

BOILER INSPECTION AND ENGINE-DRIVERS BILL

*EXPLANATORY SCHEDULE of the Difference between the two Houses
(vide Message of 2nd December, 1931).*

Assembly insists as follows:—

- Page 7, clause 5, line 2. *After* “ appointed ” *omit* “ or licensed ”
Page 9, clause 6, line 23. *After* “ Act ” *omit* “ and may issue to such persons who
 apply and who have the necessary qualifications under this Part licenses
 to act as inspectors under this Act ”
Page 10, clause 6, lines 29 to 37. *Omit* new subclause (4).
Page 11, clause 7, line 2. *After* “ appointment ” *omit* “ or license ”
Page 11, clause 7, line 5. *After* “ certificate ” *omit* “ or license ”
Page 11, clause 8, line 8. *After* “ certificate ” *omit* “ or license ”
Page 11, clause 8, line 9. *After* “ certificate ” *omit* “ or license ”
Page 21, clause 24, lines 8 to 18. *Reinsert* subclauses (2), (3), and (4).
Page 24, clause 29, lines 11 and 12. *Reinsert* “ upon payment of the prescribed fee ”

TO THE HONORABLE SENATE OF THE UNITED STATES
IN SENATE
JANUARY 11, 1901
REPORT
OF THE
COMMISSIONERS OF THE GENERAL LAND OFFICE
IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE
JANUARY 11, 1899
RELATIVE TO THE
LANDS BELONGING TO THE UNITED STATES
AND THE
LANDS BELONGING TO THE SEVERAL STATES

WASHINGTON: GOVERNMENT PRINTING OFFICE: 1901.

RECEIVED JANUARY 11 1901

BOILER INSPECTION AND ENGINE-DRIVERS BILL.

SCHEDULE showing the Legislative Assembly's Disagreements from the Legislative Council's Amendments referred to in Message of 25th September, 1931, A.M.

W. R. McCOURT,
Clerk of the Legislative Assembly.

- Page 2, clause 2, line 23. *After "propelling" omit "or auxiliary"*
Page 2, clause 2, line 24. *After "ship" omit "and subject to survey as prescribed by the Department of Navigation, State or Federal, or Lloyd's Register or the British Corporation"*
Page 3, clause 2, line 10. *After "ten" omit "nominal"*
Page 3, clause 2. *At end of clause omit new paragraph (e).*
Pages 5 and 6, clause 5. *Reinsert old definition of "Engine" omit new definition.*
Page 7, clause 5, line 2. *After "appointed" omit "or licensed"*
Page 9, clause 5. *Reinsert lines 5 to 9, inclusive.*
Page 9, clause 6, line 23. *After "Act" omit "and may issue to such persons who apply and who have the necessary qualifications under this Part licenses to act as inspectors under this Act"*
Page 10, clause 6, lines 29 to 37. *Omit new subclause (4).*
Page 11, clause 7, line 2. *After "appointment" omit "or license"*
Page 11, clause 7, line 5. *After "certificate" omit "or license"*
Page 11, clause 8, line 8. *After "certificate" omit "or license"*
Page 11, clause 8, line 9. *After "certificate" omit "or license"*
Page 21, clause 24, lines 8 to 18. *Reinsert subclauses (2), (3), and (4).*
Page 24, clause 29, lines 11 and 12. *Reinsert "upon payment of the prescribed fee"*
Pages 33 and 34. *Reinsert old clause 44 omit new clause 44.*
Page 35, clause 46, line 8. *Reinsert "or boiler attendant"*
Page 35, clause 46, lines 24 to 38. *Reinsert subclause (4).*
Page 36, clause 47, lines 35 and 36. *Reinsert "or attendant"*
Page 36, clause 47, line 36. *Reinsert "or boiler"*
Pages 36 and 37. *Reinsert on page 36, line 40, the words "or to any" and on page 37 reinsert lines 1 to 14, inclusive.*
Page 37, clause 49, lines 25 and 26. *Reinsert "or takes charge of or attends to any boiler"*
Page 37, clause 49, lines 33 and 34. *Reinsert "or takes charge of or attends to any boiler"*
Page 39, clause 55, lines 32 and 33. *Reinsert "or boiler as the case may be"*
Page 40, clause 56, lines 12 and 13. *Reinsert "or attendants in charge of boilers or engines"*
Page 44, clause 66, lines 28 to 32. *Reinsert paragraph (h).*

NOTE.—These references are to the Council's reprint of Assembly's Bill.

RECEIVED IN THE DEPARTMENT OF THE INTERIOR

WASHINGTON, D. C., January 1, 1901.
The Secretary of the Interior,
Department of the Interior,
Washington, D. C.

W. R. AND J. H. JONES,
Care of the Engineer in Charge.

Dear Sirs:—The following is a copy of the report of the
Department of Navigation, State of Federal of the Engineer in Charge,
and the Bureau Corporation.

The report of the Engineer in Charge, dated January 1, 1901,
contains a statement of the work done during the year, and a statement
of the work to be done during the year. The report is divided into
two parts, the first part containing a statement of the work done
during the year, and the second part containing a statement of the work
to be done during the year. The report is divided into two parts,
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and the second part containing a statement of the work to be done during
the year.

BOILER INSPECTION AND ENGINE-DRIVERS BILL.

SCHEDULE of the Amendments referred to in Message of 23rd September, 1931.

- Page 2, clause 2, line 19. After "or" omit "on any tramway vested in or under the control of"
- Page 2, clause 2, line 23. After "propelling" insert "or auxiliary"
- Page 2, clause 2, line 24. After "ship" insert "and subject to survey as prescribed by the Department of Navigation, State or Federal, or Lloyds' Register or the British Corporation"
- Page 2, clause 2, line 31. After "used" insert "wholly or principally"
- Page 3, clause 2, line 10. After "ten" insert "nominal"
- Page 3, clause 2. At end of clause add new paragraphs (e) and (f)
- Page 5, clause 5, lines 6 and 7. Omit "and compressed gas cylinder"
- Page 5, clause 5, line 8. After "accessory" insert "as herein defined"
- Pages 5 and 6. Omit definition of "Engine" and insert new definition.
- Page 6, clause 5, line 27. After "means" insert "such vessel when in operation being completely charged with water, but does not include any hot-water boiler possessing a permanent free discharge for pressure arising from steam accumulation, and provided the greatest head of water in the system does not exceed seventy-five feet above the top of the hot-water boiler"
- Page 7, clause 5, line 2. After "appointed" insert "or licensed"
- Page 7, clause 5, line 11. Omit "one hundred and fourteen" insert "two hundred"
- Page 8, clause 5. Omit definition of "Unfired pressure vessel" and insert new definition in lieu thereof.
- Page 9, clause 5. Omit lines 5 to 9 inclusive.
- Page 9, clause 6, line 23. After "Act" insert "and may issue to such persons who apply and who have the necessary qualifications under this Part licenses to act as inspectors under this Act"
- Page 10, clause 6. Add new subclause (4).
- Page 11, clause 7, line 2. After "appointment" insert "or license"
- Page 11, clause 7, line 5. After "certificate" insert "or license"
- Page 11, clause 8, line 8. After "certificate" insert "or license"
- Page 11, clause 8, line 9. After "certificate" insert "or license"
- Page 16, clause 18. At end of clause add new subclause (3).
- Page 21, clause 24. Omit subclauses (2), (3), and (4).
- Page 24, clause 29, lines 11 and 12. Omit "upon payment of the prescribed fee"
- Pages 25 and 26. Omit clause 32 insert new clause 32.
- Pages 26 and 27. Omit clause 33 insert new clause 33.
- Page 27. Omit clause 34 insert new clause 34.
- Pages 27 and 28. Omit clause 35 insert new clause 35.
- Page 30, clause 40, lines 5 and 6. Omit "(including any boiler or engine referred to in paragraph (b) of section two of this Act)"
- Page 30, clause 40, lines 7 and 8. After "damage" in line 7 insert "affecting the safe working of the boiler or engine"
- Page 30, clause 41, lines 26 and 27. After "occurred" in line 26 insert "prejudicially affecting the safe working of the boiler or engine or involving bodily or fatal injury"
- Page 30, clause 41, lines 32. After "for" insert "the carrying on of industry or for"
- Pages 33 and 34. Omit clause 44 insert new clause 44.
- Page 34, clause 45, line 29. Omit "that he is a British subject"
- Page 35, clause 46, line 8. Omit "or boiler attendant"
- Page 35, clause 46. Omit subclause (4).
- Page 36, lines 35 and 36. Omit "or boiler attendant"
- Page 36, clause 47, line 36. Omit "or boiler"
- Pages 36 and 37. Omit on page 36, line 40, the words "or to any" and on page 37 omit lines 1 to 14 inclusive.
- Page 37, clause 49, lines 25 and 26. Omit "or takes charge of or attends to any boiler"
- Page 37, clause 49, lines 33 and 34. Omit "or takes charge of or attends to any boiler"
- Page 39, clause 54, line 19. After "fireman" insert "or other male person"
- Page 39, clause 55, lines 32 and 33. Omit "or boiler as the case may be"
- Page 40, clause 56, lines 12 and 13. Omit "or attendants in charge of boilers or engines"
- Page 44, clause 66. Omit paragraph (h).
- Page 45, clause 66. Omit paragraph (o).
- Page 45, clause 66, line 27. Omit "annealed" insert "subjected to normalizing treatment"

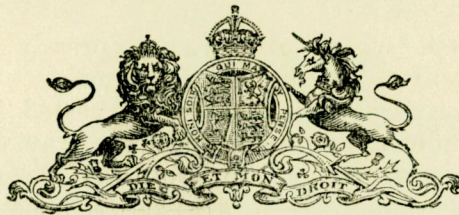
*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,
and, having this day passed, is now ready for presentation to the
LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 21 July, 1931.

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with
Amendments.*

W. L. S. COOPER,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 23rd September, 1931.

New South Wales.



ANNO VICESIMO SECUNDO

GEORGII V REGIS.

Act No. , 1931.

An Act to regulate the manufacture and use of
boilers and other pressure vessels; to pro-
vide for the registration and inspection and
testing thereof, and the investigation of
accidents arising therefrom or explosions
thereof; to constitute an Engine-drivers'
Board; to make provision for the certifica-
tion of engine-drivers and boiler attendants;
to amend the Scaffolding and Lifts Act,
1912, and certain other Acts; and for pur-
poses connected therewith.

Boiler Inspection and Engine-drivers.

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

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the “Boiler Inspection and Engine-drivers Act, 1931.”

Short title
and
commence-
ment.

15 (2) This Act shall commence on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. This Act shall—

Application.

- (a) bind the Crown ;
- 15 (b) not, except where otherwise expressly provided, apply to any boiler or engine—
 - (i) used or employed by or vested in or under the control of the Railway Commissioners for New South Wales or on any tramway vested in or under the control of a Transport Trust under the Transport Act, 1930 ;
 - 20 (ii) forming part of the propelling or auxiliary machinery of any ship, and subject to survey as prescribed by the Department of Navigation, State or Federal, or by Lloyd's Register or the British Corporation ;
 - 25 (iii) used exclusively for domestic purposes in a private dwelling ;
 - 30 (iv) used wholly or principally at or in connection with any mine to which the Mining Act, 1906, or the Mines Inspection Act, 1901, or the Coal Mines Regulation Act, 1912, or any Act amending the said Acts applies ;
 - 35 (c) not apply to any motor vehicle unless such motor vehicle is a steam waggon, steam lorry, or steam-operated vehicle of a like kind ;
 - (d)

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- (d) not, except where otherwise expressly provided, apply to—
- (i) any boiler not possessing more than sixty square feet of heating surface or any internal combustion engine owned by any agriculturalist or pastoralist and used for agricultural, horticultural, viticultural, orcharding, dairying, or pastoral purposes ;
 - (ii) any engine of less than ten **nominal** horse-power ;
 - (iii) any internal combustion engine or engines having an area of cylinder or combined area of cylinders not exceeding two hundred square inches ;
 - (iv) any pump not capable of pumping more than six thousand gallons per hour ;
 - (v) any appliance or device containing any gas for lighting or heating or motive power purposes and forming portion of any system of reticulation for such gas, and includes any retort, holder, receiver, pipe, or other part of a like kind used for such purposes ;
- (e) **only apply to the inspection of unfired pressure vessels as herein defined ;**
- (f) **not, except as provided in Part III of this Act, apply to cylinders used for the storage, use, and conveyance of compressed gases, including gases used for medical and dental services.**

3. This Act is divided into Parts, as follows :—

Division of
Act.

PART I.—PRELIMINARY—ss. 1-5.

PART II.—ADMINISTRATION—ss. 6-12.

PART III.—BOILERS AND COMPRESSED GAS CYLINDERS—ss. 13-35.

DIVISION 1.—*Registration, construction, and repair of boilers*—ss. 13-20.

DIVISION 2.—*Inspection of boilers*—ss. 21-31.

DIVISION 3.—*Compressed gas cylinders*—ss. 32-35.

PART

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PART IV.—DUTIES AND LIABILITIES OF OWNERS—
ss. 36-39.

PART V.—ACCIDENTS—ss. 40-42.

PART VI.—ENGINE-DRIVERS' BOARD, &C.—
ss. 43-55.

PART VII.—MISCELLANEOUS—ss. 56-66.

4. (1) The Scaffolding and Lifts Act, 1912, is to the extent expressed in the First Schedule to this Act hereby repealed. Repeal and savings.

10 (2) Such repeal shall not affect the validity of any report of inspection, order, requisition, or direction made, or any notice, certificate or authority given under the provisions of the Act hereby repealed, and any such report, order, requisition, direction, notice, certificate or
15 authority shall continue in force until the date of its expiration or until the same is revoked, altered, or otherwise dealt with under this Act or the regulations made thereunder.

(3) Any action or proceeding, and any cause of
20 action or proceeding, pending or existing, at the time of the commencement of this Act, under any provision hereby repealed, may be continued as if this Act had not been passed.

5. (1) In this Act, unless the context or subject-
25 matter otherwise indicates or requires,— Interpre-
tation.

“Appurtenance or accessory” in relation to a boiler means any portion of a boiler manu-
30 factured as a separate and distinct object or article and such portion of a boiler system as any pipe fitting or mounting, as also any economiser, separator, feedwater heater, de-aerator, or any auxiliary plant or accessory apparatus necessary for the efficient and safe working of a boiler system, and also any boiler
35 setting.

“Board” means the Engine-drivers' Board constituted by this Act.

“Bodily injury” means any injury which is likely to incapacitate the sufferer for more than
40 forty-eight hours.

“Boiler”

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- 5 “Boiler” means any closed vessel in which steam
is to be generated at a pressure above that
of the atmosphere by the application of fire
or the products of combustion or by heat
generated by electrical means and includes a
hot water boiler, unfired pressure vessel and
~~compressed gas cylinder~~, and also any appur-
tenance or accessory **as herein defined.**
- 10 “Compressed gas cylinder” means any cylinder or
container within which is to be compressed
for storage and transport any gas used in
industry.
- 15 “Crane” or “hoist” means any crane, hoist,
traveller, or other appliance of a like kind
operated by a motive power other than hand,
treadle, wind, or animal power, and used for
the purpose of lifting, lowering, or otherwise
handling persons or materials, and includes
any necessary or auxiliary parts or attachments
thereof not being a lift or winding engine.
- 20 “Electric motor” means any rotary machine
normally fixed in position which converts
electrical energy into mechanical power, but
does not include any such rotary machine the
25 power of which does not exceed twenty brake
horse-power in one unit (or twenty brake
horse-power in an aggregate of units) and is
used to drive any line of shafting, machine, or
group of machines, except the same be used to
30 apply motive power to any crane, hoist, or
winding-engine.
- 35 “Engine” means a piece of mechanism used to
convert heat or any other form of energy into
mechanical power; or any machine for the
development or utilisation of mechanical
power from some source of energy such as
coal, gas, oil, compressed air, water, electricity,
or any source other than animal or manual
power, and including any accessory or auxiliary
40 parts or attachments thereof; but shall not
include any windmill, overshot, undershot, or
breast

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breast water wheel, or any machine, tool, or other trade or industrial implement which is operated by a tradesman or craftsman in the performance of his trade or craft.

5 **"Engine" means—**

- 10 (a) winding engine being a piece of mechanism other than a crane or hoist fitted with a rotary drum having a cable rope or chain attached thereto, and used for lifting and/or lowering human beings, such mechanism being operated by power other than hand or animal power;
- 15 (b) locomotive cranes, that is, cranes mounted upon the superstructure of a locomotive engine running on railway lines used for general locomotive traffic;
- 20 (c) railroad locomotive engine;
- (d) cranes on buildings in course of construction;
- (e) steam navvies.

25 **"Hot water boiler" means** any vessel wherein water is to be heated at a pressure above that of the atmosphere by the application of fire or the products of combustion or by heat generated by electrical means, **such vessel when in operation being completely charged with water, but does not include any hot-**

30 **water boiler possessing a permanent free discharge for pressure arising from steam accumulation, and provided the greatest head of water in the system does not exceed seventy-five feet above the top of the hot-water boiler.**

35 **"Hydraulic motor" means** any engine or group of engines possessing rotary movement, the motive power of which is water in motion, used for generating electricity by means of a generator or generators having a rated output,

40 **singly or in the aggregate, of not less than 14.92 kilowatts.**

"Inspector"

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- “Inspector” means any inspector appointed under this Act, and includes any person appointed **or licensed** to perform for the time being the whole or any part of the duties of an inspector.
- 5 “Internal combustion engine” means any engine the motive power of which is derived from the pressure generated by combustion caused within some part of the engine, but shall not include any such engine or engines having an
- 10 area of cylinder or combined area of cylinders not exceeding ~~one hundred and fourteen~~ **two hundred** square inches, except the same be used to apply motive power to any crane, hoist, or winding engine.
- 15 “Lift” means any apparatus or contrivance, within or attached to a building or structure, and capable of being used for the purpose of raising or lowering persons, goods, or materials other than any apparatus or contrivance which is—
- 20 (a) capable of being used for the said purposes at a depth exceeding ten feet below the lowest basement floor level of the building within which it is situated or of the structure to which it
- 25 is attached ; or
- (b) erected for the purpose of being used solely in connection with excavating operations, erecting, demolishing, altering, repairing, cleaning, or painting
- 30 buildings or structures.
- “Locomotive or traction engine” means any engine supported by wheels or caterpillar tracks or other engine so arranged that its power may be applied to the wheels or other supports to
- 35 move the whole from place to place.
- “Occupier” means the person, company, or association (corporate or incorporate) or partnership in possession or occupation or apparently in possession or occupation of any place, and includes

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includes any agent, manager, foreman, or other person acting or apparently acting in the general management or control of such place.

5 “Owner” means and includes the owner of any boiler or engine, and a mortgagee, lessee, hirer, or borrower thereof, and any person having the immediate control, charge, or management thereof.

10 “Place” means any area (enclosed or otherwise) whether above or below ground wherein or whereon any boiler or engine is being constructed, manufactured, assembled, repaired, erected, or is kept, and wherein or whereon any
15 boiler or engine is erected, used, worked or in operation, and without limiting the generality of the foregoing definition, the term includes any road, street, house, building, structure, or ship.

20 “Prescribed” means prescribed by this Act or the regulations made thereunder.

“Registered number” in relation to a boiler means the number assigned to the boiler by the chief inspector in pursuance of this Act.

25 “Ship” includes ship, lighter, barge, boat, raft, craft, or vessel of whatever description and howsoever navigated.

“This Act” means this Act and any regulations made thereunder.

30 “Unfired pressure vessel” means any closed vessel not heated by fire or the products of combustion or by heat generated by electrical means subjected to pressure (including pressure due to static head) by liquids, vapours, or gases.

35 “Unfired pressure vessel” means—

(a) Any vessel used for compressed air or steam in which the pressure exceeds thirty pounds per square inch.

40 b) Any digester, mangle, or jacketed vessel within which the pressure exceeds nine pounds per square inch.

(c)

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- (c) Any vessel subjected to an internal pressure exceeding thirty pounds per square inch used in connection with and forming an integral part of a carbonating plant.
- 5 “Winding engine” means any engine erected on the surface of the ground or underground used for raising or lowering persons or materials in any vertical or inclined shaft, and includes a cableway or engine of a like kind.
- 10 (2) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State to the intent that where any enactment in this Act would but for this subsection have been construed
- 15 as being in excess of that power this Act shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.
- Act to be read subject to Commonwealth Constitution.

PART II.

ADMINISTRATION.

- 20 6. (1) The Governor may, subject to the provisions of the Public Service Act, 1902, appoint a chief inspector and so many inspectors as appear necessary for the purposes of this Act, and may issue to such persons who apply and who have the necessary qualifications
- 25 under this Part licenses to act as inspectors under this Act.
- Appointment of chief inspector and inspectors. cf. W.A. No. 11, 1922, s. 6.
- (2) Every person who makes application for a position as inspector shall—
- (a) pay the prescribed fee;
- 30 (b) before appointment—
- (i) pass the prescribed examination; or
- (ii) otherwise evidence his competency to act as an inspector; and
- (iii)

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- (iii) produce documentary evidence that he has served an apprenticeship of at least five years to engineering and/or boiler-making; and
- 5 (iv) produce documentary evidence that subsequent to the completion of his apprenticeship he has had at least five years experience (part theoretical and part practical) in connection with steam generating boilers and engines; 10 or
- (v) produce documentary evidence that he has obtained a degree in mechanical engineering from a university recognised by the Public Service Board, and subsequent to his obtaining such degree he has had at least five years' experience (part theoretical and part practical) in connection with steam engines and 15 boilers. 20

The provisions of paragraph (a) and subparagraph (i) of paragraph (b) of this subsection do not apply to a person who possesses the requisite qualifications and who is at the commencement of this Act employed in the 25 Public Service.

(3) The chief inspector, in addition to any powers conferred on him as such by this Act shall have and may exercise all the powers of an inspector.

(4) A person holding an approval to inspect 30 steam boilers and/or engines granted in accordance with the terms of clause five of regulations made under section sixty-two of the Factories and Shops Act, 1912, shall be deemed to possess the technical and practical qualifications of this section, and the Governor 35 shall, upon such person applying, issue a license to such person to act as a licensed inspector under this Act.

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7. Each inspector shall be furnished with a certificate of his appointment **or license** under the hand of the Minister and in the form prescribed, and on entering any place for any of the purposes of this Act shall, if required, produce his certificate **or license** to the owner or occupier as the case may be.

Inspector's
certificate of
appointment.
cf. W.A.
No. 11, 1922,
s. 7.

8. Any person who forges or counterfeits any such certificate **or license**, or makes use of any forged, counterfeited, or false certificate **or license**, or who falsely pretends to be an inspector, shall be guilty of an offence against this Act, and be liable on summary conviction to imprisonment for a term not exceeding six months.

False
certificate.
cf. Q. No. 24,
1915, s. 8.

9. Every inspector shall have power—

- 15 (a) to enter and inspect at all reasonable hours by day or by night any place where there is, or where he has reasonable cause to believe there is, any boiler or engine, or any boiler or engine in course of construction, manufacture, assembling, alteration, or repair, to ascertain whether the provisions of this Act are being complied with;
- 20 (b) to take with him any member of the police force or other person;
- 25 (c) to require the production of any certificate or permit which by this Act is required to be held by any person, or any notice, record, or document which is by this Act required to be kept or exhibited by the owner, and to inspect, examine, and copy the same;
- 30 (d) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act or any other Act relating to the inspection or certification of boilers or engines, or to the certification of persons in charge or control thereof, have been and are being complied with;
- 35 (e) to examine alone, or in the presence of any other person, as he thinks fit, in respect of matters provided for by this Act, any person whom he finds on the place, and to require such
- 40

Powers and
duties of
inspectors.
cf. N.S.W.
No. 39, 1912,
s. 9.

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such person so examined to sign a statutory declaration of the truth of the matters in respect of which he is so examined;

(f) subject to subsection two of section sixty—

- 5 (i) to conduct prosecutions, whether the information is laid in his name or not;
 (ii) to take proceedings for the punishment of offences against this Act; and
 10 (iii) to attend and examine witnesses at any inquest into the cause of the death of any person following upon an explosion of a boiler or accident to or arising from the use of a boiler or engine;

- 15 (g) to exercise all other powers that may be necessary or expedient for carrying out the provisions of this Act and as are prescribed.

10. Every occupier of a place and every owner of a boiler or engine shall afford to an inspector all reasonable facilities and give such information as may be required by the inspector for the exercise of his duties and powers under this Act.

Occupiers and owners to allow entry and inspection.
 cf. Q. No. 24, 1915, s. 11.

11. Any person who—

- (a) wilfully impedes, obstructs, or delays an inspector in the exercise of any power or duty under this Act; or
 25 (b) wilfully makes any false reply to any question put to him by an inspector and having reference to any matter directed or required by this Act; or
 30 (c) fails to comply with a requisition of an inspector made in the execution of his duty; or
 (d) fails to afford any facilities in his power or to give any information in his possession which an inspector is entitled to require; or
 35 (e) fails without reasonable excuse, the proof whereof shall lie upon him, to produce any certificate, permit, notice, record, or document which he is required by an inspector lawfully to produce; or

Obstructing an inspector.
 cf. *Ibid.* s. 12.

(f)

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- (f) conceals or attempts to conceal any person from an inspector, or prevents or attempts to prevent any person from appearing before or being examined by an inspector; or
- 5 (g) uses any threat or abusive or insulting language to an inspector or to any employee with respect to any inspection or examination; or
- (h) penalises in any way an employee for any action reasonably and properly taken by such
- 10 employee to secure or promote observance of this Act; or
- (i) penalises an employee, being the holder of a certificate under this Act, who whilst on duty takes any action or refuses to take any action
- 15 which if taken or refused to be taken would render such employee liable to have his certificate cancelled or otherwise dealt with by the board; or
- (j) being an owner knowingly withholds or con-
- 20 ceals from an inspector knowledge of any defect or bad workmanship in or upon a boiler or engine,

shall be guilty of an offence against this Act, and shall be liable on summary conviction to a penalty not exceeding

25 twenty pounds.

12. Notwithstanding anything contained in this Protection. Act, no person shall be required to answer any question or give any information or evidence tending to incriminate himself.

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PART III.

BOILERS AND COMPRESSED GAS CYLINDERS.

DIVISION 1.—*Registration, construction, and repair of boilers.*

13. The owner of a boiler at the commencement of this Act, and every person who, after the commencement of this Act, becomes the owner of a boiler, shall within one month after the commencement of this Act or within one month after he becomes such owner, as the case may be, file with the chief inspector a return in writing containing the particulars set out in the Second Schedule to this Act and signed by such owner.

Notification
by owner.
cf. S.A. No.
1064, 1911,
s. 6.

14. (1) The chief inspector shall record the particulars set out in any return filed pursuant to this Act and shall assign a number to the boiler to which such particulars relate, and shall on payment of the prescribed fee supply to the person who filed such return a certificate of registration of such boiler in the form prescribed.

Record of
particulars.

(2) Every boiler—

- (a) in respect of which no return has been filed pursuant to this Act; or
- (b) in respect of which the particulars contained in the return filed pursuant to this section are incorrect or insufficient; or
- (c) on which the registered number is not, or in the case of a boiler completed after the commencement of this Act, the registered number and the maker's name are not marked, as by this Act required,

shall be deemed to be an unregistered boiler.

(3) Any owner of an unregistered boiler who works with or uses, or causes, permits, or suffers any person to work with or use such boiler shall be guilty of an offence against this Act.

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15. Every person becoming the owner of a new boiler after the expiration of six months from the commencement of this Act shall, before using or allowing the boiler to be used, cause to be affixed to the said boiler in a conspicuous position a metal plate in the prescribed form upon which shall be cast or stamped legibly—

Metal plate
to be affixed
to new boiler.
cf. Q. No. 24,
1915, s. 28.

- (a) the manufacturer's name and address;
- (b) the shop serial number of the boiler;
- (c) the date of construction; and
- (d) the date and pressure of the hydraulic test applied by the manufacturer to the boiler.

16. Every manufacturer of a boiler shall, before commencing the fabrication of a boiler or before disposing of a boiler constructed and not used before the commencement of this Act, furnish to the chief inspector—

Manu-
facturer's
report and
drawing.

- (a) a manufacturer's data report in the form and manner prescribed;
- (b) a drawing of the boiler or a tracing or print thereof, which shall have denoted thereon the manufacturer's shop serial number, all main dimensions, thickness of plates or metal, particulars and size of stays, diameter and disposition of tubes, particulars of tubes and riveting, and such other particulars of design or construction as are prescribed.

17. (1) Every boiler constructed, manufactured, or repaired after six months from the commencement of this Act shall be constructed, manufactured, or repaired, as the case may be, in accordance with the requirements prescribed, and provided with such fittings and mountings as may be prescribed and of a nature and quality suitable for the purposes and working pressure of such boiler.

Construction
and repair of
boilers.

(2) If upon inspection of a boiler in course of construction or manufacture or repair it appears to the inspector that—

- (a) the regulations are not being complied with; or
- (b) the materials employed or fittings or mountings or workmanship are not of a nature and quality

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quality suitable for the purposes and working pressure of the boiler, he may in the form prescribed serve upon the owner such directions in writing as he thinks necessary in order to ensure compliance with the regulations.

(3) Any person who refuses or fails to comply with any of the provisions of this section, or with any direction served in pursuance of this section, shall be liable to a penalty not exceeding fifty pounds.

10 **18.** (1) Before effecting any repairs to or altering the main structure of a boiler, or adding to or taking away from such boiler any fittings, mountings, appurtenances or accessories or other parts, or altering the construction thereof, the owner shall forthwith give 15 notice in writing to the chief inspector specifying the proposed repairs or alterations.

Notice of intention to repair.
cf. W. A. No. 11, 1922, s. 34.

(2) Any person having effected repairs to any boiler shall furnish a report in writing to the chief inspector, giving full particulars of the nature of the 20 work done, and such other particulars as he may require.

(3) For the purposes of sections seventeen, eighteen, and twenty-five of this Act, the words "repair" and "repaired" shall not be deemed to include 25 maintenance, replacement, or renewal work of a petty nature to any boiler or part of any appurtenance or accessory. The provisions of this subsection shall not apply to the renewal of boiler tubes in excess of five per centum of the total number.

30 **19.** (1) Subject to this section, the owner of a boiler shall not—

Boiler to be used in conformity with certificate.

(a) use such boiler if it was not in use before the commencement of this Act, unless a certificate of inspection under this Act has been duly 35 granted in respect thereof; or

cf. Vic. No. 3645, 1928, s. 28.

(b) continue to use such boiler, or permit the same to be used, after it has been inspected, unless a certificate of inspection or permit has been duly granted in respect thereof; or

(c)

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- (c) continue to use such boiler, or permit the same to be used, after the expiration of the period for which any certificate of inspection or permit has been granted ; or
- 5 (d) work such boiler, or permit the same to be worked, at a pressure higher than that allowed by such certificate of inspection or permit, or otherwise than in conformity with any condition or restriction contained in such certificate or permit.
- 10

(2) Where a boiler in respect of which no certificate of inspection has been previously granted, and of which a return in writing has been filed as prescribed by this Act, the chief inspector shall, upon receipt of such

15 return, issue to the owner a permit which will empower the owner to continue to use the boiler for the purposes and in the manner it was theretofore used or worked, subject to any restriction or condition which the chief inspector deems it necessary to make for the safety of

20 the public or any person until the said boiler shall be inspected and certified in pursuance of this Act.

(3) The owner of any boiler in respect of which an inspection report under the provisions of the regulations of the tenth day of March, one thousand

25 nine hundred and sixteen, made under the Factories and Shops Act, 1912, has been made within twelve months prior to the commencement of this Act shall be deemed to have received a permit under this section.

The Chief Inspector, notwithstanding anything contained in any such report, may for the safety of the

30 public or any person, impose by order in writing such restriction or condition as he thinks necessary as to the use or working of any such boiler until the same is inspected and certified in pursuance of this Act.

(4) The owner of any boiler who holds in respect thereof a certificate issued in pursuance of section

35 twenty-nine of this Act, and who, before the expiry of the period of such certificate, gives twenty-one days' notice of his intention to continue to use the boiler

40 after the expiry of the said period, may (unless after examining the boiler the inspector by an order in

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writing directs that its use be entirely discontinued) continue to use the boiler, or to permit the use thereof until a renewed certificate has been granted or refused, but shall not use the boiler or permit the use thereof at
5 any pressure higher—

(i) than that allowed by the expired certificate;
or

(ii) than that allowed by a provisional permit given by the inspector.

10 Any such provisional permit may at any time be cancelled by an inspector by notice posted in a registered letter addressed to the owner of the boiler, and such provisional permit shall forthwith, on demand, be returned to the inspector.

15 (5) Any person guilty of a contravention of any provision of this section shall be guilty of an offence and shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding two pounds for each day or part thereof during which
20 the offence continues.

20. Any person who—

- (a) by any means whatsoever knowingly or wilfully does anything to increase, or which tends to increase, the pressure in a boiler beyond that
25 stated in the certificate of inspection, or in a permit granted by an inspector, or in a notice served pursuant to section twenty-eight of this Act; or
- (b) aids or abets or assists in aiding or abetting in
30 increasing the pressure as aforesaid, or procures such pressure to be increased; or
- (c) is in charge of a boiler in respect of which the pressure in the boiler has been increased as aforesaid; or
- 35 (d) tampers or interferes with or alters any fitting, mounting, or valve so as to prejudicially affect the safe working of a boiler,

shall be liable on summary conviction to a penalty of not more than one hundred pounds, or to imprisonment
40 for a term not exceeding six months.

Penalty for increasing pressure in boiler.

cf. W.A. No. 11, 1922, s. 35; Vic. No. 3645, 1928, s. 30.

DIVISION

*Boiler Inspection and Engine-drivers.*DIVISION 2.—*Inspection of boilers.*

21. (1) An inspector may make an inspection of a boiler at any time in the day.

If an internal inspection of a boiler is to be made, the inspector shall give the owner at least fourteen days' notice in writing of the date on which such inspection will be made.

Notice of
intention to
inspect
boilers.

cf. S A. No.
1064, 1911,
s. 26;
Vic. No. 3645,
1928, s. 24.

(2) (a) If excessive inconvenience will be caused to an owner by, or undue interference with the work carried on by him would result from the making of an internal inspection of a boiler upon the date so notified, he may apply to the chief inspector to postpone such inspection for a period not exceeding twenty-eight days, and in such application specify more convenient dates for the making of the inspection.

(b) If it is reasonably practicable to secure the attendance of an inspector to make such inspection upon one of the dates specified by the owner, the chief inspector shall by notice in writing to the owner substitute that date for the date mentioned in the notice; otherwise the notice given by the inspector in the first instance shall remain in full force.

(3) It will not be necessary for an inspector to proceed with the internal inspection of a boiler if within seven days of receipt by the owner of the notice of intention to make an internal inspection the owner notifies the inspector that such boiler will not be used or worked for a period of twelve months from the date notified as the date of internal inspection.

A notice given by the owner pursuant to this section shall be in the form of a statutory declaration made and taken under the provisions of the Oaths Act, 1900.

Any owner of a boiler who after making such a statutory declaration uses, permits, suffers, or causes to be used such boiler unless he has had granted to him a certificate or permit to use the boiler as in this Act provided, shall be guilty of an offence against this Act.

(4) During the inspection of a boiler the owner shall attend upon the inspector or depute the usual attendant of the boiler or other person to so attend the inspector.

The

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The owner, after the opening up of a boiler or the opening up or removal of any part thereof, shall, before pressure is commenced to be raised therein, cause the boiler and every part thereof to be left in a condition safe for use.

22. For the purposes of inspection of a boiler the owner shall—

- (a) if required by the inspector, cause it to be emptied, cooled to a temperature safe and convenient to the inspector, cleaned, and dried, and all manhole doors, mudhole doors and caps to be taken off and tubes withdrawn, and all furnace bars, and brick, stone, or other bridges to be taken out and the interior of the boiler to be freed from incrustation ;
- (b) render such assistance as the inspector may require, and cause all furnaces, flues, fire tubes, smoke-boxes, uptakes, or other parts of such boiler to be swept clean, and also cause all safety valves or other valves, fittings, mountings, appurtenances or accessories to be opened up or taken to pieces as may be required.
- (c) if required by the inspector cause the removal of any metal casing or lagging of the boiler or any brickwork or masonry in contact with the boiler or metal casing or forming part of the boiler setting ;
- (d) during the inspection keep the boiler effectively disconnected from any steam, water, oil, gas, or electrical connection from any source.

23. If any person enters a boiler for any purpose—

- (a) while the temperature within the boiler exceeds one hundred and forty degrees Fahrenheit ; or
- (b) unless such boiler is previously isolated from all steam, water, oil, gas, or electrical connections and kept so isolated during the whole time such person is within the boiler,

the person so entering shall be guilty of an offence against this Act, and if any person so enters at the instigation

Owner's
duties on
inspection.

cf. W.A. No.
11, 1922, s. 31;
S.A. No.
1064, 1915,
s. 27.

Person
entering
boiler.

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instigation of or with the knowledge of the owner, the owner shall also be guilty of an offence against this Act.

24. (1) Every boiler shall, as far as practicable, be ^{When} inspected at least once in every twelve months and ^{boilers to be} on such other occasions as the ^{inspected,} chief inspector may deem necessary.

(2) There shall be paid to the inspector, after making an inspection of any boiler, or to such other person as is prescribed, the prescribed fees.

(3) No inspector shall make any charge for inspection over and above the amount prescribed.

(4) Any inspector who accepts any fee or receives any sum of money over and above the prescribed fee shall be liable to a penalty not exceeding one hundred pounds, and in addition, on conviction, shall forfeit his office and become ineligible for re-appointment in the Public Service.

25. (1) On the first inspection the inspector shall, ^{Record of} after making all such tests, examinations, and inquiries ^{first inspection.} as may be necessary to ascertain the state and condition ^{cf. W.A. No.} of a boiler, make a complete record in the form ^{11, 1922,} prescribed of such inspection, in which shall be ^{s. 26} included— ^{Q. No. 24,} ^{1915, s. 27.}

- 25 (a) the name and address of the owner ;
- (b) the form of the boiler ;
- (c) the type, age, materials, dimensions, and construction of the boiler ;
- (d) the name of the manufacturer (if known) ;
- 30 (e) the safe working pressure which his inspection discloses that the boiler is calculated to sustain ;
- (f) the state and condition of the boiler and of all auxiliary apparatus, appurtenances and accessories used in connection therewith, and the fitness thereof for the particular purpose for which they are used or intended to be used ;
- 35 (g) such other particulars as are prescribed.

(2) On each subsequent inspection the inspector, after making all such tests, examinations, and inquiries as aforesaid shall, if any alteration or repair has been made

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made to such boiler, or any change has occurred thereto, duly record the same in the form and manner prescribed.

If no material change has occurred in the state and condition of the boiler the inspector shall also record the fact in the prescribed manner.

(3) The records shall in general be kept at the office of the chief inspector.

Any copies of or part of the records may be kept in such other place as the chief inspector in a particular case directs.

(4) The entries in any record relating to a boiler shall, without charge, be open to inspection by the owner of the boiler or any person duly authorised in writing by the owner in that behalf, and not by any other member of the public.

(5) Such owner or person authorised as aforesaid may obtain a copy of any entry relating to such boiler upon payment of the prescribed fee.

26. At the first inspection of every boiler the inspector shall legibly stamp the registered number on the boiler in the manner prescribed.

The registered number shall be kept clean and distinct by the person actually in charge of the boiler.

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

27. (1) An inspector may test a boiler, fitting or mounting, appurtenance or accessory, by such method and in such manner as may be prescribed and/or as the chief inspector may direct. In respect of any such test the owner shall afford the inspector such assistance and provide such facilities as the inspector may require, the costs whereof shall be borne by the owner, manufacturer, or responsible representative of the manufacturer.

(2) In any case where by reason of peculiar or novel construction the safe working pressure to be sustained by a boiler or any part thereof cannot be determined by calculation in the ordinary way, the chief inspector may direct the owner, the manufacturer, or the

Official number to be affixed.
cf. W.A. No. 11, 1922, s. 43.

Tests.
cf. S.A. No. 1064, 1915, s. 27.

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the responsible representative of the manufacturer to apply such hydraulic or other test as the chief inspector may deem necessary to one or more of such boilers or parts thereof for the purpose of determining a safe
5 working pressure therefor.

The costs of the test shall be borne by the person directed to apply it.

(3) The chief inspector may require a test of any material to be used in the manufacture of a boiler.
10 The test report shall be in the form prescribed and shall be duly signed by a prescribed testing authority.

Such report shall be lodged with the chief inspector before the material is used in the fabrication of a boiler.

(4) The inspector may drill or direct the owner
15 to drill in or through any part of a boiler such holes as he may deem necessary to test the thickness of the plates or metal thereof.

The owner shall thereafter cause such holes to be plugged to the satisfaction of the inspector.

20 (5) The owner, when required by an inspector so to do, shall remove or cause to be removed any rivets in any seam or joint of a boiler for the purpose of determining the nature and efficiency of such seam or joint.

25 **28.** (1) If upon inspection it appears to the inspector that any boiler is unsafe, or that its continued use in its then state would be dangerous to life or property, he may serve upon the owner a notice in writing, in the form prescribed, requiring him—

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

- 30 (a) to wholly desist from working or using the boiler; or
(b) to desist from working or using the boiler until certain repairs, additions, or alterations to be stated in the notice have been effected; or
35 (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
40 greater pressure than that stated in the notice, until the repairs, additions, or alterations specified in the notice have been effected.

(2)

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(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
5 served who works or uses such boiler, in contravention of the notice, shall be liable to a penalty not exceeding one hundred pounds.

29. Where an inspector has inspected a boiler and is satisfied that it is in good repair and may be safely
10 used for the purpose for which it is to be used, he shall report to the chief inspector accordingly, who shall, upon payment of the prescribed fee, grant and issue to the owner a certificate in the prescribed form.

Certificate of inspection of boiler.
cf. Vic. No. 3645, 1928, s. 17.

Pending the issue of the certificate the inspector shall
15 give the owner a permit to use the boiler for a period of twenty-eight days.

30. (1) Subject to this section the certificate of inspection granted to the owner shall remain in force for the period stated in the certificate.

Duration of certificate.
cf. S.A. No. 1064, 1915, s. 33.

20 Such period shall not exceed twelve months.

(2) A certificate of inspection or permit shall cease to be in force if, after inspection, any material alteration or addition is made in or to the boiler without the approval of an inspector.

25 A certificate of inspection or permit may at any time be cancelled or suspended by the chief inspector when he thinks the safety of the public (or any person) is endangered. After cancellation, or during the period of any suspension, the certificate or permit shall cease
30 to be in force.

(3) Any person who works, or uses, or permits the working or use of a boiler in respect of which there is no certificate or permit in force shall be guilty of an offence against this Act, and shall be liable to a penalty
35 not exceeding twenty pounds, and to a further penalty not exceeding two pounds for each day or part thereof during which such offence continues.

31. (1) The certificate of inspection granted in respect of a boiler shall be exhibited by the owner in a
40 frame with a clear glass front in some conspicuous place, to be determined by the inspector.

Certificate to be exhibited.
cf. Q. No. 24, 1915, s. 29;
W.A. No. 11, 1922, s. 40.

In

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In the case of the boiler of any locomotive or traction engine, or portable engine and boiler, the certificate of inspection of the boiler shall be in the possession of the person for the time being in charge of such boiler, and shall be produced upon demand to an inspector or any member of the police force.

(2) In any proceedings for the recovery of a penalty under this section, it shall be a sufficient defence if the defendant satisfies the magistrate—

- 10 (a) that owing to the size of the boiler, the locality where it was working, or other sufficient cause, there was no conspicuous place in which the certificate could reasonably be exhibited ;
- 15 (b) that, at all reasonable times, he kept the certificate available for inspection by all persons working at or with the boiler, or by an inspector, or any member of the police force ;
- (c) that the person in charge of the boiler was provided with a true copy of the certificate.

20 DIVISION 3.— *Compressed gas cylinders.*

32. (1) Where a compressed gas cylinder has, before the commencement of this Act, been submitted to an hydraulic test and has been annealed in a manner prescribed for the testing and annealing of such cylinder under the provisions of this Act, the owner shall, within six months after such commencement, furnish the chief inspector in the form prescribed with proof of such testing and annealing.

The chief inspector may in his discretion require any such compressed gas cylinder to be submitted to an hydraulic test and to be annealed in the manner prescribed before it is refilled or used again.

(2) A compressed gas cylinder which has not been used before the commencement of this Act shall not be used until it has been submitted to an hydraulic test and annealed in the manner prescribed.

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The provisions of this subsection do not apply where the owner of a compressed gas cylinder which has not been used before the commencement of this Act has furnished to the chief inspector the manufacturer's certificate or a certified copy thereof certifying that such compressed gas cylinder has successfully withstood an hydraulic test and has been annealed in a manner that the chief inspector deems equivalent to that prescribed.

10 (3) Every compressed gas cylinder shall be again submitted by the owner to hydraulic test in manner prescribed within two years from the date of its last test, and annealed in manner prescribed within four years from the date of its last annealing.

15 (4) After the expiration of six months from the commencement of this Act compressed gas cylinders shall be tested, annealed, and filled only upon premises which have been registered in the form and manner prescribed upon payment of the prescribed fee.

20 32. (1) Every person or company filling compressed gas cylinders shall fill, test, and maintain such cylinders in accordance with the Australian Standard Rules as recommended by the Standards' Association of Australia.

25 (2) Every such person or company shall, every twelve months after the commencement of this Act, lodge with the chief inspector a statutory declaration stating that the requirements of this Division have been fulfilled.

30 33. Every compressed gas cylinder shall—

(a) be constructed, manufactured, filled, transported, used, emptied, and refilled in such manner as is prescribed; and

(b) be provided with such fittings or attachments as are prescribed; and

35 (c) bear such permanent number, brand, or device as is prescribed; and

Provisions as to compressed gas cylinders.

(d)

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(d) bear a prominent notice indicating in clear type and in the form prescribed the nature of the gas which the cylinder is to contain or does contain, and such other particulars as are prescribed.

5 **33.** After the expiration of six months from the commencement of this Act compressed gas cylinders shall be tested, subjected to normalizing treatment, and filled, only upon premises which have been registered in the form and manner prescribed upon payment of the prescribed fee.

34. (1) Every owner of compressed gas cylinders shall, within six months of the date of the commencement of this Act, and thereafter at least once in every 15 twelve months, forward to the chief inspector the prescribed return of all cylinders owned by him, the nature of the gas contents for which each such cylinder is used, its distinguishing marks, the date of its last hydraulic test, the date of its last annealing, and all 20 such other particulars as are prescribed.

The return shall specify which of the cylinders are new, which have been previously used, and which are newly acquired, and state which have been discarded or condemned since the commencement of this Act or 25 any return previously made.

(2) Every such return, as the case may be, shall be verified by a statutory declaration in the form prescribed.

34. The chief inspector may at any time examine 30 and inspect any compressed gas cylinder wherever the same may be, and may also, if for any cause he shall deem it expedient so to do, require the same to be submitted for hydraulic test, notwithstanding that the said cylinder has been previously tested.

35 **35.** (1) An inspector may at any time examine and inspect any compressed gas cylinder wherever the same may be, and may apply such tests thereto as may be prescribed other than an hydraulic test, and may also, if for any cause he shall deem it expedient so to do, 40 require the same to be submitted for hydraulic test, notwithstanding that the said cylinder has been so tested within the preceding two years. (2)

Powers of
inspector as
to compressed
gas cylinders.

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(2) In the examination, inspecting, or testing of compressed gas cylinders on any place upon which they may then be awaiting charging or refilling, the inspector shall not require such hydraulic test to be applied to a greater proportion of such cylinders than one in every fifty or part thereof unless in the case of any particular cylinder he has reasonable grounds for believing the same to be defective.

(3) Where as the result of inspection and examination of a compressed gas cylinder it appears to an inspector that the continued use of the cylinder is likely to be dangerous, he may by notice in writing to the owner, condemn such cylinder and direct that it be so mutilated or deformed in a manner prescribed as to preclude it again being used as a compressed gas cylinder.

35. Any such person or company who fails to carry out the provisions of this Division, or who wilfully makes a false declaration, shall be guilty of an offence, and shall be liable to a penalty not exceeding £50.

PART IV.

DUTIES AND LIABILITIES OF OWNERS.

36. (1) Any owner of a boiler who sells, absolutely disposes of, lets on hire, or lends a boiler, shall forthwith give notice in writing to the chief inspector.

The notice shall specify the registered number of the boiler, and the name, occupation, and abode of the person to whom it is sold, disposed of, let, or lent.

On the return of a boiler to the owner, notice of such return shall forthwith be given to the chief inspector by the person to whom such boiler was hired or lent.

(2) Any owner of a boiler which has been removed from the place where it was last inspected shall, within seven days after such removal, give full particulars of such removal by notice to the chief inspector in the manner prescribed

This

Notice of
sale, &c., of
boiler.
cf. W.A. No.
11, 1922,
s. 45.

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This subsection does not extend to a locomotive or traction engine, or other portable or movable engine.

(3) The owner of a portable or movable engine or boiler which is travelled shall have the name and place of residence of the owner legibly affixed or painted thereon in the prescribed manner.

37. (1) No person shall be liable under the provisions of this Act as an owner of a boiler or engine unless such boiler or engine is—

- 10 (a) in the actual possession of such person ; or
 (b) under his direct or immediate power or control ; or
 (c) in course of construction or manufacture by such person ; or
 15 (d) worked or used by such owner personally or by his agents, servants, or others under his orders or directions, or on his behalf.

(2) No mortgagee of a boiler or engine shall be liable under this Act unless he is in actual possession thereof, or has the same under his immediate power or control.

38. Nothing in this Act, or in any certificate or permit granted under its provisions, shall relieve any owner of any boiler or engine 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 engines or of any other person in respect thereof, shall remain unaffected by this Act.

39. Notwithstanding anything to the contrary contained in this Act the Minister may, upon recommendation of the chief inspector, allow to any person such time after the commencement of this Act as the Minister may consider to be necessary to enable such person to comply with the requirements of this Act.

When owners and mortgagees not liable.

cf. W.A. No. 11, 1922, s. 49 ;
 Q. No. 24, 1915, s. 38.

Responsibility of owner to civil or criminal proceedings.
 W.A. No. 11, 1922, s. 72.

Time to comply may be allowed.

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PART V.

ACCIDENTS.

40. (1) On the occurrence of an explosion of any boiler or of any accident to or arising from any boiler or engine (including any boiler or engine referred to in paragraph (b) of section two of this Act) causing damage affecting the safe working of the boiler or engine or bodily injury, notice thereof in the prescribed form and manner shall forthwith be sent by the owner or some person acting in his behalf to the chief inspector who may make, or cause any inspector to make all necessary inquiries, examinations, and inspections.

Notice of explosion or accident to be given. *Ibid.* s. 50, Q. No. 24, 1915, s. 41.

The chief inspector shall, in case of a fatal accident, forward a report thereon to the Minister, together with such observations and recommendations as he thinks necessary.

(2) Any such owner or person who fails to comply with the requirements of this section, or refrains or refuses to afford the chief inspector or any inspector access to the boiler or engine for the purposes of such inquiries, examinations, or inspections aforesaid, shall be liable on summary conviction to a penalty not exceeding fifty pounds.

41. (1) Where any explosion or accident has occurred prejudicially affecting the safe working of the boiler or engine or involving bodily or fatal injury, no person shall move, or in any way interfere with the boiler or engine or any part thereof, or any other object or thing affected or damaged by the explosion or accident, except so far as may reasonably be considered necessary or expedient for the carrying on of industry or for the prevention of further damage or injury to person or property, or for disconnecting the boiler or engine from any other boiler or engine connected thereto, unless he has obtained the permission of the chief inspector, or until an inspector has completed his inquiry, and has notified the owner accordingly.

Nothing to be moved after explosion or accident without permission. cf. S.A. No. 1064, 1911, s. 37.

(2)

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(2) Any person who contravenes the provisions of subsection one of this section, or who otherwise does anything to destroy or conceal any act, matter, object, or thing which may have any bearing upon the cause of the explosion or accident, except as mentioned in subsection one of this section, shall be liable on summary conviction to a penalty not exceeding fifty pounds.

42. (1) In the event of bodily injury being sustained by any person as the result of an accident to a boiler or engine, or arising out of the use of the boiler or engine, where the accident does not result in loss of life in respect of which an inquisition is held by a coroner, the Minister may, upon report by the chief inspector, direct an inquiry to be held in the manner prescribed into the cause of the accident.

Minister may direct inquiry as to cause of accident.

cf. Vic. No. 3645, 1928, ss. 36-39; Q. No. 24, 1915, s. 42.

Such inquiry shall be held by such person and at such place as the Minister may appoint.

(2) The person so appointed may—

- (a) hold the inquiry in public and in such manner and under such conditions as he thinks most effectual to ascertain the cause and circumstances of such accident;
- (b) take evidence upon oath or affirmation (which oath or affirmation he is hereby empowered to administer), and by summons under his hand require such persons as he thinks fit to appear personally before him at a time and place specified in the summons to testify and/or to produce to him any papers, documents, articles or things for the purpose of the inquiry;
- (c) allow such fees and expenses to persons summoned to attend the inquiry as would be allowed to witnesses in a court of petty sessions;
- (d) for the purpose of such inquiry enter and inspect any place and likewise inspect any boiler or engine or any part thereof or connection thereto or any article or thing associated therewith in such place;
- (e) make such order as he thinks fit respecting the payment of the costs and expenses of the inquiry. Such order verified in the prescribed manner

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5 manner shall, on the application of the person in whose favour it is made, be enforceable in any court of petty sessions under the Small Debts Recovery Act, 1912, in the same manner as if it were an order of the court of petty sessions for the payment of the said sum.

(3) The Minister may grant to the person appointed to make inquiry pursuant to this section a fee of not less than five guineas a day for every day 10 during which such person is engaged upon the inquiry, together with such sum as is equivalent to travelling expenses actually and bona fide incurred by such person in the conduct of the inquiry.

(4) The person appointed to hold the inquiry 15 shall, upon completion thereof, forthwith transmit to the Minister all papers and documents concerning the inquiry, and shall at the same time report to the Minister the cause of the accident as far as it was ascertainable and the circumstances attending it, adding 20 such observations as he thinks fit.

(5) Any costs and expenses ordered by the person holding the inquiry to be paid by the Minister, and any remuneration paid to persons holding inquiries under this section shall be paid out of moneys provided 25 by Parliament for the purposes of this Act.

(6) Legal or other representation at any such inquiry shall be allowed.

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PART VI.

ENGINE-DRIVERS' BOARD, &C.

43. (1) There shall be a board styled the Engine-drivers' Board.

- 5 The board shall consist of three members, one of whom shall be the person for the time being acting as the chief inspector who shall also be chairman of the board.

Engine-drivers' Board.
cf. S.A. No. 1618, 1924, s. 8;
Q. No. 24, 1915, s. 43;
W.A. No. 11, 1922, s. 54.

- (2) Two other members shall be appointed by the Governor as soon as practicable after the commencement of this Act, who shall be persons, in the opinion of the Minister, qualified and competent to perform the duties of the office, and to represent the interests of employers and employees respectively.

- 15 The two members so appointed shall hold office for a period not exceeding twelve months.

- At the expiration of such period the Governor shall appoint two persons to be members who shall hold office for such period as is prescribed, one such person shall hold a winding engine-driver's or a first-class engine-driver's certificate under this Act.

(3) The chairman and one other member of the board shall form a quorum.

- (4) The board shall be convened by the chairman and shall meet at such times and conduct their business in such manner as is prescribed, and until regulations prescribe the manner, as the board decides.

(5) The members of the board shall be paid such salaries or fees as are prescribed.

- 30 **44.** The board may grant certificates of competency and of service of the following classes:—

Certificates of competency and of service.

- (a) Winding engine-driver's certificate.
(b) First-class engine-driver's certificate.
(c) Second-class engine-driver's certificate.
35 (d) Third-class engine-driver's certificate.
(e) Locomotive and traction engine-driver's certificate.
(f) Crane and hoist driver's certificate.

cf. W.A. No. 11, 1922, s. 54;
S.A. No. 1618, 1924, s. 9;
Q. No. 24, 1915, s. 44.

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- (g) Internal combustion engine-driver's certificate.
- (h) Electric motor-driver's certificate.
- (i) Hydro-electric operator's certificate.
- (j) Boiler attendant's certificate.

5 44. The board shall, subject to the applicants fulfilling the requirements of this Part, grant certificates of competency and service to the drivers of "engines" as defined herein, providing that no certificate shall be issued under this Act to the drivers of lifts as defined.

10 45. (1) Subject to this Act a certificate of competency shall be granted only after an examination by the board in the prescribed subjects.

Examinations for certificates of competency.
cf. S.A. No. 1618, 1924. s. 10.

Examinations for certificates of competency shall be under the supervision of an inspector authorised by the board, and shall be held at such places and at such times as may be prescribed.

(2) The board may refuse a certificate on any grounds it deems advisable.

(3) Before the board grants to any applicant a certificate under this Act, the applicant shall satisfy the board—

Grant and issue of certificates.

- (a) as to his sobriety, experience, ability, and general good conduct;
- 25** (b) that he is not subject to deafness, defective sight, epilepsy, or other physical infirmity which would render him unfit to be trusted to perform efficiently his duty as the holder of the certificate applied for;
- (c) ~~that he is a British subject;~~ and
- 30** (d) that his knowledge of the English language is sufficient to enable him to perform the duties required of the holder of the certificate applied for.

(4) Upon the board being so satisfied and upon **35** payment by the applicant of the prescribed fee for the certificate, the board may issue to him a certificate of the appropriate class and in the prescribed form.

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46. (1) On payment of the prescribed fee the board may, without examination and at any time within two years after the commencement of this Act, grant a certificate of service of such class as the board thinks fit to any person who makes application therefor and who furnishes the board with documentary evidence satisfactory to the board that he has had such experience as an engine-driver ~~--or-boiler-attendant--~~ as may be prescribed.

Service
certificates.
cf. W. A. No.
11, 1904,
s. 60;
S.A. No.
1064, 1911,
s. 49.

(2) Every certificate of service shall entitle the holder to perform the same duties as a certificate of competency of the same class entitles a holder to perform.

(3) On payment of the prescribed fee the board may, without examination, grant a certificate of competency of the appropriate class to any person who is the holder of a certificate of competency granted after examination by any duly constituted and recognised authority which the board may approve within or without the State and which are prescribed as such.

The grant of any such certificate shall be made by endorsement of the original certificate or by the granting of a certificate of the class which the board deems equivalent to the certificate held.

(4) On payment of the prescribed fee the board may, without examination, grant a hydro-electric operator's certificate to any person who—

(a) is the holder of a winding engine-driver's certificate or a first-class engine-driver's certificate and has had not less than two years of such experience as the board may, at its discretion, consider adequate, during the ten years immediately preceding the commencement of this Act; and

(b) was at the commencement of this Act regularly fulfilling within this State the duties prescribed as those which a hydro-electric operator's certificate entitles the holder thereof to perform.

(e)

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(5) On payment of the prescribed fee the board may, without examination, grant a holder of a naval discharge certificate of engine-room rating a certificate of competency of such class as the board thinks appropriate.

(6) On payment of the prescribed fee and on production of 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 shall, subject to subsection three of section forty-five of this Act grant, without examination, the following certificates of competency:—

15 To the holder of a first-class or second-class marine engineer's certificate—a first-class engine-driver's certificate.

To the holder of any other marine engineer's or a marine engine-driver's certificate—such engine-driver's certificate as may be prescribed.

(7) Notwithstanding anything contained in this Act, any person who satisfies the board that he is a resident in New South Wales and is the holder of a certificate granted after examination by any duly constituted and recognised authority without the State, and makes application to the board for a corresponding certificate, and such application is under consideration, the chairman of the board or deputy may, on payment of the prescribed fees, issue to him an interim certificate which shall be returned to the board on a date to be specified in the certificate not later than the date of the next meeting of the board.

47. (1) No person shall, after the expiration of six months from the commencement of this Act, be employed or act in the capacity of engine-driver or attendant in charge of any engine or boiler unless he is the holder of a certificate of the class prescribed.

This subsection shall not extend to any person who is the holder of a certificate of service or an interim certificate under section forty-six of this Act or to any person

Engine-drivers and boiler attendants to hold certificates.

cf. S.A. No. 1618, 1924, s. 1; Q. No. 24, 1915, s. 45; W.A. No. 11, 1922, s. 53.

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person employed as a boiler attendant at a range of
boilers in charge of a person who is the holder of a
certificate of the class prescribed.

- (2) If upon the report of an inspector that it is
5 impracticable or dangerous for any certificated engine-
driver to take sole charge of any steam-engine and its
boiler at the same time, the chief inspector may serve
the owner, or user, or person in charge, or apparently in
charge, or exercising control or supervision over the
10 engine and boiler, or over the driver thereof, with a
notice in writing requiring him, on and after a date to
be specified in such notice, to place the boiler in the
charge of some person other than the certificated
engine-driver in charge of the engine.

- 15 **48.** The regulations may authorise the board to
restrict or modify the terms of any certificate in par-
ticular cases and to cancel any such restrictions or
modifications.

Restriction or
extension of
certificates.
cf. W.A. No.
11, 1922,
s. 57 ;
S.A. No.
1618, 1924,
s. 15.

- Any such restriction or modification shall be made to
20 appear on the face of the certificate.

No application for a certificate of a higher class shall
be entertained until such restriction or modification has
been cancelled.

- 49.** The holder of any certificate who drives or
25 takes charge of any engine ~~or takes charge of or attends~~
~~to any boiler~~ to which his certificate does not extend, in
addition to any other penalty to which he is liable,
may have his certificate suspended or cancelled by the
board.

Misuse of
certificate.
cf. S.A. No.
1618, 1924,
s. 24.

- 30 Any such person who has had his certificate sus-
pended or cancelled, and any person who without
holding a certificate of the prescribed class drives or
takes charge of any engine ~~or takes charge of or attends~~
~~to any boiler~~, shall be guilty of an offence against this
35 Act.

50. (1) Any person who obtains or attempts to
obtain any certificate by fraud or misrepresentation
shall be liable to a penalty not exceeding twenty
pounds.

Improperly
obtaining cer-
tificate.
Ibid. s. 25 ;
W.A. No. 11,
1922, s. 66.

(2)

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(2) Every certificate improperly obtained may be cancelled by the board and the holder thereof shall, when called upon by the board, return such certificate to the board.

- 5 **51.** (1) If at any time it appears to the board that the holder of a certificate has been guilty of any offence, misconduct, or negligence, or has developed any symptom of any 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 10 forthwith return his certificate to the chairman and to appear before it or before such person as the Minister may appoint to show cause why his certificate should not be cancelled, suspended, or be made subject to 15 restrictions and/or modifications.

Disqualifica-
tion of
holder of
certificate.
cf. S.A. No.
1618, 1924,
s. 22;
W.A. No. 11,
1922 s. 64;
Q No. 24,
1915, Sch. II.

(2) The board or person so appointed by the Minister shall inquire into the matter.

If the inquiry is not made by the board, the evidence shall be taken in writing, and shall be forwarded to the 20 board for consideration.

(3) At any such inquiry evidence shall be taken upon oath or affirmation, and for the purposes of holding such inquiry the chairman of the board, or other such person so appointed by the Minister, is empowered 25 to administer such oath and shall have the powers of a court of petty sessions.

(4) If the holder of the certificate does not appear, or if the board or person appointed by the Minister to hold the inquiry find that he has been 30 guilty of an offence, misconduct, or negligence, or that he is suffering from any such complaint as aforesaid, the board may—

(a) cancel or suspend his certificate (notice of which shall be published in the Gazette) for such period as the board thinks fit; or 35

(b) restrict or modify the scope of his certificate.

The order of the board shall be final and conclusive.

(5) A person whose certificate has been suspended or cancelled shall be, during the period of 40 suspension or after the cancellation as the case may be, deemed to be a person who does not hold a certificate.

(6)

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(6) Any person who fails to forthwith return his certificate to the chairman of the board when called upon so to do pursuant to the provisions of this section shall be liable to a penalty not exceeding twenty pounds.

5 **52.** The board may, if satisfied by statutory declaration that any certificate has been lost, defaced, or destroyed, upon the application of the person entitled thereto and payment of the prescribed fee, issue a fresh certificate to such person. Duplicate certificate in case of loss, &c. cf. S.A. No. 1618, 1924, s. 21.

10 Such certificate shall be endorsed, setting out the reasons for the issue thereof, and shall be as effective as if it were the original certificate.

53. A register shall be kept of all certificates issued, in which the prescribed particulars shall be recorded. Register of certificates. cf. *Ibid.* s. 23.

15 **54.** The owner of every locomotive engine during such time such locomotive engine is in motion on a railway line of a gauge of three feet six inches or more shall have, for the purposes of safety to persons, on the footplate a fireman **or other male person** of not less
20 than eighteen years of age, in addition to the engine-driver in charge, at any place where such railway line crosses a public highway or road used for pedestrian or vehicular traffic on the level of the highway or road, and whether or not such highway or road runs
25 exclusively through private property.

55. Where it appears to an inspector that the holder of a certificate under this Act is physically or mentally unfit to give proper and efficient effect to the duties which such certificate authorises him to undertake, he may give the holder of the certificate written notice in duplicate and in form prescribed to forthwith cease driving or being in charge of the engine ~~or boiler as the case may be~~ and the holder of the certificate shall comply with the notice. Unfitness to perform duties. cf. *Ibid.* s. 22.

30 **56.** The inspector may at the same time require such holder of a certificate to return to him, before a date to be stated in such notice, a certificate in the form prescribed over the hand of a legally qualified medical practitioner as to the state of health of such holder.

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PART VII.

MISCELLANEOUS.

56. (1) The Governor may at any time by proclamation published in the Gazette exempt from the operation of this Act for such time as he thinks fit—

Power to exempt.
cf. Vic. No. 3645, 1928, s. 4.

- (a) any particular boiler or engine or any particular class of boilers or engines or any boilers or engines which are used exclusively in any particular trade or business, or used in any specified part of the State;
- (b) persons employed or acting as engine-drivers in charge of engines ~~or attendants in charge of boilers or engines~~ in any specified part of the State.

(2) The Governor may in like manner annul, vary, extend, or withdraw any exemption so made.

57. (1) Every person guilty of any breach or contravention of this Act shall be punishable therefor, and it shall be no defence to prove that the person proceeded against was the agent or employee of the owner or occupier or was acting in pursuance of any order or direction given by the owner or occupier.

Who may be proceeded against for offences.
cf. Q. No. 24, 1915, s. 49; W.A. No. 11, 1922, s. 46.

(2) When an owner or occupier is charged with an offence against this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges to be the actual offender brought before the adjudicating court at the time appointed for hearing the charge.

Exemption of owner or occupier from fine on conviction of the actual offender.

If after the commission of the offence has been proved the owner or occupier proves to the satisfaction of the court that he used due diligence to enforce this Act, and that such other person committed the offence in question without his knowledge, consent, or connivance, such other person shall be convicted of the offence, and the owner or occupier shall be exempt from any penalty.

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58. Where it appears to an inspector at the time of discovering any offence that the owner or occupier had used due diligence to enforce this Act, and also by what person the offence was committed, and that it was committed without the knowledge, consent, or connivance of the owner or occupier, and in contravention of his orders, then proceedings may be taken against the person who is alleged to be the actual offender in the first instance without first proceeding against the owner or occupier.

Proceedings against actual offender.
cf. W.A. No. 11, 1922, s. 47;
Q. No. 24, 1915, s. 50.

59. (1) Any order, requisition, direction, or notice to be served or given under this Act (or the regulations), and any summons to be served in respect of any breach or contravention of the provisions of this Act (or the regulations), may be served upon any person—

Service of orders, notices, &c.
cf. *Ibid.* s. 75;
Ibid. s. 51.

- (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 prepaid letter addressed to such person at his usual or last known place of residence or business.

(2) Where by this Act an inspector is empowered or required to give to or serve an order, requisition, direction, or notice upon any person to do or refrain from doing any act or work relating to any boiler or engine, such person shall, if so required, upon such order or notice being given or served, sign a duplicate copy of the same in acknowledgment of his having received it.

60. (1) Every person who is guilty of an offence against or fails to comply with the provisions of this Act (or the regulations made thereunder), and every person who fails to comply with any order, requisition, direction, or notice made, served, or given by an inspector in exercise of his powers under this Act, shall on summary conviction be liable, if no other penalty is provided, to a penalty not exceeding twenty-five pounds.

Provisions as to penalties.
cf. *Ibid.* s. 76;
Ibid. s. 52.

(2) No prosecution for any breach or contravention of this Act shall be instituted without the authority of the Minister.

(3)

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(3) The court, in addition to or instead of imposing a penalty, may by order direct certain means to be adopted by the owner of a boiler, within a time to be named in the order, to bring such boiler into conformity with this Act, and may upon application by the owner extend the time so named.

If after the expiration of the time originally named or extended as aforesaid the order is not complied with, the owner shall be liable to a penalty not exceeding two pounds for every day during which non-compliance continues.

61. No owner of a boiler or engine shall contract with any person against any liability under this Act.

No contracting out o Act.
cf. Q. No. 24,
1915, s. 53.

62. Every owner of a boiler or engine shall cause to be affixed and maintained in such position or positions as an inspector may direct, the prescribed abstract of this Act, and in default of so doing shall be liable on summary conviction to a penalty not exceeding five pounds.

Abstract of Act, &c., to be posted up.
cf. *Ibid.* s. 54.

63. Every person who—

- (a) makes in any prescribed book, register, notice, application for a certificate, certificate, list, record, or document, an entry which in any material particular is to his knowledge false; or
 - (b) makes use of any entry or report which in any material particular is to his knowledge false,
- shall be liable on summary conviction to a penalty not exceeding ten pounds or to imprisonment for a period not exceeding three months.

False entries.
cf. *Ibid.* s. 56

64. The following provisions shall apply in legal proceedings under this Act :—

Legal proceedings.
cf. *Ibid.* s. 56.

- (a) The burden of proof that the provisions of this Act with regard to the registration of boilers, and with regard to obtaining and exhibiting the certificate of inspection have been complied with as to any particular boiler, shall be on the defendant.

- (b) Where by this Act any owner is required to give or serve any notice, the burden of proof that the provisions of this Act have been complied with shall be on such owner.
- (c)

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- (c) It shall be sufficient to state the name of the ostensible owner or occupier, or the title of the firm or company or corporation by which the owner or occupier is usually known; and the burden of proof that the person, firm, company, or corporation so named is not the owner or occupier shall be on the defendant.
- (d) Where an employee is in the opinion of the court apparently of the age alleged by the informant it will be on the defendant to prove that such employee is not of that age.
- 65.** The chief inspector shall furnish annually to the Minister a report upon the operation of this Act, and shall furnish at any other time as and when required by the Minister a report on any particular matter. Annual report.
- 66.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which are required or authorised to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and without limiting the generality of the foregoing power, in particular may— Regulations. cf. Q. No. 24, 1915, s. 57
- (a) prescribe the qualifications required of inspectors or that, before appointment, they shall show by examination satisfactory evidence of their competency, and the subjects, time, and place of examination;
- (b) prescribe the powers and duties of inspectors and other officers, and specifically provide that such inspectors and officers in the exercise and discharge of their powers and duties shall not unreasonably or unduly interfere with the work or processes being carried on in any place;
- (c) prescribe the conditions to be observed as to the registration, inspection, design, material construction, material testing, rating, testing, maintenance and operation of boilers;

(d)

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- 5 (d) prescribing the form and manner of giving, furnishing, granting, or keeping orders, directions, notices, applications, plans, records, certificates, registers, exemptions, and other documents in pursuance of this Act ;
- (e) restrict or regulate the entry in or upon any place by any person ;
- 10 (f) prescribe—
- (i) the mode in which the pressure boilers are calculated to sustain is to be ascertained ;
- (ii) the method of reckoning the horsepower of boilers and engines ;
- 15 (iii) the material, size, quality, number, and sufficiency of appurtenances, accessories, fittings, and connections proper for boilers ;
- (iv) rules and procedure to be observed in testing boilers used or to be used within the State ;
- 20 (g) prescribe the qualifications required of and the standards for the examination of persons for certificates of competency under this Act, and the granting of certificates of competency to them, and the duties which a certificate of competency of each class qualifies the holder to perform ;
- 25 (h) regulate the number of boilers and/or engines which may be placed in charge of any one holder of a certificate, and the space within which such boilers and engines may be situate ;
- 30 (i) prescribe fees—
- 35 (i) to be paid by owners for the inspection of boilers, and for the granting of certificates and permits or exemptions with respect thereto ;
- (ii) to be paid for the examination and granting of certificates under Part VI of this Act ;
- 40 (iii) to be paid in any other case in which a fee is provided for ;
- (j)

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- (j) prescribe the conditions upon which such certificates, after due investigation, may be suspended or revoked on the ground of misconduct, negligence, intemperance, unfitness, or any breaches of this Act ;
- (k) regulate the proceedings relating to inquiries into accidents, and the manner of defraying and the recovery of costs and expenses thereof ;
- (l) prescribe abstracts of the provisions of this Act, to be affixed and maintained by owners of engines or boilers ;
- (m) prescribe the cases and manner in which an owner of a boiler may be required by an inspector to apply to a boiler a suitable safety device, appliance, or attachment ;
- (n) prescribe the form and manner of applying for and granting registrations, renewals, transfers, revocations, alterations, and amendments thereof, and fixing the periods during which such registrations shall have effect ;
- (o) regulate the conveyance, loading and unloading of compressed gas cylinders and prescribing the precautions to be taken with the same, either during actual transit or while at rest ;
- (p) prescribe the registration of premises upon which compressed gas cylinders may be tested, ~~annealed~~ **subjected to normalizing treatment**, and filled.
- (2) The regulations may adopt wholly or partially either specifically or by reference any of the rules of—
- (a) the Australian standard rules recommended for the design, construction, inspection, and operation of boilers and unfired pressure vessels, and their appurtenances, known as the Standards Association of Australia Boiler Code ; and
- (b) the Australian standard rules recommended for the maintenance, testing and filling of steel cylinders, other than acetylene containers, for the storage of compressed gases, and for the maintenance, testing, and filling of containers for

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- 5 for the storage of compressed acetylene dissolved in acetone, together with Australian standard specifications for cylinders and containers for the storage of compressed gases, known as the Standards Association of Australia Code for compressed gas cylinders.
- (3) A regulation may impose a penalty not exceeding twenty pounds for any breach thereof.
- (4) The regulations shall—
- 10 (a) be published in the Gazette;
- (b) take effect from the date of publication, or from a later date to be specified in such regulations; and
- 15 (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if Parliament is not then in session, within fourteen sitting days after the commencement of the next session.
- 20 If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

25

SCHEDULES.

FIRST SCHEDULE.

Se

Number of Act.	Name of Act.	Extent of Repeal.
Act No. 38, 1912.	Scaffolding and Lifts Act, 1912.	Paragraph (f) of subsection two of section eight. Section 17. Regulations 25 and 46 of the Second Schedule. Form D of the Second Schedule.

30

SECOND

Boiler Inspection and Engine-drivers.

SECOND SCHEDULE.

Sec. 13.

Registered : Date_____No._____
District_____

5 NOTICE OF OWNERSHIP OF BOILER, HOT WATER BOILER OR
UNFIRED PRESSURE VESSEL.

(Section Thirteen.)

NOTICE BY OWNER.

To the Chief Inspector,

10 Sir,

I
We_____ hereby give you notice that _____ the
(I am or we are)

Owner(s) of a _____
(boiler, hot water boiler or unfired pressure vessel)

15 Name and Address of Owner (*state if only lessee or mortgagee in possession*) _____

Where boiler, hot water boiler or unfired pressure vessel is situated _____

20 Type of boiler, hot water boiler or unfired pressure vessel _____

Age of boiler, hot water boiler or unfired pressure vessel _____

Materials of boiler, hot water boiler or unfired pressure vessel _____

Dimensions and construction of boiler, hot water boiler or unfired pressure vessel _____

25 _____

Area of heating surface _____ sq. feet.

Pressure at which safety valve blows off _____ lb. per sq. inch.

30 Purpose for which used or proposed to be used _____

Name and address of manufacturer _____

Date of last inspection or test (stating which or if both) _____

I
We_____ declare the above particulars to be
35 substantially true and correct in every respect.

(Signature of Owner) _____

Date _____

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,
and, having this day passed, is now ready for presentation to the
LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 21 July, 1931.

New South Wales.



ANNO VICESIMO SECUNDO

GEORGII V REGIS.

Act No. , 1931.

An Act to regulate the manufacture and use of
boilers and other pressure vessels; to pro-
vide for the registration and inspection and
testing thereof, and the investigation of
accidents arising therefrom or explosions
thereof; to constitute an Engine-drivers'
Board; to make provision for the certifica-
tion of engine-drivers and boiler attendants;
to amend the Scaffolding and Lifts Act,
1912, and certain other Acts; and for pur-
poses connected therewith.

Boiler Inspection and Engine-drivers.

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
the same, as follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the “Boiler Inspection and Engine-drivers Act, 1931.”

Short title
and
commence-
ment.

10 (2) This Act shall commence on a day to be
appointed by the Governor and notified by proclamation
published in the Gazette.

2. This Act shall—

Application.

(a) bind the Crown ;

15 (b) not, except where otherwise expressly pro-
vided, apply to any boiler or engine—

20 (i) used or employed by or vested in or
under the control of the Railway Com-
missioners for New South Wales or on
any tramway vested in or under the
control of a Transport Trust under the
Transport Act, 1930 ;

(ii) forming part of the propelling machinery
of any ship ;

25 (iii) used exclusively for domestic purposes
in a private dwelling ;

30 (iv) used at or in connection with any mine
to which the Mining Act, 1906, or the
Mines Inspection Act, 1901, or the Coal
Mines Regulation Act, 1912, or any Act
amending the said Acts applies ;

(c) not apply to any motor vehicle unless such
motor vehicle is a steam waggon, steam lorry,
or steam-operated vehicle of a like kind.

(d)

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- (d) not, except where otherwise expressly provided, apply to—
- 5 (i) any boiler not possessing more than sixty square feet of heating surface or any internal combustion engine owned by any agriculturalist or pastoralist and used for agricultural, horticultural, viticultural, orcharding, dairying, or pastoral purposes ;
 - 10 (ii) any engine of less than ten horse-power ;
 - (iii) any internal combustion engine or engines having an area of cylinder or combined area of cylinders not exceeding two hundred square inches ;
 - 15 (iv) any pump not capable of pumping more than six thousand gallons per hour ;
 - 20 (v) any appliance or device containing any gas for lighting or heating or motive power purposes and forming portion of any system of reticulation for such gas, and includes any retort, holder, receiver, pipe, or other part of a like kind used for such purposes.

3. This Act is divided into Parts, as follows :—

Division of Act.

25 PART I.—PRELIMINARY—ss. 1-5.

PART II.—ADMINISTRATION—ss. 6-12.

PART III.—BOILERS AND COMPRESSED GAS CYLINDERS—ss. 13-35.

30 DIVISION 1.—*Registration, construction, and repair of boilers*—ss. 13-20.

DIVISION 2.—*Inspection of boilers*—ss. 21-31.

DIVISION 3.—*Compressed gas cylinders*—ss. 32-35.

35 PART IV.—DUTIES AND LIABILITIES OF OWNERS—ss. 36-39.

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PART V.—ACCIDENTS—ss. 40-42.

PART VI.—ENGINE-DRIVERS' BOARD, &c.—
ss. 43-55.

PART VII.—MISCELLANEOUS—ss. 56-66.

5 **4.** (1) The Scaffolding and Lifts Act, 1912, is to Repeal and
the extent expressed in the First Schedule to this Act savings.
hereby repealed.

(2) Such repeal shall not affect the validity of
any report of inspection, order, requisition, or direction
10 made, or any notice, certificate or authority given under
the provisions of the Act hereby repealed, and any such
report, order, requisition, direction, notice, certificate or
authority shall continue in force until the date of its
expiration or until the same is revoked, altered, or
15 otherwise dealt with under this Act or the regulations
made thereunder.

(3) Any action or proceeding, and any cause of
action or proceeding, pending or existing, at the time
of the commencement of this Act, under any provision
20 hereby repealed, may be continued as if this Act had
not been passed.

5. (1) In this Act, unless the context or subject- Interpret-
matter otherwise indicates or requires,— tation.

25 “Appurtenance or accessory” in relation to a
boiler means any portion of a boiler manu-
factured as a separate and distinct object or
article and such portion of a boiler system as
any pipe fitting or mounting, as also any
economiser, separator, feedwater heater, de-
30 aerator, or any auxiliary plant or accessory
apparatus necessary for the efficient and safe
working of a boiler system, and also any boiler
setting.

35 “Board” means the Engine-drivers' Board consti-
tuted by this Act.

“Bodily injury” means any injury which is likely
to incapacitate the sufferer for more than
forty-eight hours.

“Boiler”

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- 5 “Boiler” means any closed vessel in which steam is to be generated at a pressure above that of the atmosphere by the application of fire or the products of combustion or by heat generated by electrical means and includes a hot water boiler, unfired pressure vessel and compressed gas cylinder, and also any appurtenance or accessory.
- 10 “Compressed gas cylinder” means any cylinder or container within which is to be compressed for storage and transport any gas used in industry.
- 15 “Crane” or “hoist” means any crane, hoist, traveller, or other appliance of a like kind operated by a motive power other than hand, treadle, wind, or animal power, and used for the purpose of lifting, lowering, or otherwise handling persons or materials, and includes any necessary or auxiliary parts or attachments thereof not being a lift or winding engine.
- 20 “Electric motor” means any rotary machine normally fixed in position which converts electrical energy into mechanical power, but does not include any such rotary machine the power of which does not exceed twenty brake horse-power in one unit (or twenty brake horse-power in an aggregate of units) and is used to drive any line of shafting, machine, or group of machines, except the same be used to
- 25 apply motive power to any crane, hoist, or winding-engine.
- 30 “Engine” means a piece of mechanism used to convert heat or any other form of energy into mechanical power; or any machine for the development or utilisation of mechanical power from some source of energy such as coal, gas, oil, compressed air, water, electricity, or any source other than animal or manual power, and including any accessory or auxiliary parts or attachments thereof; but shall not
- 35 include any windmill, overshot, undershot, or
- 40 breast

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breast water wheel, or any machine, tool, or other trade or industrial implement which is operated by a tradesman or craftsman in the performance of his trade or craft.

5 “Hot water boiler” means any vessel wherein water is to be heated at a pressure above that of the atmosphere by the application of fire or the products of combustion or by heat generated by electrical means.

10 “Hydraulic motor” means any engine or group of engines possessing rotary movement, the motive power of which is water in motion, used for generating electricity by means of a generator or generators having a rated output, singly or in the aggregate, of not less than
15 14.92 kilowatts.

 “Inspector” means any inspector appointed under this Act, and includes any person appointed to perform for the time being the whole or any
20 part of the duties of an inspector.

 “Internal combustion engine” means any engine the motive power of which is derived from the pressure generated by combustion caused within some part of the engine, but shall not
25 include any such engine or engines having an area of cylinder or combined area of cylinders not exceeding one hundred and fourteen square inches, except the same be used to apply motive power to any crane, hoist, or winding
30 engine.

 “Lift” means any apparatus or contrivance, within or attached to a building or structure, and capable of being used for the purpose of raising or lowering persons, goods, or materials other
35 than any apparatus or contrivance which is—

 (a) capable of being used for the said purposes at a depth exceeding ten feet below the lowest basement floor level of the building within which it is
40 situated or of the structure to which it is attached; or

(b)

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- (b) erected for the purpose of being used solely in connection with excavating operations, erecting, demolishing, altering, repairing, cleaning, or painting buildings or structures.
- 5 "Locomotive or traction engine" means any engine supported by wheels or caterpillar tracks or other engine so arranged that its power may be applied to the wheels or other supports to move the whole from place to place.
- 10 "Occupier" means the person, company, or association (corporate or incorporate) or partnership in possession or occupation or apparently in possession or occupation of any place, and includes any agent, manager, foreman, or other person acting or apparently acting in the general management or control of such place.
- 15 "Owner" means and includes the owner of any boiler or engine, and a mortgagee, lessee, hirer, or borrower thereof, and any person having the immediate control, charge, or management thereof.
- 20 "Place" means any area (enclosed or otherwise) whether above or below ground wherein or whereon any boiler or engine is being constructed, manufactured, assembled, repaired, erected, or is kept, and wherein or whereon any boiler or engine is erected, used, worked or in operation, and without limiting the generality of the foregoing definition, the term includes any road, street, house, building, structure, or ship.
- 25 "Prescribed" means prescribed by this Act or the regulations made thereunder.
- 30 "Registered number" in relation to a boiler means the number assigned to the boiler by the chief inspector in pursuance of this Act.
- 35 "Ship" includes ship, lighter, barge, boat, raft, craft, or vessel of whatever description and howsoever navigated.
- 40

"This

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“This Act” means this Act and any regulations made thereunder.

5 “Unfired pressure vessel” means any closed vessel not heated by fire or the products of combustion or by heat generated by electrical means subjected to pressure (including pressure due to static head) by liquids, vapours, or gases.

10 “Winding engine” means any engine erected on the surface of the ground or underground used for raising or lowering persons or materials in any vertical or inclined shaft, and includes a cableway or engine of a like kind.

(2) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State to the intent that where any enactment in this Act would but for this subsection have been construed as being in excess of that power this Act shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

Act to be read subject to Commonwealth Constitution.

PART II.

ADMINISTRATION.

6. (1) The Governor may, subject to the provisions of the Public Service Act, 1902, appoint a chief inspector and so many inspectors as appear necessary for the purposes of this Act.

Appointment of chief inspector and inspectors.
cf. W.A. No. 11, 1922, s. 6.

(2) Every person who makes application for a position as inspector shall—

- 30 (a) pay the prescribed fee ;
(b) before appointment—
(i) pass the prescribed examination ; or
(ii) otherwise evidence his competency to act as an inspector ; and

(iii)

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- (iii) produce documentary evidence that he has served an apprenticeship of at least five years to engineering and/or boiler-making; and
- 5 (iv) produce documentary evidence that subsequent to the completion of his apprenticeship he has had at least five years experience (part theoretical and part practical) in connection with steam generating boilers and engines; or
- 10 (v) produce documentary evidence that he has obtained a degree in mechanical engineering from a university recognised by the Public Service Board, and subsequent to his obtaining such degree he has had at least five years' experience (part theoretical and part practical) in connection with steam engines and boilers.
- 15

20 The provisions of paragraph (a) and subparagraph (i) of paragraph (b) of this subsection do not apply to a person who possesses the requisite qualifications and who is at the commencement of this Act employed in the Public Service.

25 (3) The chief inspector, in addition to any powers conferred on him as such by this Act shall have and may exercise all the powers of an inspector.

7. Each inspector shall be furnished with a certificate of his appointment under the hand of the Minister and
 30 in the form prescribed, and on entering any place for any of the purposes of this Act shall, if required, produce his certificate to the owner or occupier as the case may be.

Inspector's certificate of appointment.
cf. W.A. No. 11, 1922, s. 7.

8. Any person who forges or counterfeits any such
 35 certificate, or makes use of any forged, counterfeited, or false certificate, or who falsely pretends to be an inspector, shall be guilty of an offence against this Act, and be liable on summary conviction to imprisonment for a term not exceeding six months.

False certificate.
cf. Q. No. 24, 1915, s. 8.

*Boiler Inspection and Engine-drivers.***9.** Every inspector shall have power—Powers and
duties of
inspectors.cf. N.S.W.
No. 39, 1912,
s. 9.

- 5 (a) to enter and inspect at all reasonable hours by day or by night any place where there is, or where he has reasonable cause to believe there is, any boiler or engine, or any boiler or engine in course of construction, manufacture, assembling, alteration, or repair, to ascertain whether the provisions of this Act are being complied with ;
- 10 (b) to take with him any member of the police force or other person ;
- 15 (c) to require the production of any certificate or permit which by this Act is required to be held by any person, or any notice, record, or document which is by this Act required to be kept or exhibited by the owner, and to inspect, examine, and copy the same ;
- 20 (d) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act or any other Act relating to the inspection or certification of boilers or engines, or to the certification of persons in charge or control thereof, have been and are being complied with ;
- 25 (e) to examine alone, or in the presence of any other person, as he thinks fit, in respect of matters provided for by this Act, any person whom he finds on the place, and to require such person so examined to sign a statutory declaration of the truth of the matters in respect of which he is so examined ;
- 30 (f) subject to subsection two of section sixty—
- 35 (i) to conduct prosecutions, whether the information is laid in his name or not ;
- (ii) to take proceedings for the punishment of offences against this Act ; and
- 40 (iii) to attend and examine witnesses at any inquest into the cause of the death of any person following upon an explosion of a boiler or accident to or arising from the use of a boiler or engine ;

(g)

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(g) to exercise all other powers that may be necessary or expedient for carrying out the provisions of this Act and as are prescribed.

10. Every occupier of a place and every owner of
 5 a boiler or engine shall afford to an inspector all reasonable facilities and give such information as may be required by the inspector for the exercise of his duties and powers under this Act.

Occupiers
and owners
to allow
entry and
inspection.
cf. Q. No 24,
1915, s. 11.

11. Any person who—

10 (a) wilfully impedes, obstructs, or delays an inspector in the exercise of any power or duty under this Act; or

Obstructing
an inspector.
cf. *Ibid.*
s. 12.

15 (b) wilfully makes any false reply to any question put to him by an inspector and having reference to any matter directed or required by this Act; or

(c) fails to comply with a requisition of an inspector made in the execution of his duty; or

20 (d) fails to afford any facilities in his power or to give any information in his possession which an inspector is entitled to require; or

25 (e) fails without reasonable excuse, the proof whereof shall lie upon him, to produce any certificate, permit, notice, record, or document which he is required by an inspector lawfully to produce; or

30 (f) conceals or attempts to conceal any person from an inspector, or prevents or attempts to prevent any person from appearing before or being examined by an inspector; or

35 (g) uses any threat or abusive or insulting language to an inspector or to any employee with respect to any inspection or examination; or
 (h) penalises in any way an employee for any action reasonably and properly taken by such employee to secure or promote observance of this Act; or

40 (i) penalises an employee, being the holder of a certificate under this Act, who whilst on duty takes any action or refuses to take any action
 which

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- which if taken or refused to be taken would render such employee liable to have his certificate cancelled or otherwise dealt with by the board ; or
- 5 (j) being an owner knowingly withholds or conceals from an inspector knowledge of any defect or bad workmanship in or upon a boiler or engine,
- shall be guilty of an offence against this Act, and shall be
- 10 liable on summary conviction to a penalty not exceeding twenty pounds.
- 12.** Notwithstanding anything contained in this Protection.
Act, no person shall be required to answer any question or give any information or evidence tending to incriminate himself.
- 15

PART III.

BOILERS AND COMPRESSED GAS CYLINDERS.

DIVISION 1.—*Registration, construction, and repair of boilers.*

- 20 **13.** The owner of a boiler at the commencement of this Act, and every person who, after the commencement of this Act, becomes the owner of a boiler, shall within one month after the commencement of this Act or within one month after he becomes such owner,
- 25 as the case may be, file with the chief inspector a return in writing containing the particulars set out in the Second Schedule to this Act and signed by such owner.
- 14.** (1) The chief inspector shall record the particulars set out in any return filed pursuant to this Act and shall assign a number to the boiler to which such particulars relate, and shall on payment of the prescribed fee supply to the person who filed such return a certificate of registration of such boiler in the form
- 35 prescribed.
- Notification by owner.
cf. S.A. No. 1064, 1911, s. 6.
Record of particulars.

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- (2) Every boiler—
- (a) in respect of which no return has been filed pursuant to this Act ; or
 - 5 (b) in respect of which the particulars contained in the return filed pursuant to this section are incorrect or insufficient ; or
 - 10 (c) on which the registered number is not, or in the case of a boiler completed after the commencement of this Act, the registered number and the maker's name are not marked, as by this Act required,
- shall be deemed to be an unregistered boiler.

- (3) Any owner of an unregistered boiler who works with or uses, or causes, permits, or suffers any
- 15 person to work with or use such boiler shall be guilty of an offence against this Act.

15. Every person becoming the owner of a new boiler after the expiration of six months from the commencement of this Act shall, before using or allow-

20 ing the boiler to be used, cause to be affixed to the said boiler in a conspicuous position a metal plate in the prescribed form upon which shall be cast or stamped legibly—

Metal plate to be affixed to new boiler. cf. Q. No. 24, 1915, s. 28.

- 25 (a) the manufacturer's name and address ;
- (b) the shop serial number of the boiler ;
- (c) the date of construction ; and
- (d) the date and pressure of the hydraulic test applied by the manufacturer to the boiler.

16. Every manufacturer of a boiler shall, before

30 commencing the fabrication of a boiler or before disposing of a boiler constructed and not used before the commencement of this Act, furnish to the chief inspector—

Manufacturer's report and drawing.

- 35 (a) a manufacturer's data report in the form and manner prescribed ;
- (b) a drawing of the boiler or a tracing or print thereof, which shall have denoted thereon the manufacturer's shop serial number, all main dimensions, thickness of plates or metal,
- 40 particulars and size of stays, diameter and disposition

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disposition of tubes, particulars of tubes and riveting, and such other particulars of design or construction as are prescribed.

17. (1) Every boiler constructed, manufactured, or repaired after six months from the commencement of this Act shall be constructed, manufactured, or repaired, as the case may be, in accordance with the requirements prescribed, and provided with such fittings and mountings as may be prescribed and of a nature and quality suitable for the purposes and working pressure of such boiler.

Construction
and repair of
boilers.

(2) If upon inspection of a boiler in course of construction or manufacture or repair it appears to the inspector that—

- (a) the regulations are not being complied with; or
- (b) the materials employed or fittings or mountings or workmanship are not of a nature and quality suitable for the purposes and working pressure of the boiler, he may in the form prescribed serve upon the owner such directions in writing as he thinks necessary in order to ensure compliance with the regulations.

(3) Any person who refuses or fails to comply with any of the provisions of this section, or with any direction served in pursuance of this section, shall be liable to a penalty not exceeding fifty pounds.

18. (1) Before effecting any repairs to or altering the main structure of a boiler, or adding to or taking away from such boiler any fittings, mountings, appurtenances or accessories or other parts, or altering the construction thereof, the owner shall forthwith give notice in writing to the chief inspector specifying the proposed repairs or alterations.

Notice of
intention to
repair.
cf. W.A. No.
11, 1922,
s. 34.

(2) Any person having effected repairs to any boiler shall furnish a report in writing to the chief inspector, giving full particulars of the nature of the work done, and such other particulars as he may require.

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19. (1) Subject to this section, the owner of a boiler shall not—

- 5 (a) use such boiler if it was not in use before the commencement of this Act, unless a certificate of inspection under this Act has been duly granted in respect thereof; or
- (b) continue to use such boiler, or permit the same to be used, after it has been inspected, unless a certificate of inspection or permit has been
- 10 (c) continue to use such boiler, or permit the same to be used, after the expiration of the period for which any certificate of inspection or permit has been granted; or
- 15 (d) work such boiler, or permit the same to be worked, at a pressure higher than that allowed by such certificate of inspection or permit, or otherwise than in conformity with any condition or restriction contained in such certificate
- 20 or permit.

(2) Where a boiler in respect of which no certificate of inspection has been previously granted, and of which a return in writing has been filed as prescribed by this Act, the chief inspector shall, upon receipt of such

25 return, issue to the owner a permit which will empower the owner to continue to use the boiler for the purposes and in the manner it was theretofore used or worked, subject to any restriction or condition which the chief inspector deems it necessary to make for the safety of

30 the public or any person until the said boiler shall be inspected and certified in pursuance of this Act.

(3) The owner of any boiler in respect of which an inspection report under the provisions of the regulations of the tenth day of March, one thousand

35 nine hundred and sixteen, made under the Factories and Shops Act, 1912, has been made within twelve months prior to the commencement of this Act shall be deemed to have received a permit under this section.

The Chief Inspector, notwithstanding anything contained in any such report, may for the safety of the

40 public or any person, impose by order in writing such restriction

Boiler to be used in conformity with certificate.
cf. Vic. No. 3645, 1928, s. 28.

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restriction or condition as he thinks necessary as to the use or working of any such boiler until the same is inspected and certified in pursuance of this Act.

(4) The owner of any boiler who holds in respect thereof a certificate issued in pursuance of section twenty-nine of this Act, and who, before the expiry of the period of such certificate, gives twenty-one days' notice of his intention to continue to use the boiler after the expiry of the said period, may (unless after examining the boiler the inspector by an order in writing directs that its use be entirely discontinued) continue to use the boiler, or to permit the use thereof until a renewed certificate has been granted or refused, but shall not use the boiler or permit the use thereof at any pressure higher—

(i) than that allowed by the expired certificate;
or

(ii) than that allowed by a provisional permit given by the inspector.

Any such provisional permit may at any time be cancelled by an inspector by notice posted in a registered letter addressed to the owner of the boiler, and such provisional permit shall forthwith, on demand, be returned to the inspector.

(5) Any person guilty of a contravention of any provision of this section shall be guilty of an offence and shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding two pounds for each day or part thereof during which the offence continues.

20. Any person who—

(a) by any means whatsoever knowingly or wilfully does anything to increase, or which tends to increase, the pressure in a boiler beyond that stated in the certificate of inspection, or in a permit granted by an inspector, or in a notice served pursuant to section twenty-eight of this Act; or

(b) aids or abets or assists in aiding or abetting in increasing the pressure as aforesaid, or procures such pressure to be increased; or

Penalty for increasing pressure in boiler.

cf. W.A. No. 11, 1922, s. 35; Vic. No. 3645, 1928, s. 30.

(c)

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- (c) is in charge of a boiler in respect of which the pressure in the boiler has been increased as aforesaid; or
- 5 (d) tampers or interferes with or alters any fitting, mounting, or valve so as to prejudicially affect the safe working of a boiler,

shall be liable on summary conviction to a penalty of not more than one hundred pounds, or to imprisonment for a term not exceeding six months.

10 DIVISION 2.—*Inspection of boilers.*

21. (1) An inspector may make an inspection of a boiler at any time in the day.

If an internal inspection of a boiler is to be made, the inspector shall give the owner at least fourteen days' notice in writing of the date on which such inspection will be made.

Notice of intention to inspect boilers.

cf. S. A. No. 1064, 1911, s. 26; Vic. No. 3645, 1928, s. 24.

(2) (a) If excessive inconvenience will be caused to an owner by, or undue interference with the work carried on by him would result from the making of an internal inspection of a boiler upon the date so notified, he may apply to the chief inspector to postpone such inspection for a period not exceeding twenty-eight days, and in such application specify more convenient dates for the making of the inspection.

25 (b) If it is reasonably practicable to secure the attendance of an inspector to make such inspection upon one of the dates specified by the owner, the chief inspector shall by notice in writing to the owner substitute that date for the date mentioned in the notice; otherwise the notice given by the inspector in 30 the first instance shall remain in full force.

(3) It will not be necessary for an inspector to proceed with the internal inspection of a boiler if within seven days of receipt by the owner of the notice of intention to make an internal inspection the owner 35 notifies the inspector that such boiler will not be used or worked for a period of twelve months from the date notified as the date of internal inspection.

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A notice given by the owner pursuant to this section shall be in the form of a statutory declaration made and taken under the provisions of the Oaths Act, 1900.

Any owner of a boiler who after making such a
5 statutory declaration uses, permits, suffers, or causes to be used such boiler unless he has had granted to him a certificate or permit to use the boiler as in this Act provided, shall be guilty of an offence against this Act.

(4) During the inspection of a boiler the owner
10 shall attend upon the inspector or depute the usual attendant of the boiler or other person to so attend the inspector.

The owner, after the opening up of a boiler or the opening up or removal of any part thereof, shall, before
15 pressure is commenced to be raised therein, cause the boiler and every part thereof to be left in a condition safe for use.

22. For the purposes of inspection of a boiler the owner shall—

- 20 (a) if required by the inspector, cause it to be emptied, cooled to a temperature safe and convenient to the inspector, cleaned, and dried, and all manhole doors, mudhole doors and caps to be taken off and tubes withdrawn, and
25 all furnace bars, and brick, stone, or other bridges to be taken out and the interior of the boiler to be freed from incrustation ;
- (b) render such assistance as the inspector may require, and cause all furnaces, flues, fire
30 tubes, smoke-boxes, uptakes, or other parts of such boiler to be swept clean, and also cause all safety valves or other valves, fittings, mountings, appurtenances or accessories to be opened up or taken to pieces as may be
35 required.
- (c) if required by the inspector cause the removal of any metal casing or lagging of the boiler or
any

Owner's
duties on
inspection.
cf. W.A. No.
11, 1922, s. 31;
S.A. No.
1064, 1915,
s. 27.

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any brickwork or masonry in contact with the boiler or metal casing or forming part of the boiler setting ;

- 5 (d) during the inspection keep the boiler effectively disconnected from any steam, water, oil, gas, or electrical connection from any source.

23. If any person enters a boiler for any purpose— Person entering boiler.

- (a) while the temperature within the boiler exceeds one hundred and forty degrees Fahrenheit ; or
10 (b) unless such boiler is previously isolated from all steam, water, oil, gas, or electrical connections and kept so isolated during the whole time such person is within the boiler,

the person so entering shall be guilty of an offence
15 against this Act, and if any person so enters at the instigation of or with the knowledge of the owner, the owner shall also be guilty of an offence against this Act.

24. (1) Every boiler shall, as far as practicable, be
20 inspected at least once in every twelve months and on such other occasions as the inspector may deem necessary. When boilers to be inspected.

(2) There shall be paid to the inspector, after making an inspection of any boiler, or to such other
25 person as is prescribed, the prescribed fees.

(3) No inspector shall make any charge for inspection over and above the amount prescribed.

(4) Any inspector who accepts any fee or receives any sum of money over and above the pre-
30 scribed fee shall be liable to a penalty not exceeding one hundred pounds, and in addition, on conviction, shall forfeit his office and become ineligible for re-appointment in the Public Service.

25. (1) On the first inspection the inspector shall, Record of first inspection.
35 after making all such tests, examinations, and inquiries as may be necessary to ascertain the state and condition of a boiler, make a complete record in the form cf. W.A. No 11, 1922, s. 26 ; Q No. 24, 1915, s. 27. prescribed of such inspection, in which shall be included—

- 40 (a) the name and address of the owner ;
(b) the form of the boiler ;

(c)

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- (c) the type, age, materials, dimensions, and construction of the boiler ;
 (d) the name of the manufacturer (if known) ;
 5 (e) the safe working pressure which his inspection discloses that the boiler is calculated to sustain ;
 (f) the state and condition of the boiler and of all auxiliary apparatus, appurtenances and accessories used in connection therewith, and the
 10 fitness thereof for the particular purpose for which they are used or intended to be used ;
 (g) such other particulars as are prescribed.

(2) On each subsequent inspection the inspector, after making all such tests, examinations, and inquiries
 15 as aforesaid shall, if any alteration or repair has been made to such boiler, or any change has occurred thereto, duly record the same in the form and manner prescribed.

If no material change has occurred in the state and condition of the boiler the inspector shall also record
 20 the fact in the prescribed manner.

(3) The records shall in general be kept at the office of the chief inspector.

Any copies of or part of the records may be kept in such other place as the chief inspector in a particular
 25 case directs.

(4) The entries in any record relating to a boiler shall, without charge, be open to inspection by the owner of the boiler or any person duly authorised in writing by the owner in that behalf, and not by any
 30 other member of the public.

(5) Such owner or person authorised as aforesaid may obtain a copy of any entry relating to such boiler upon payment of the prescribed fee.

26. At the first inspection of every boiler the inspector shall legibly stamp the registered number on
 35 the boiler in the manner prescribed.

The registered number shall be kept clean and distinct by the person actually in charge of the boiler.

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

27.

Official number to be affixed.

cf. W.A. No. 11, 1922, s. 43.

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- 27.** (1) An inspector may test a boiler, fitting or mounting, appurtenance or accessory, by such method and in such manner as may be prescribed and/or as the chief inspector may direct. In respect of any such test the owner shall afford the inspector such assistance and provide such facilities as the inspector may require, the costs wherefor shall be borne by the owner, manufacturer, or responsible representative of the manufacturer.
- (2) In any case where by reason of peculiar or novel construction the safe working pressure to be sustained by a boiler or any part thereof cannot be determined by calculation in the ordinary way, the chief inspector may direct the owner, the manufacturer, or the responsible representative of the manufacturer to apply such hydraulic or other test as the chief inspector may deem necessary to one or more of such boilers or parts thereof for the purpose of determining a safe working pressure therefor.
- The costs of the test shall be borne by the person directed to apply it.
- (3) The chief inspector may require a test of any material to be used in the manufacture of a boiler. The test report shall be in the form prescribed and shall be duly signed by a prescribed testing authority.
- Such report shall be lodged with the chief inspector before the material is used in the fabrication of a boiler.
- (4) The inspector may drill or direct the owner to drill in or through any part of a boiler such holes as he may deem necessary to test the thickness of the plates or metal thereof.
- The owner shall thereafter cause such holes to be plugged to the satisfaction of the inspector.
- (5) The owner, when required by an inspector so to do, shall remove or cause to be removed any rivets in any seam or joint of a boiler for the purpose of determining the nature and efficiency of such seam or joint.

Tests.
cf. S.A. No.
1064, 1915,
s. 27.

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28. (1) If upon inspection it appears to the inspector that any boiler is unsafe, or that its continued use in its then state would be dangerous to life or property, he may serve upon the owner a notice in writing, in the form prescribed, requiring him—

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

- (a) to wholly desist from working or using the boiler; or
- (b) to desist from working or using the boiler until certain repairs, additions, or alterations to be 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 the notice, until the repairs, additions, or alterations specified in the 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 works or uses such boiler, in contravention of the notice, shall be liable to a penalty not exceeding one hundred pounds.

29. Where an inspector has inspected a boiler and is satisfied that it is in good repair and may be safely used for the purpose for which it is to be used, he shall report to the chief inspector accordingly, who shall, upon payment of the prescribed fee, grant and issue to the owner a certificate in the prescribed form.

Certificate of inspection of boiler. cf. Vic. No. 3645, 1928, s. 17.

Pending the issue of the certificate the inspector shall give the owner a permit to use the boiler for a period of twenty-eight days.

30. (1) Subject to this section the certificate of inspection granted to the owner shall remain in force for the period stated in the certificate.

Duration of certificate. cf. S.A. No. 1064, 1915, s. 33.

Such period shall not exceed twelve months.

(2) A certificate of inspection or permit shall cease to be in force if, after inspection, any material alteration or addition is made in or to the boiler without the approval of an inspector.

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A certificate of inspection or permit may at any time be cancelled or suspended by the chief inspector when he thinks the safety of the public (or any person) is endangered. After cancellation, or during the period of any suspension, the certificate or permit shall cease to be in force.

(3) Any person who works, or uses, or permits the working or use of a boiler in respect of which there is no certificate or permit in force shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding two pounds for each day or part thereof during which such offence continues.

31. (1) The certificate of inspection granted in respect of a boiler shall be exhibited by the owner in a frame with a clear glass front in some conspicuous place, to be determined by the inspector.

Certificate to be exhibited.
cf. Q. No 24,
1915, s. 29;
W.A. No. 11,
1922, s. 40.

In the case of the boiler of any locomotive or traction engine, or portable engine and boiler, the certificate of inspection of the boiler shall be in the possession of the person for the time being in charge of such boiler, and shall be produced upon demand to an inspector or any member of the police force.

(2) In any proceedings for the recovery of a penalty under this section, it shall be a sufficient defence if the defendant satisfies the magistrate—

- (a) that owing to the size of the boiler, the locality where it was working, or other sufficient cause, there was no conspicuous place in which the certificate could reasonably be exhibited;
- (b) that, at all reasonable times, he kept the certificate available for inspection by all persons working at or with the boiler, or by an inspector, or any member of the police force;
- (c) that the person in charge of the boiler was provided with a true copy of the certificate.

DIVISION 3.—Compressed gas cylinders.

32. (1) Where a compressed gas cylinder has, before the commencement of this Act, been submitted to testing and annealing.

to

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to an hydraulic test and has been annealed in a manner prescribed for the testing and annealing of such cylinder under the provisions of this Act, the owner shall, within six months after such commencement, furnish the
5 chief inspector in the form prescribed with proof of such testing and annealing.

The chief inspector may in his discretion require any such compressed gas cylinder to be submitted to an hydraulic test and to be annealed in the manner pre-
10 scribed before it is refilled or used again.

(2) A compressed gas cylinder which has not been used before the commencement of this Act shall not be used until it has been submitted to an hydraulic test and annealed in the manner prescribed.

15 The provisions of this subsection do not apply where the owner of a compressed gas cylinder which has not been used before the commencement of this Act has furnished to the chief inspector the manufacturer's certificate or a certified copy thereof certifying that
20 such compressed gas cylinder has successfully withstood an hydraulic test and has been annealed in a manner that the chief inspector deems equivalent to that prescribed.

(3) Every compressed gas cylinder shall be
25 again submitted by the owner to hydraulic test in manner prescribed within two years from the date of its last test, and annealed in manner prescribed within four years from the date of its last annealing.

(4) After the expiration of six months from the
30 commencement of this Act compressed gas cylinders shall be tested, annealed, and filled only upon premises which have been registered in the form and manner prescribed upon payment of the prescribed fee.

33. Every compressed gas cylinder shall —

- 35** (a) be constructed, manufactured, filled, transported, used, emptied, and refilled in such manner as is prescribed ; and
- (b) be provided with such fittings or attachments as are prescribed ; and
- 40** (c) bear such permanent number, brand, or device as is prescribed ; and

Provisions as
to com-
pressed gas
cylinders.

(d)

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- (d) bear a prominent notice indicating in clear type and in the form prescribed the nature of the gas which the cylinder is to contain or does contain, and such other particulars as are prescribed.

34. (1) Every owner of compressed gas cylinders shall, within six months of the date of the commencement of this Act, and thereafter at least once in every twelve months, forward to the chief inspector the prescribed return of all cylinders owned by him, the nature of the gas contents for which each such cylinder is used, its distinguishing marks, the date of its last hydraulic test, the date of its last annealing, and all such other particulars as are prescribed. Returns.

15 The return shall specify which of the cylinders are new, which have been previously used, and which are newly acquired, and state which have been discarded or condemned since the commencement of this Act or any return previously made.

20 (2) Every such return, as the case may be, shall be verified by a statutory declaration in the form prescribed.

35. (1) An inspector may at any time examine and inspect any compressed gas cylinder wherever the same may be, and may apply such tests thereto as may be prescribed other than an hydraulic test, and may also, if for any cause he shall deem it expedient so to do, require the same to be submitted for hydraulic test, notwithstanding that the said cylinder has been so tested within the preceding two years. Powers of
inspector as
to compressed
gas cylinders.

35 (2) In the examination, inspecting, or testing of compressed gas cylinders on any place upon which they may then be awaiting charging or refilling, the inspector shall not require such hydraulic test to be applied to a greater proportion of such cylinders than one in every fifty or part thereof unless in the case of any particular cylinder he has reasonable grounds for believing the same to be defective.

(3)

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(3) Where as the result of inspection and examination of a compressed gas cylinder it appears to an inspector that the continued use of the cylinder is likely to be dangerous, he may by notice in writing to the owner, condemn such cylinder and direct that it be so mutilated or deformed in a manner prescribed as to preclude it again being used as a compressed gas cylinder.

PART IV.

10 DUTIES AND LIABILITIES OF OWNERS.

36. (1) Any owner of a boiler who sells, absolutely disposes of, lets on hire, or lends a boiler, shall forthwith give notice in writing to the chief inspector.

Notice of
sale, &c., of
boiler.
cf. W.A. No.
11, 1922,
s. 45.

The notice shall specify the registered number of the boiler, and the name, occupation, and abode of the person to whom it is sold, disposed of, let, or lent.

On the return of a boiler to the owner, notice of such return shall forthwith be given to the chief inspector by the person to whom such boiler was hired or lent.

(2) Any owner of a boiler which has been removed from the place where it was last inspected shall, within seven days after such removal, give full particulars of such removal by notice to the chief inspector in the manner prescribed.

25 This subsection does not extend to a locomotive or traction engine, or other portable or movable engine.

(3) The owner of a portable or movable engine or boiler which is travelled shall have the name and place of residence of the owner legibly affixed or painted thereon in the prescribed manner.

37. (1) No person shall be liable under the provisions of this Act as an owner of a boiler or engine unless such boiler or engine is—

When owners
and mort-
gagees not
liable.

(a) in the actual possession of such person ; or
35 (b) under his direct or immediate power or control ; or

cf. W.A. No.
11, 1922,
s. 49 ;
Q. No 24,
1915, s. 38.

(c) in course of construction or manufacture by such person ; or
(d)

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(d) worked or used by such owner personally or by his agents, servants, or others under his orders or directions, or on his behalf.

(2) No mortgagee of a boiler or engine shall be liable under this Act unless he is in actual possession thereof, or has the same under his immediate power or control.

38. Nothing in this Act, or in any certificate or permit granted under its provisions, shall relieve any owner of any boiler or engine 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 engines or of any other person in respect thereof, shall remain unaffected by this Act.

Responsi-
bility of
owner to civil
or criminal
proceedings.
W.A. No. 11,
1922, s. 72.

39. Notwithstanding anything to the contrary contained in this Act the Minister may, upon recommendation of the chief inspector, allow to any person such time after the commencement of this Act as the Minister may consider to be necessary to enable such person to comply with the requirements of this Act.

Time to
comply may
be allowed.

PART V.

ACCIDENTS.

40. (1) On the occurrence of an explosion of any boiler or of any accident to or arising from any boiler or engine (including any boiler or engine referred to in paragraph (b) of section two of this Act) causing damage or bodily injury, notice thereof in the prescribed form and manner shall forthwith be sent by the owner or some person acting in his behalf to the chief inspector who may make, or cause any inspector to make all necessary inquiries, examinations, and inspections.

Notice of
explosion
or accident
to be given.
Ibid. s. 50,
Q. No. 24,
1915, s. 41.

The chief inspector shall, in case of a fatal accident, forward a report thereon to the Minister, together with such observations and recommendations as he thinks necessary.

(2)

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(2) Any such owner or person who fails to comply with the requirements of this section, or refrains or refuses to afford the chief inspector or any inspector access to the boiler or engine for the purposes of such inquiries, examinations, or inspections aforesaid, shall be liable on summary conviction to a penalty not exceeding fifty pounds.

10 **41.** (1) Where any explosion or accident has occurred, no person shall move, or in any way interfere with the boiler or engine or any part thereof, or any other object or thing affected or damaged by the explosion or accident, except so far as may reasonably
15 be considered necessary or expedient for the prevention of further damage or injury to person or property, or for disconnecting the boiler or engine from any other boiler or engine connected thereto, unless he has obtained the permission of the chief inspector, or until
20 an inspector has completed his inquiry, and has notified the owner accordingly.

Nothing to be moved after explosion or accident without permission.
cf. S.A. No. 1064, 1911, s. 37.

(2) Any person who contravenes the provisions of subsection one of this section, or who otherwise does anything to destroy or conceal any act, matter, object,
25 or thing which may have any bearing upon the cause of the explosion or accident, except as mentioned in subsection one of this section, shall be liable on summary conviction to a penalty not exceeding fifty pounds.

42. (1) In the event of bodily injury being sustained
30 by any person as the result of an accident to a boiler or engine, or arising out of the use of the boiler or engine, where the accident does not result in loss of life in respect of which an inquisition is held by a coroner, the Minister may, upon report by the chief inspector,
35 direct an inquiry to be held in the manner prescribed into the cause of the accident.

Minister may direct inquiry as to cause of accident.
cf. Vic. No. 3645, 1928, ss. 36-39 ; Q. No. 24, 1915, s. 42.

Such inquiry shall be held by such person and at such place as the Minister may appoint.

(2) The person so appointed may—
40 (a) hold the inquiry in public and in such manner and under such conditions as he thinks most effectual to ascertain the cause and circumstances of such accident ;

(b)

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- 5 (b) take evidence upon oath or affirmation (which oath or affirmation he is hereby empowered to administer), and by summons under his hand require such persons as he thinks fit to appear personally before him at a time and place specified in the summons to testify and/or to produce to him any papers, documents, articles or things for the purpose of the inquiry;
- 10 (c) allow such fees and expenses to persons summoned to attend the inquiry as would be allowed to witnesses in a court of petty sessions;
- 15 (d) for the purpose of such inquiry enter and inspect any place and likewise inspect any boiler or engine or any part thereof or connection thereto or any article or thing associated therewith in such place;
- 20 (e) make such order as he thinks fit respecting the payment of the costs and expenses of the inquiry. Such order verified in the prescribed manner shall, on the application of the person in whose favour it is made, be enforceable in any court of petty sessions under the Small Debts Recovery Act, 1912, in the same manner as if it were an order of the court of petty
- 25 sessions for the payment of the said sum.
- 30 (3) The Minister may grant to the person appointed to make inquiry pursuant to this section a fee of not less than five guineas a day for every day during which such person is engaged upon the inquiry, together with such sum as is equivalent to travelling expenses actually and bona fide incurred by such person in the conduct of the inquiry.
- (4) The person appointed to hold the inquiry shall, upon completion thereof, forthwith transmit to the Minister all papers and documents concerning the inquiry, and shall at the same time report to the Minister the cause of the accident as far as it was ascertainable and the circumstances attending it, adding such observations as he thinks fit.

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(5) Any costs and expenses ordered by the person holding the inquiry to be paid by the Minister, and any remuneration paid to persons holding inquiries under this section shall be paid out of moneys provided by Parliament for the purposes of this Act.

(6) Legal or other representation at any such inquiry shall be allowed.

PART VI.

ENGINE-DRIVERS' BOARD, &C.

10 **43.** (1) There shall be a board styled the Engine-drivers' Board. Engine
drivers'
Board.
cf. S.A. No.
1618, 1924,
s. 8;
Q. No 24,
1915, s. 43;
W.A. No. 11,
1922, s. 54.

The board shall consist of three members, one of whom shall be the person for the time being acting as the chief inspector who shall also be chairman of the board.

(2) Two other members shall be appointed by the Governor as soon as practicable after the commencement of this Act, who shall be persons, in the opinion of the Minister, qualified and competent to perform the duties of the office, and to represent the interests of employers and employees respectively.

The two members so appointed shall hold office for a period not exceeding twelve months.

At the expiration of such period the Governor shall appoint two persons to be members who shall hold office for such period as is prescribed, one such person shall hold a winding engine-driver's or a first-class engine-driver's certificate under this Act.

(3) The chairman and one other member of the board shall form a quorum.

(4) The board shall be convened by the chairman and shall meet at such times and conduct their business in such manner as is prescribed, and until regulations prescribe the manner, as the board decides.

(5)

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(5) The members of the board shall be paid such salaries or fees as are prescribed.

44. The board may grant certificates of competency and of service of the following classes :—

- | | | |
|----|--|--|
| 5 | (a) Winding engine-driver's certificate. | Certificates of competency and of service.
cf. W.A. No. 11, 1922, s. 54 ;
S.A. No. 1618, 1924, s. 9 ;
Q. No. 24, 1915, s. 44. |
| | (b) First-class engine-driver's certificate. | |
| | (c) Second-class engine-driver's certificate. | |
| | (d) Third-class engine-driver's certificate. | |
| 10 | (e) Locomotive and traction engine-driver's certificate. | |
| | (f) Crane and hoist driver's certificate. | |
| | (g) Internal combustion engine-driver's certificate. | |
| | (h) Electric motor-driver's certificate. | |
| | (i) Hydro-electric operator's certificate. | |
| 15 | (j) Boiler attendant's certificate. | |

45. (1) Subject to this Act a certificate of competency shall be granted only after an examination by the board in the prescribed subjects.

Examinations for certificates of competency shall be under the supervision of an inspector authorised by the board, and shall be held at such places and at such times as may be prescribed.

(2) The board may refuse a certificate on any grounds it deems advisable.

25 (3) Before the board grants to any applicant a certificate under this Act, the applicant shall satisfy the board—

- | | | |
|----|--|----------------------------------|
| 30 | (a) as to his sobriety, experience, ability, and general good conduct ; | Grant and issue of certificates. |
| | (b) that he is not subject to deafness, defective sight, epilepsy, or other physical infirmity which would render him unfit to be trusted to perform efficiently his duty as the holder of the certificate applied for ; | |
| 35 | (c) that he is a British subject ; and | |
| | (d) that his knowledge of the English language is sufficient to enable him to perform the duties required of the holder of the certificate applied for. | |

(4)

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(4) Upon the board being so satisfied and upon payment by the applicant of the prescribed fee for the certificate, the board may issue to him a certificate of the appropriate class and in the prescribed form.

5 **46.** (1) On payment of the prescribed fee the board may, without examination and at any time within two years after the commencement of this Act, grant a certificate of service of such class as the board thinks fit to any person who makes application therefor and
10 who furnishes the board with documentary evidence satisfactory to the board that he has had such experience as an engine-driver or boiler attendant as may be prescribed.

Service
certificates,
cf. W. A. No.
11, 1904,
s. 60;
S. A. No.
1064, 1911,
s. 49.

(2) Every certificate of service shall entitle the
15 holder to perform the same duties as a certificate of competency of the same class entitles a holder to perform.

(3) On payment of the prescribed fee the board may, without examination, grant a certificate of competency of the appropriate class to any person who is
20 the holder of a certificate of competency granted after examination by any duly constituted and recognised authority which the board may approve within or without the State and which are prescribed as such.

The grant of any such certificate shall be made by
25 endorsement of the original certificate or by the granting of a certificate of the class which the board deems equivalent to the certificate held.

(4) On payment of the prescribed fee the board may, without examination, grant a hydro-electric
30 operator's certificate to any person who—

(a) is the holder of a winding engine-driver's certificate or a first-class engine-driver's certificate and has had not less than two years of such experience as the board may, at its discretion, consider adequate, during the ten years immediately preceding the commencement of this Act; and
35

(b) was at the commencement of this Act regularly fulfilling within this State the duties prescribed as those which a hydro-electric operator's certificate entitles the holder thereof to perform.
40

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(5) On payment of the prescribed fee the board may, without examination, grant a holder of a naval discharge certificate of engine-room rating a certificate of competency of such class as the board thinks appropriate.

(6) On payment of the prescribed fee and on production of 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 shall, subject to subsection three of section forty-five of this Act grant, without examination, the following certificates of competency :—

15 To the holder of a first-class or second-class marine engineer's certificate—a first-class engine-driver's certificate.

20 To the holder of any other marine engineer's or a marine engine-driver's certificate—such engine-driver's certificate as may be prescribed.

(7) Notwithstanding anything contained in this Act, any person who satisfies the board that he is a resident in New South Wales and is the holder of a certificate granted after examination by any duly constituted and recognised authority without the State, and makes application to the board for a corresponding certificate, and such application is under consideration, the chairman of the board or deputy may, on payment of the prescribed fees, issue to him an interim certificate which shall be returned to the board on a date to be specified in the certificate not later than the date of the next meeting of the board.

47. (1) No person shall, after the expiration of six months from the commencement of this Act, be employed or act in the capacity of engine-driver or attendant in charge of any engine or boiler unless he is the holder of a certificate of the class prescribed.

This subsection shall not extend to any person who is the holder of a certificate of service or an interim certificate under section forty-six of this Act or to any person

Engine-drivers and boiler attendants to hold certificates. of S.A. No. 1618, 1924, s. 1; Q. No. 24, 1915, s. 45; W.A. No. 11, 1922, s. 41.

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person employed as a boiler attendant at a range of boilers in charge of a person who is the holder of a certificate of the class prescribed.

- (2) If upon the report of an inspector that it is impracticable or dangerous for any certificated engine-driver to take sole charge of any steam-engine and its boiler at the same time, the chief inspector may serve the owner, or user, or person in charge, or apparently in charge, or exercising control or supervision over the engine and boiler, or over the driver thereof, with a notice in writing requiring him, on and after a date to be specified in such notice, to place the boiler in the charge of some person other than the certificated engine-driver in charge of the engine.
- 48.** The regulations may authorise the board to restrict or modify the terms of any certificate in particular cases and to cancel any such restrictions or modifications.
- Any such restriction or modification shall be made to appear on the face of the certificate.
- No application for a certificate of a higher class shall be entertained until such restriction or modification has been cancelled.
- 49.** The holder of any certificate who drives or takes charge of any engine or takes charge of or attends to any boiler to which his certificate does not extend, in addition to any other penalty to which he is liable, may have his certificate suspended or cancelled by the board.
- Any such person who has had his certificate suspended or cancelled, and any person who without holding a certificate of the prescribed class drives or takes charge of any engine or takes charge of or attends to any boiler, shall be guilty of an offence against this Act.
- 50.** (1) Any person who obtains or attempts to obtain any certificate by fraud or misrepresentation shall be liable to a penalty not exceeding twenty pounds.

Restriction or extension of certificates.

cf. W.A. No. 11, 1922,

s. 57 ;

S.A. No.

1618, 1924,

s. 15.

Misuse of certificate.

cf. S.A. No.

1618, 1924,

s. 24.

Improper obtaining of certificate.

cf. *Ibid.* s. 25 ;

W.A. No. 11,

1922, s. 66.

(2)

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(2) Every certificate improperly obtained may be cancelled by the board and the holder thereof shall, when called upon by the board, return such certificate to the board.

5 **51.** (1) If at any time it appears to the board that the holder of a certificate has been guilty of any offence, misconduct, or negligence, or has developed any symptom of any 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 10 forthwith return his certificate to the chairman and to appear before it or before such person as the Minister may appoint to show cause why his certificate should not be cancelled, suspended, or be made subject to 15 restrictions and/or modifications.

Disqualifica-
tion of
holder of
certificate.
cf. S.A. No.
1618, 1924,
s. 22 ;
W.A. No. 11,
1922 s. 64 ;
Q. No. 24,
1915, Sch. II.

(2) The board or person so appointed by the Minister shall inquire into the matter.

If the inquiry is not made by the board, the evidence shall be taken in writing, and shall be forwarded to the 20 board for consideration.

(3) At any such inquiry evidence shall be taken upon oath or affirmation, and for the purposes of holding such inquiry the chairman of the board, or other such person so appointed by the Minister, is empowered 25 to administer such oath and shall have the powers of a court of petty sessions.

(4) If the holder of the certificate does not appear, or if the board or person appointed by the Minister to hold the inquiry find that he has been 30 guilty of an offence, misconduct, or negligence, or that he is suffering from any such complaint as aforesaid, the board may—

(a) cancel or suspend his certificate (notice of which shall be published in the Gazette) for such period as the board thinks fit ; or 35

(b) restrict or modify the scope of his certificate.

The order of the board shall be final and conclusive.

(5) A person whose certificate has been suspended or cancelled shall be, during the period of 40 suspension or after the cancellation as the case may be, deemed to be a person who does not hold a certificate.

(6)

Boiler Inspection and Engine-drivers.

(6) Any person who fails to forthwith return his certificate to the chairman of the board when called upon so to do pursuant to the provisions of this section shall be liable to a penalty not exceeding twenty pounds.

5 **52.** The board may, if satisfied by statutory declaration that any certificate has been lost, defaced, or destroyed, upon the application of the person entitled thereto and payment of the prescribed fee, issue a fresh certificate to such person. Duplicate certificate in case of loss, &c. cf. S.A. No. 1618, 1924, s. 21.

10 Such certificate shall be endorsed, setting out the reasons for the issue thereof, and shall be as effective as if it were the original certificate.

53. A register shall be kept of all certificates issued, in which the prescribed particulars shall be recorded. Register of certificates. cf. *Ibid.* s. 23.

15 **54.** The owner of every locomotive engine during such time such locomotive engine is in motion on a railway line of a gauge of three feet six inches or more shall have, for the purposes of safety to persons, on the footplate a fireman of not less than eighteen years of

20 age, in addition to the engine-driver in charge, at any place where such railway line crosses a public highway or road used for pedestrian or vehicular traffic on the level of the highway or road, and whether or not such highway or road runs exclusively through private

25 property.

55. Where it appears to an inspector that the holder of a certificate under this Act is physically or mentally unfit to give proper and efficient effect to the duties which such certificate authorises him to under- Unfitness to perform duties. cf. *Ibid.* s. 22.

30 take, he may give the holder of the certificate written notice in duplicate and in form prescribed to forthwith cease driving or being in charge of the engine or boiler as the case may be, and the holder of the certificate shall comply with the notice.

35 The inspector may at the same time require such holder of a certificate to return to him, before a date to be stated in such notice, a certificate in the form prescribed over the hand of a legally qualified medical practitioner as to the state of health of such holder.

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PART VII.

MISCELLANEOUS.

56. (1) The Governor may at any time by proclamation published in the Gazette exempt from the operation of this Act for such time as he thinks fit—

Power to exempt.
cf. Vic. No. 3645, 1928, s. 4.

- (a) any particular boiler or engine or any particular class of boilers or engines or any boilers or engines which are used exclusively in any particular trade or business, or used in any specified part of the State;
- (b) persons employed or acting as engine-drivers in charge of engines or attendants in charge of boilers or engines in any specified part of the State.

(2) The Governor may in like manner annul, vary, extend, or withdraw any exemption so made.

57. (1) Every person guilty of any breach or contravention of this Act shall be punishable therefor, and it shall be no defence to prove that the person proceeded against was the agent or employee of the owner or occupier or was acting in pursuance of any order or direction given by the owner or occupier.

Who may be proceeded against for offences.
cf. Q. No. 24, 1915, s. 49;
W.A. No. 11, 1922, s. 46.

(2) When an owner or occupier is charged with an offence against this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges to be the actual offender brought before the adjudicating court at the time appointed for hearing the charge.

Exemption of owner or occupier from fine on conviction of the actual offender.

If after the commission of the offence has been proved the owner or occupier proves to the satisfaction of the court that he used due diligence to enforce this Act, and that such other person committed the offence in question without his knowledge, consent, or connivance, such other person shall be convicted of the offence, and the owner or occupier shall be exempt from any penalty.

58.

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58. Where it appears to an inspector at the time of discovering any offence that the owner or occupier had used due diligence to enforce this Act, and also by what person the offence was committed, and that it was committed without the knowledge, consent, or connivance of the owner or occupier, and in contravention of his orders, then proceedings may be taken against the person who is alleged to be the actual offender in the first instance without first proceeding against the owner or occupier.

Proceedings
against actual
offender.
cf. W.A. No.
11, 1922,
s. 47;
Q. No. 24,
1915, s. 50.

59. (1) Any order, requisition, direction, or notice to be served or given under this Act (or the regulations), and any summons to be served in respect of any breach or contravention of the provisions of this Act (or the regulations), may be served upon any person—

Service of
orders,
notices, &c.
cf. *Ibid.* s. 75;
Ibid. s. 51.

- (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 prepaid letter addressed to such person at his usual or last known place of residence or business.

(2) Where by this Act an inspector is empowered or required to give to or serve an order, requisition, direction, or notice upon any person to do or refrain from doing any act or work relating to any boiler or engine, such person shall, if so required, upon such order or notice being given or served, sign a duplicate copy of the same in acknowledgment of his having received it.

60. (1) Every person who is guilty of an offence against or fails to comply with the provisions of this Act (or the regulations made thereunder), and every person who fails to comply with any order, requisition, direction, or notice made, served, or given by an inspector in exercise of his powers under this Act, shall on summary conviction be liable, if no other penalty is provided, to a penalty not exceeding twenty-five pounds.

Provisions as
to penalties.
cf. *Ibid.* s. 76;
Ibid. s. 52.

(2) No prosecution for any breach or contravention of this Act shall be instituted without the authority of the Minister.

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(3) The court, in addition to or instead of imposing a penalty, may by order direct certain means to be adopted by the owner of a boiler, within a time to be named in the order, to bring such boiler into conformity with this Act, and may upon application by the owner extend the time so named.

If after the expiration of the time originally named or extended as aforesaid the order is not complied with, the owner shall be liable to a penalty not exceeding two pounds for every day during which non-compliance continues.

61. No owner of a boiler or engine shall contract with any person against any liability under this Act.

No contracting out o Act.
cf. Q. No. 24,
1915, s. 53.

62. Every owner of a boiler or engine shall cause to be affixed and maintained in such position or positions as an inspector may direct, the prescribed abstract of this Act, and in default of so doing shall be liable on summary conviction to a penalty not exceeding five pounds.

Abstract of Act, &c., to be posted up.
cf. *Ibid.* s. 54.

63. Every person who—

- (a) makes in any prescribed book, register, notice, application for a certificate, certificate, list, record, or document, an entry which in any material particular is to his knowledge false; or
- (b) makes use of any entry or report which in any material particular is to his knowledge false,
- shall be liable on summary conviction to a penalty not exceeding ten pounds or to imprisonment for a period not exceeding three months.

False entries.
cf. *Ibid.* s. 66.

64. The following provisions shall apply in legal proceedings under this Act :—

Legal proceedings.
cf. *Ibid.* s. 56.

- (a) The burden of proof that the provisions of this Act with regard to the registration of boilers, and with regard to obtaining and exhibiting the certificate of inspection have been complied with as to any particular boiler, shall be on the defendant.

- (b) Where by this Act any owner is required to give or serve any notice, the burden of proof that the provisions of this Act have been complied with shall be on such owner.
- (c)

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- (c) It shall be sufficient to state the name of the ostensible owner or occupier, or the title of the firm or company or corporation by which the owner or occupier is usually known; and the burden of proof that the person, firm, company, or corporation so named is not the owner or occupier shall be on the defendant.
- (d) Where an employee is in the opinion of the court apparently of the age alleged by the informant it will be on the defendant to prove that such employee is not of that age.
- 65.** The chief inspector shall furnish annually to the Minister a report upon the operation of this Act, and shall furnish at any other time as and when required by the Minister a report on any particular matter. Annual report.
- 66.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which are required or authorised to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and without limiting the generality of the foregoing power, in particular may— Regulations. cf. Q. No. 24, 1915, s. 57
- (a) prescribe the qualifications required of inspectors or that, before appointment, they shall show by examination satisfactory evidence of their competency, and the subjects, time, and place of examination;
- (b) prescribe the powers and duties of inspectors and other officers, and specifically provide that such inspectors and officers in the exercise and discharge of their powers and duties shall not unreasonably or unduly interfere with the work or processes being carried on in any place;
- (c) prescribe the conditions to be observed as to the registration, inspection, design, material construction, material testing, rating, testing, maintenance and operation of boilers;
- (d)

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- 5 (d) prescribing the form and manner of giving, furnishing, granting, or keeping orders, directions, notices, applications, plans, records, certificates, registers, exemptions, and other documents in pursuance of this Act ;
- (e) restrict or regulate the entry in or upon any place by any person ;
- (f) prescribe—
- 10 (i) the mode in which the pressure boilers are calculated to sustain is to be ascertained ;
- (ii) the method of reckoning the horsepower of boilers and engines ;
- 15 (iii) the material, size, quality, number, and sufficiency of appurtenances, accessories, fittings, and connections proper for boilers ;
- (iv) rules and procedure to be observed in testing boilers used or to be used within the State ;
- 20 (g) prescribe the qualifications required of and the standards for the examination of persons for certificates of competency under this Act, and the granting of certificates of competency to them, and the duties which a certificate of competency of each class qualifies the holder to perform ;
- 25 (h) regulate the number of boilers and/or engines which may be placed in charge of any one holder of a certificate, and the space within which such boilers and engines may be situate ;
- 30 (i) prescribe fees—
- 35 (i) to be paid by owners for the inspection of boilers, and for the granting of certificates and permits or exemptions with respect thereto ;
- (ii) to be paid for the examination and granting of certificates under Part VI of this Act ;
- 40 (iii) to be paid in any other case in which a fee is provided for ; (j)

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- 5 (j) prescribe the conditions upon which such certificates, after due investigation, may be suspended or revoked on the ground of misconduct, negligence, intemperance, unfitness, or any breaches of this Act ;
- (k) regulate the proceedings relating to inquiries into accidents, and the manner of defraying and the recovery of costs and expenses thereof ;
- 10 (l) prescribe abstracts of the provisions of this Act, to be affixed and maintained by owners of engines or boilers ;
- (m) prescribe the cases and manner in which an owner of a boiler may be required by an inspector to apply to a boiler a suitable safety device, appliance, or attachment ;
- 15 (n) prescribe the form and manner of applying for and granting registrations, renewals, transfers, revocations, alterations, and amendments thereof, and fixing the periods during which such registrations shall have effect ;
- 20 (o) regulate the conveyance, loading and unloading of compressed gas cylinders and prescribing the precautions to be taken with the same, either during actual transit or while at rest ;
- 25 (p) prescribe the registration of premises upon which compressed gas cylinders may be tested, annealed, and filled.
- (2) The regulations may adopt wholly or partially either specifically or by reference any of the
- 30 rules of—
- (a) the Australian standard rules recommended for the design, construction, inspection, and operation of boilers and unfired pressure vessels, and their appurtenances, known as the Standards Association of Australia Boiler Code ; and
- 35 (b) the Australian standard rules recommended for the maintenance, testing and filling of steel cylinders, other than acetylene containers, for the storage of compressed gases, and for the
- 40 maintenance, testing, and filling of containers for

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5 for the storage of compressed acetylene dissolved in acetone, together with Australian standard specifications for cylinders and containers for the storage of compressed gases, known as the Standards Association of Australia Code for compressed gas cylinders.

(3) A regulation may impose a penalty not exceeding twenty pounds for any breach thereof.

(4) The regulations shall—

- 10 (a) be published in the Gazette;
 (b) take effect from the date of publication, or from a later date to be specified in such regulations; and
 15 (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if Parliament is not then in session, within fourteen sitting days after the commencement of the next session.

20 If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

25

SCHEDULES.

FIRST SCHEDULE.

Sec. 4.

Number of Act.	Name of Act.	Extent of Repeal.
30 Act No. 38, 1912.	Scaffolding and Lifts Act, 1912.	Paragraph (f) of subsection two of section eight. Section 17. Regulations 25 and 46 of the Second Schedule. Form D of the Second Schedule.

SECOND

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SECOND SCHEDULE.

Sec. 13.

Registered : Date_____No._____
District_____

5 NOTICE OF OWNERSHIP OF BOILER, HOT WATER BOILER OR
UNFIRED PRESSURE VESSEL.

(Section Thirteen.)

NOTICE BY OWNER.

To the Chief Inspector,

10 Sir,

I
We_____ hereby give you notice that _____ the
(I am or we are)

Owner(s) of a _____
(boiler, hot water boiler or unfired pressure vessel)

15 Name and Address of Owner (*state if only lessee or mortgagee in
possession*) _____

Where boiler, hot water boiler or unfired pressure vessel is situated _____

20 Type of boiler, hot water boiler or unfired pressure vessel _____
Age of boiler, hot water boiler or unfired pressure vessel _____
Materials of boiler, hot water boiler or unfired pressure vessel _____
Dimensions and construction of boiler, hot water boiler or unfired
pressure vessel _____

25 _____

Area of heating surface _____ sq. feet.

Pressure at which safety valve blows off _____ lb. per sq. inch.

30 Purpose for which used or proposed to be used _____

Name and address of manufacturer _____

Date of last inspection or test (stating which or if both) _____

I
We_____ declare the above particulars to be
35 substantially true and correct in every respect.

(Signature of Owner) _____

Date _____