, shall be deemed *prima facie* to have committed an offence under this section.

Fees for Inspection.

36. There shall be paid to the inspector on behalf of His Majesty, or to such other person as may be approved of by the Chief Inspector, after making an inspection of any boiler, winding-engine as defined, or any group of machinery driven otherwise than by steam, and before the granting of any certificate or report, the fees prescribed in the regulations. In the case of machinery driven directly by steam with the exception of winding-engines, a certificate shall be issued without charge.

Fees for inspection of boilers and machinery.
No. 11 of 1922, s. 36.

37. 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.

Fees—How determined.
No. 11 of 1922, s. 37.

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.
No. 11 of 1922, s. 38.

(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.
No. 11 of 1922, s. 39.

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

he shall thereupon and after payment of the prescribed fee in the case of boilers, winding-engines, and machinery driven otherwise than by steam, but without fee in the case of machinery worked directly by steam (other than winding-engines as defined), grant and issue to the owner thereof a report or a certificate in one of the forms numbered one, two, and three in the Seventh Schedule, and report to the Chief Inspector accordingly.

Seventh
Schedule.

Certificate
to be
exhibited in
conspicuous
place.
No. 11 of
1922, s. 40.

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.

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 any member 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.
No. 11 of
1922, s. 41.

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 safety so to do.

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

Duration of certificate of machinery.
No. 11 of 1922, s. 42

Provided that, in the case of machinery used solely for threshing, chaff-cutting, grain-crushing, sheep-shearing, irrigation or other purely agricultural purpose, other than traction engines driven by steam, and not worked for more than six months in any one year, the certificate may remain in force for two years at the discretion of the inspector:

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

Provided also that a certificate may be granted by the Chief Inspector, on payment of a prescribed fee, extending the duration of any such certificate, on a declaration in writing in the prescribed form signed by the owner of the machinery to the effect that during the currency of such certificate no material alteration or addition has been made in or to the machinery, and that the machinery has been at all times kept in good repair and fit to be safely used for the purpose for which it was intended.

43. At the first inspection of every boiler the inspector shall legibly stamp the official registered number of the boiler on some conspicuous part of the boiler. The registered number shall be kept clean and distinct by the person actually in charge of the boiler.

Stamping official registered number on boiler.
No. 11 of 1922, s. 43.

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.
No. 11 of
1922, s. 44.

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 other person duly authorised by the Chief Inspector.

Duties and liabilities of owners of boilers and machinery and of the manufacturers thereof.

Notice of
sale, etc.,
of boiler or
machinery.
No. 11 of
1922, s. 45.

45. (1) Where a person sells or absolutely disposes of a boiler to any person within or without this State, or any steam engine, or any motor for use in working machinery to any person within this State, 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 prime mover as above described is let on hire or loaned, a similar notice shall, in every case, be given to the inspector by the owner in the manner aforesaid, and, on return of the boiler or prime mover to the owner, notice thereof shall be duly given to the inspector by the person to whom such boiler or prime mover was lent or hired.

(3) All new boilers registered after twelve months from the commencement of this Act shall be provided with a maker's name plate, on which shall be legibly cast or stamped the maker's name, shop number of boiler, and the date of construction.

The manufacturer or his agent shall also furnish to the Chief Inspector—

- (a) a maker's test certificate giving the maximum working pressure for which the boiler was designed, the pressure to which it was hydraulically tested, the date of such test, and brand of plates used, together with the tensile strength thereof;

- (b) a sun print of the boiler which shall indicate all leading dimensions, thickness of plates, size of stays, diameter and number of tubes, particulars of riveting and any other particulars necessary for computing the strength of the boiler.

(4) Where an accident occurs to any boiler or machinery to which this Act applies, whether causing accident to person or not, but of such a nature as to necessitate structural alteration or extensive repairs, the owner shall within twenty-four hours notify the inspector for the district, giving particulars and cause of the accident and the probable repairs or alterations necessitated. Every owner who neglects to send such notices as aforesaid shall be liable to a penalty not exceeding fifty pounds.

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 in-
stance.
No. 11 of
1922, s. 46.

(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,

Proceedings
against
actual
offender.
No. 11 of
1922, s. 47.

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.

Notice of
intention to
prosecute.
No. 11 of
1922, s. 48.

48. Where an inspector intends to prefer a complaint against an owner of machinery under section seventeen of this Act, or on the ground that any part of any machinery to which this Act applies is not sufficiently guarded 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.

When
owners and
mortgagees
not liable.
No. 11 of
1922, s. 49.

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 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 to persons.

Inspector
to be notified
of accident.
No. 11 of
1922, s. 50. _____

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 purpose of this section, "serious bodily injury" shall be such injury as results in the injured person being disabled from following his or her ordinary occupation and earning his or her usual rate of remuneration for a period of two weeks or more.

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

51. The inspector shall, immediately on receiving such notice, proceed to the building or premises and inquire into the cause of the accident, examine the boiler or machinery, 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 Chief Inspector, who shall thereupon report to the Minister in the case of all fatal accidents, or as the Minister may direct.

Inspector to inquire and report.
No. 11 of 1922, s. 51.

52. (1) 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), 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.

Inquiry into cause of accident.
No. 11 of 1922, s. 52.

(2) 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.

(3) 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.

**Coronial
Inquiries.**

(4) In the case of fatal accident necessitating a coronial inquiry, the inspector of machinery for the district shall, after making his examination, confer with the coroner as to the advisability of allowing the boiler or machinery which caused the accident to resume work.

(5) Whenever a coronial inquiry is held, the coroner shall, if practicable, give the inspector of machinery for the district notice of the date on which it is intended to open or continue the inquiry, to enable the inspector to attend. The inspector shall have the right to examine any witness, to call any witness whom he may think desirable in the interest of justice, and in addition shall have the right to give evidence himself.

(6) A representative of the person killed and a representative of the workers' association in the district or any industrial union of workers, or a representative of the majority of the workmen employed in the works appointed in writing by such workmen, and a representative of the owner, may examine the locality of such accident and be present at an inquest, and may examine any witness as to the cause of the accident, subject, nevertheless to the order of the court.

*Certificates for Engine-drivers, Crane and Hoist-drivers,
and Boiler Attendants.*

53. (1) Every person employed or acting as a driver in charge of any steam engine or engines, or of any engine or engines driven by compressed air, or of any crane or hoist, or of any winding engine, or of any internal combustion engine or engines, to which this Act applies, shall hold the required certificate under this Act.

Drivers in charge of engines or cranes and hoists.
No. 11 of 1922, s. 53, amended by No. 17 of 1941, s. 3 and No. 20 of 1951, s. 4.

(2) If required by the Chief Inspector or his representative, and subject to section fifty-six, any person employed or acting as a boiler attendant in charge of a boiler or boilers used for generating steam shall hold a boiler attendant's certificate, unless he is already the holder of a steam engine-driver's certificate; provided that, in the case of a range of boilers, it shall only be necessary that the responsible fireman on each shift shall be the holder of such certificate.

Boiler attendants.

(3) This section shall not apply—

- (a) to any steam engine or any boiler owned or hired by any *bona fide* agriculturist and used exclusively on any farm for agricultural or dairy purposes; and not worked for more than six months in any year;
- (b) to any boiler of less than six-horse power;
- (c) to any pump erected on any mine or premises not capable of pumping more than 6,000 gallons per hour;
- (d) to any engine used exclusively for domestic purposes;
- (e) to any "Holman" hoist or any similar small winding-engine used in a mine for temporary winding purposes underground, and only for hauling material;
- (f) to any internal combustion engine or engines having an area of cylinder or combined area of cylinders not exceeding two hundred square inches;
- (g) to any fork lift fitted with a detachable jib.

[Para. (g) added by No. 20 of 1951, s. 4.]

54. (1) For the purposes of this Act there shall be a Board of Examiners, appointed by the Governor, consisting of the Chief Inspector of Machinery, who shall be chairman, and two qualified persons, one of whom shall hold a winding engine-driver's certificate under this Act, or a certificate equivalent thereto.

Board of Examiners. No. 11 of 1922, s. 54.

(2) Any two members of the Board shall form a quorum.

(3) The Board shall meet at such times as may be necessary for conducting its business, or as may be prescribed by regulations.

Classification
of certifi-
cates.

(4) The Board shall have the power to grant the following certificates, viz.:—

- (a) Winding engine-driver's certificate.
- (b) First-class engine-driver's certificate.
- (c) Second-class engine-driver's certificate.
- (d) Third-class engine-driver's certificate.
- (e) Locomotive and traction engine-driver's certificate.
- (f) Crane and hoist-driver's certificate.
- (g) Internal combustion engine-driver's certificate.
- (h) Boiler attendant's certificate.

Certificates
of service
for internal
combustion
engine-
drivers,
boiler
attendants,
and electric
crane drivers.
No. 11 of
1922, s. 55.

55. The Board may, at any time within one year from the commencement of this Act, grant, without examination, an internal combustion engine-driver's certificate of service, or a boiler attendant's certificate of service, or a crane or hoist driver's certificate of service, to any person of good repute, producing a satisfactory medical certificate in the prescribed form and on payment of the prescribed fee, provided—

- (a) that he produces satisfactory evidence that he has been in charge of and driving an internal combustion engine, the area of the cylinder or cylinders of which exceeds two hundred square inches, for at least one year, within a period of two years prior to the commencement of this Act;
- (b) that he produces satisfactory evidence that he has been continuously in charge of a boiler and its accessories for at least one year, within a period of two years prior to the commencement of this Act;
- (c) that he produces satisfactory evidence that he has been in charge of a crane or hoist (as defined in subsection six of section

fifty-six) driven by electricity for at least one year within a period of five years prior to the commencement of this Act.

56. (1) A winding engine-driver's certificate shall entitle the holder thereof to drive and have charge of any winding engine and of any stationary steam engine to which a first-class engine-driver's certificate applies; but the holder of an unrestricted first-class certificate granted under any Act in force before the commencement of this Act shall be entitled to drive any engine other than a locomotive.

Privileges
of certifi-
cates.
No. 11 of
1922, s. 56

(2) A first-class engine-driver's certificate shall entitle the holder thereof to drive and have charge of any stationary steam engine or engines, including steam turbines, other than a winding engine by which men are raised or lowered at the time he is in charge, and of its or their boilers; provided that such engines and boilers are so situated that the Chief Inspector or his representative is satisfied the engine-driver can efficiently discharge his duties without danger to any person or liability of accident to such engines and boilers.

(3) A second-class engine-driver's certificate shall entitle the holder thereof to drive and have charge of any stationary steam engine or engines other than winding engines, the area of the cylinder or cylinders of which does not exceed seven hundred and fifty square inches, and of its or their boilers; provided that such engines and boilers are so situated that the Chief Inspector or his representative is satisfied the engine-driver can efficiently discharge his duties without danger to any person or liability of accident to such engines and boilers.

(4) A third-class engine-driver's certificate shall entitle the holder thereof to drive and have charge of any stationary steam engine or engines, other than winding engines, the area of the cylinder or cylinders of which does not exceed one hundred and fourteen square inches, and of its or their boilers.

(5) A locomotive and traction engine-driver's certificate shall entitle the holder thereof to drive and have charge of any locomotive or traction engine and of its boiler to which this Act applies, propelled or

moved from place to place by its own motive power, and of any stationary engine or engines, and of its or their boilers of third-class requirements as prescribed in this Act.

(6) A crane and hoist-driver's certificate shall entitle the holder thereof to drive and have charge of any stationary or travelling crane, hoist, or other appliance of a like kind operated by power other than hand or animal power used for the purpose of raising material, and, in the case of steam-operated appliances, of its boiler.

This subsection shall apply only to such cranes or hoists as are fitted with jibs.

(7) An internal combustion engine-driver's certificate shall entitle the holder thereof to drive and have charge of any internal combustion engine or engines to which this Act applies, other than winding engines as defined.

Where internal combustion engines are used for the purpose of raising and lowering men or materials in any vertical or inclined shaft on any mine, the engine-driver in charge must hold a winding engine-driver's certificate, or one equivalent thereto, issued within this State, in addition to the one required to take charge of an internal combustion engine.

(8) A boiler attendant's certificate shall entitle the holder thereof to take charge of any boiler or boilers in which steam is generated to which this Act applies, together with its or their accessories.

(9) Notwithstanding anything contained in this section to the contrary, the holder of an unrestricted first or second class steam engine-driver's certificate granted under any Act in operation at any time before the commencement of this Act may, by virtue of such certificate, drive and have charge of any engine to which, except for this Act, such certificate would have applied, including an internal combustion engine, other than a locomotive.

57. (1) Notwithstanding anything contained in this Act, the Board may restrict or extend the privileges conferred by any certificate as it may deem advisable; such restriction or extension shall be endorsed on the face of the certificate.

(2) Any such restriction may be cancelled by the Board upon production of satisfactory evidence of further experience, and payment of the prescribed fees. No application for a higher grade certificate shall be entertained until such restriction has been cancelled.

58. (1) Subject to this Act, all certificates of competency shall be granted by the Board, after examination.

Examinations.
No. 11 of
1922, s. 58.

(2) Examination for certificates of competency shall be conducted by the Board with the exception of boiler attendants' certificates, the examination for which shall be conducted by such person or persons as the Board may depute.

(3) Examinations may be held at such times and places as may be prescribed.

(4) On an applicant passing the prescribed examination, and upon the Board being satisfied of his fitness in all other respects, the Board may grant a certificate of competency of the appropriate grade or class.

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

59. (1) All applications for examinations shall be forwarded to the Chief Inspector of Machinery, at Perth, accompanied by the prescribed fee, and before the issue of any certificate the candidate must produce the certificate of a duly qualified medical practitioner on the form prescribed in the regulations.

Applications for examinations, and medical certificates.

No. 11 of
1922, s. 59,
amended
by No. 37 of
1947, s. 3.

(2) Every applicant for a certificate shall be a British subject or an ex-Serviceman or a worker who served in the Merchant Navy or Merchant Marine of an Allied Nation during the period of World War 1939-1945, and shall satisfy the Board that his knowledge of the English language is sufficient to enable him to perform the duties required as the holder of a certificate.

(3) It shall be obligatory on the part of any successful candidate to at once take up the certificate awarded him. Should he fail to take up his certificate within a month, it shall be cancelled.

Obligation to take up certificates.

Reciprocity
competency
certificates.
No. 11 of 1922,
s. 60.

60. (1) On payment of the prescribed fees the Board may, without examination, grant any certificate to any person who satisfies the Board that he is a resident in the State of Western Australia, and is a person of good repute, and is the holder of a corresponding certificate of equal grade, granted after examination by any duly constituted and recognised authority within the Commonwealth:

Provided that, in the case of a winding engine-driver's certificate, the Board may, before issuing the certificate, require the applicant to furnish satisfactory evidence as to his knowledge of the provisions relating to winding, and of the signal code under the Mines Regulation Act, 1906, and satisfactory evidence as to his qualifications and character.

Reciprocity
service certi-
ficates.

(2) On payment of the prescribed fees, the Board may, without examination, grant to any person who satisfies the Board that he is resident in the State of Western Australia, and is a person of good repute, and is the holder of a certificate granted without examination by any duly constituted or recognised authority within the Commonwealth, a certificate of such class as the Board thinks fit:

Provided that, in the case of a winding engine-driver's certificate, the Board may, before issuing the certificate, require the applicant to furnish satisfactory evidence as to his knowledge of the provisions relating to winding, and of the signal code under the Mines Regulation Act, 1906, and satisfactory evidence as to his qualifications and character.

Interim
certificates.
No. 11 of
1922, s. 61.

61. Notwithstanding anything contained in preceding section, where any person being the holder of an engine-driver's or boiler attendant's certificate granted within the Commonwealth makes application to the Board for a corresponding certificate, pending such application being considered, the chairman of the Board or his deputy may, on payment of the prescribed fees, issue to him an interim certificate which shall be returned to the Board at its next sitting.

Protection of Engine-drivers' Certificates in force prior to the passing of this Act.

62. (1) The holders of the certificates of competency or service mentioned hereunder and granted in this State under the Acts referred to shall be deemed to be the holders of certificates under this Act as tabulated.

Protection of existing certificates. No. 11 of 1922, s. 62.

Grade.	Granted under :	Equivalent Certificates under this Act.
"Engine-driver's" Certificate, Unrestricted	Mines Regulation Act, 1895	Winding Engine-driver's Certificate.
"Engine-driver's" Certificate, Restricted	Mines Regulation Act, 1895	First Class Engine-driver's Certificate.
"First-Class" Certificate, Unrestricted	Mines Regulation Amendment Act, 1899, or Coal Mines Regulation Act, 1902	Winding Engine-driver's Certificate.
"First-Class" Certificate, Restricted	Mines Regulation Amendment Act, 1899, or Coal Mines Regulation Act, 1902	Winding Engine-driver's Certificate (subject to any restrictions endorsed on original Certificate or recorded in the office of the Chief Inspector of Machinery).
"Second-Class" Certificate Unrestricted	Mines Regulation Amendment Act, 1899, or Coal Mines Regulation Act, 1902	First-Class Engine-driver's Certificate.
"Second-Class" Certificate Restricted	Mines Regulation Amendment Act, 1899, or Coal Mines Regulation Act, 1902	First-Class Engine-driver's Certificate (subject to any restriction endorsed on original Certificate or recorded in the office of the Chief Inspector of Machinery).
"First-Class" Certificate, Unrestricted	Inspection of Machinery Act, 1904	Winding Engine-driver's Certificate.
"First-Class" Certificate, Restricted	Inspection of Machinery Act, 1904	Winding Engine-driver's Certificate (subject to any restriction endorsed on original Certificate or recorded in the office of the Chief Inspector of Machinery).
"Second-Class" Certificate, Unrestricted	Inspection of Machinery Act, 1904	First-Class Engine-driver's Certificate.
"Second-Class" Certificate, Restricted	Inspection of Machinery Act, 1904	First-Class Engine-driver's Certificate (subject to any restriction endorsed on original Certificate or recorded in the office of the Chief Inspector of Machinery).
"Thrd-Class" Certificate, Unrestricted	Inspection of Machinery Act, 1904	Thrd-Class Engine-driver's Certificate.
"Thrd-Class" Certificate, Restricted	Inspection of Machinery Act, 1904	Thrd-Class Engine-driver's Certificate (subject to any restriction endorsed on original Certificate or recorded in the office of the Chief Inspector of Machinery).
"Locomotive and Traction" Certificate, Unrestricted	Inspection of Machinery Act, 1904	Locomotive and Traction and First-Class Engine-driver's Certificate.
"Locomotive and Traction" Certificate, Restricted	Inspection of Machinery Act, 1904	Locomotive and Traction Engine-driver's Certificate (subject to any restriction, the equivalent of the restriction endorsed on original Certificate or recorded in the office of the Chief Inspector of Machinery).
"Marine Engine-driver's" Certificate, Unrestricted	Inspection of Machinery Act, 1904, or the Boat Licensing Act of 1878, if issued before 1st March, 1905	First-Class Engine-driver's Certificate under this Act, in addition to Marine privileges granted under Act specified.
"Marine Engine-driver's" Certificate, Restricted	Inspection of Machinery Act, 1904, or the Boat Licensing Act, 1878, if issued before 1st March, 1905	Second-Class Engine-driver's Certificate under this Act, in addition to Marine privileges granted under Acts specified (subject to any restriction endorsed on original Certificate or recorded in the office of the Chief Inspector of Machinery).

Crane and hoist driver's certificate of service to be granted to certain holders of existing certificates.

(2) The holder of any certificate granted under the aforesaid Acts who produces to the Board satisfactory evidence that he has been in charge of and driving a crane or hoist for a period of at least one year within five years prior to the passing of this Act, shall be granted a crane and hoist-driver's certificate of service under this Act, within one year after proclamation of same, on payment of the fees prescribed.

Transfer certificates.

(3) The holder of any certificate under the Acts hereinbefore mentioned, being a resident in the State of Western Australia, and being a person of good repute, may, on application, payment of prescribed fees, and on delivery of his original certificate for cancellation by the Board, obtain an equivalent certificate under this Act, and such certificate shall be called a transfer certificate.

(4) Notwithstanding anything contained in this section to the contrary, the holder of an unrestricted first or second-class steam engine-driver's certificate granted under any Act in operation at any time before the commencement of this Act, may, by virtue of such certificate, drive and have charge of any engine to which except for this Act such certificate would have applied, including an internal combustion engine other than a locomotive.

Recognition of Marine Engineers certificates. No. 11 of 1922, s. 63.

63. On payment of the prescribed fees, and on proof that the applicant is a resident in the State of Western Australia, and a person of good repute, and on production of satisfactory testimonials, and a certificate granted after examination by the Board of Trade of the United Kingdom of Great Britain and Ireland, or by any Board in His Majesty's Dominions having authority from the said Board of Trade to grant certificates, the Board may grant, without examination, the following certificates of competency:—

- (a) To the holder of a first-class or second-class marine engineer's certificate—a first-class engine-driver's certificate.
- (b) To the holder of a third-class marine engineer's certificate—a third-class engine-driver's certificate.

64. (1) Where it appears to the Board that the holder of any 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 negligence, 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 return his certificate to the chairman, and appear before it or before such persons as the Minister may appoint to show cause why he should not be disqualified.

Disqualification of holder of certificates. No. 11 of 1922, s. 64.

(2) The evidence taken at such inquiry shall be on oath or affirmation, which the chairman, or any person appointed as aforesaid, or any member of the Board, may administer, and the Board or such other authority shall have the power of a police magistrate sitting in a court of petty sessions to summon witnesses.

(3) In the case of persons appointed by the Minister to hold an inquiry, they shall report to the Board of Examiners.

(4) If it appears to the Board, as the result of any such inquiry, that the person has failed to show good cause why he should not be disqualified, the Board shall advise the Minister accordingly, or if he should fail to appear at the inquiry without reasonable excuse this shall be held by the Board to be equivalent to failure on his part to show cause why he should not be disqualified.

(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 the Minister may alter, suspend, or cancel such certificate, and may, on the recommendation of the Board, require the engine-driver against whom any offence has been proved to defray all or part of the expenses of the inquiry.

65. (1) Any person who acts in the capacity of driver or is in charge of any engine or crane or hoist or boiler referred to in section fifty-three to which

Acting without certificate. No. 11 of 1922, s. 65.

this Act applies, without a proper certificate, where a certificated person is by law required, and every person who knowingly employs such uncertificated 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.

(2) Proceedings for a breach of this section shall not be commenced or prosecuted except by the authority of the Chief Inspector.

Obtaining
certificates
improperly.
No. 11 of
1922, s. 66.

66. (1) Any person who obtains or attempts to obtain any certificate under this Act by fraud shall be guilty of an offence and liable to imprisonment, with or without hard labour, for not exceeding six months, or to a fine not exceeding twenty pounds.

(2) Every certificate improperly obtained, whether obtained before or after the passing of this Act, may be cancelled by the Minister on the recommendation of the Board; and the holder thereof shall, when called upon by the Board, return such certificate.

(3) Any person who fails to return such certificate, or who uses any such certificate, after notice by the Board that it has been cancelled, shall be liable to a penalty not exceeding twenty pounds.

False
testimonial.
No. 11 of
1922, s. 67.

67. Any person who gives to any applicant for a certificate under this Act a false testimonial as to service shall be liable to a penalty not exceeding twenty pounds.

Chief In-
spector may
require
engine and
its boilers
to be in
charge of
separate
persons.
No. 11 of
1922, s. 68.

68. If upon the report of an inspector the Chief Inspector is of opinion that it is impracticable, and therefore dangerous, for any certificated engine-driver to take sole charge of any steam-engine and its boiler or boilers at the same time, he shall serve the owner with notice, in writing, requiring him, on and after a date to be stated in such notice, to place the boiler in charge of some person other than the certificated engine-driver in charge of the engine.

Any person upon whom such notice has been served who fails to comply therewith commits a breach of this Act.

Miscellaneous.

69. Every person employed in connection with any boiler or machinery shall use ordinary and reasonable precaution to ascertain that the said boiler or machinery is not unsafe; and any such employee knowing of anything likely to cause injury to person shall forthwith report to his manager, engineer, or other person in immediate authority over him, whose duty it shall then be to see that the inspector of the district is notified of the danger and the steps taken to avert it.

Reporting
boilers or
machinery
likely to
cause
injury.

No. 11 of
1922, s. 69.

70. Any person who removes any boiler or machinery as prescribed from any part of a district to another part in the same district, or from one district to another district, for a longer period than one month, shall, within seven days after the removal, notify the inspector of the district, or if not in a district, to the Chief Inspector, particulars of such removal.

Notice of
removal of
boiler.

No. 11 of
1922, s. 70.

In either of the cases hereinbefore mentioned, if default shall be made in giving such notice, the person offending shall be liable to a penalty not exceeding ten pounds.

71. Any member of the police force, or other person authorised by the Minister, may enter upon any building or premises in or upon which machinery is working, and inspect the certificate in respect of machinery and boiler respectively, and the certificate of the person in charge of an engine or boiler.

Power to
enter and
inspect
certificates.

No. 11 of
1922, s. 71.

72. Nothing in this Act, or in any certificate granted under its provisions, shall relieve the owner of any boiler or machinery from liability to any action or suit, or from liability to any civil or criminal proceeding; but all rights of parties and all liabilities of owners of boilers or machinery, or of any other person or persons in respect thereof, shall remain unaffected by this Act.

Responsi-
bility of
owners, etc.,
maintained.

No. 11 of
1922, s. 72.

73. Any owner, manager, engineer, engine-driver, or other person who renders inoperative any safety device attached to or used for governing the speed

Removing
safety
devices.

No. 11 of
1922, s. 73.

of any engine or any safety device used in connection with any engine or boiler or machinery whatsoever, shall be guilty of an offence under this Act, and shall be liable to a penalty not exceeding fifty pounds, and, in the case of the person being the holder of an engine-driver's certificate, he shall be liable to have his certificate suspended or cancelled.

Documents may be written or printed.

No. 11 of 1922, s. 74.

74. Every certificate, notice, order, or other document required by this Act may be either written or printed, or partly written and partly printed.

Service of notices, etc.

No. 11 of 1922, s. 75.

75. (1) Any notice, order, or other document required by this Act or the regulations to be served upon any person may be served—

- (a) by delivering the same to such person; or
- (b) by leaving the same at his usual or last known place of residence or business; or
- (c) by forwarding the same by post in a pre-paid letter addressed to such person at his usual or last known place of residence or business.

(2) Where any such document is required to be served upon any owner, service as aforesaid on the manager, foreman, conductor, or agent of such owner shall be good and lawful service.

General Penalty.

No. 11 of 1922, s. 76.

76. Any person who commits any breach of, or neglects to comply with, any of the provisions of this Act or the regulations for which no other penalty is imposed, shall be liable for each offence to a penalty not exceeding twenty pounds.

Summary procedure for recovery of fees and penalties.

No. 11 of 1922, s. 77.

77. All offences against this Act may be prosecuted, and all fees payable and all penalties incurred under this Act or the regulations may be recovered summarily before a magistrate in a court of petty sessions.

Expenses of administration.

No. 11 of 1922, s. 78.

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.

79. No matter or thing done by any inspector *bona 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.
No. 11 of
1922, s. 79.

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.
No. 11 of
1922, s. 80.

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

Annual
report.
No. 11 of
1922, s. 81.

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

Regulations.
No. 11 of
1922, s. 82,
amended by
No. 69 of
1950, s. 7.

- (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 and boilers may be in charge of uncertificated persons;
- (6) prescribing the fees to be charged for inspection of boilers subject to the provisions of this Act;

[Para. (6a) added by No. 69 of 1950, s. 7.]

- (6a) prescribing the fees to be assessed and charged on the basis of the horse power of the source of the motive power of a group of machinery;
- (7) prescribing the fees to be charged for any special work carried out by the officers employed under this Act when no fee is otherwise provided for;
- (8) regulating the erection and working of passenger and goods lifts; and
- (9) generally for carrying this Act into execution;

Section 3.
No. 11 of 1922, First Schedule.

First Schedule.

The Inspection of Machinery Act, 1921.

Date.	Short Title.
1904, No. 53	The Inspection of Machinery Act, 1904.

Second Schedule.

The Inspection of Machinery Act, 1921.

MACHINERY SUBJECT TO ACT.

Section 14.
No. 11 of 1922, Second Schedule. Amended by No. 17 of 1941, s. 4.

All machinery, except such as is specially exempted by this Act, worked by steam, water, electricity, gas, oil, compressed air or by any other power (other than machinery driven by hand, treadle, wind, or animal power).

Third Schedule.

The Inspection of Machinery Act, 1921.

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.
No. 11 of
1922,
Fourth
Schedule.

The Inspection of Machinery Act, 1921.

NOTICE TO OWNER THAT MACHINERY IS DANGEROUS.

To (name of Owner)....., of.....

I hereby give you notice that the following parts of the machinery registered under No..... viz.: (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..... (here describe what is required).

Dated this..... day of....., 19 .

Inspector of Machinery.....District.

Fifth Schedule.

Section 21.
No. 11 of
1922,
Fifth
Schedule.

The Inspection of Machinery Act, 1921.

NOTICE OF OWNERSHIP OF BOILER.

To the Inspector of Machinery
for theDistrict.

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.....
4. Maker's No.....
5. Where constructed.....
6. When constructed.....
7. Description and dimensions of boiler.....
8. Materials used in construction.....
9. Age of boiler on date hereunder.....
10. Area of fire-grate in square feet and horse-power under Section 37..... (h.p. to be filled in by Inspector).
11. Working pressure for which boiler was constructedlb. per sq. 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.
No. 11 of
1922,
Sixth
Schedule.

Sixth Schedule.

The Inspection of Machinery Act, 1921.

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, Official Registered No....., of which the following is a description..... and that the same appears to me to be (unsafe or as the case may be).

You are therefore required (to desist from working or using boiler (as the case may be) 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 this..... day of....., 19 ..

Inspector of Machinery..... District.

Section 33.
No. 11 of
1922,
Seventh
Schedule.

Seventh Schedule.

Form No. 1.

The Inspection of Machinery Act, 1921.

CERTIFICATE FOR BOILER.

This is to certify that on the..... day of..... 19 .., I inspected, in accordance with the Inspection of Machinery Act, 1921, 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 No..... Where stamped.....
Description of boiler.....
Maker's name.....
Authorised working pressure in lb. per sq. inch.....
Purpose for which it is used.....
Owner's name and address.....

Form No. 2.

The Inspection of Machinery Act, 1921.

CERTIFICATE FOR MACHINERY NOT DIRECTLY STEAM-DRIVEN, AND FOR WINDING ENGINES AS DEFINED.

Official Registered No.....

This is to certify that on the.....day of....., 19 , I inspected, in accordance with the provisions of the Inspection of Machinery Act, 1921, the machinery mentioned at the foot hereof, and consider that the same was that day sufficiently guarded, in good repair, and fit to be used for the purpose intended.

Dated this.....day of....., 19 .

Inspector of Machinery.....District.

Particulars Relating to the Machinery.

Description of the machinery.....

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, 1921.

CERTIFICATE FOR MACHINERY ATTACHED TO STEAM

BOILER No.....

Official Registered No.....

This is to certify that on the.....day of....., 19 , I inspected, in accordance with the provisions of the Inspection of Machinery Act, 1921, all direct steam-driven machinery (other than winding engines as defined), on the premises of....., and consider the same was on that day sufficiently guarded, in good repair, and fit to be used for the purpose intended.

Dated this.....day of....., 19 .

Inspector of Machinery.....District.