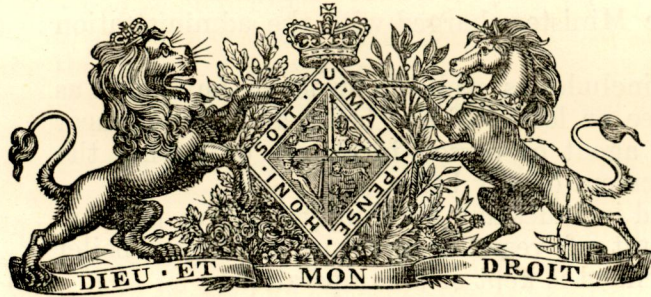


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 28 March, 1883.* }

STEPHEN W. JONES,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUADRAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. .

An Act for the Inspection and Regulation of Steam Boilers employed on Land and for other purposes in connection therewith.

WHEREAS it is expedient that Steam Boilers employed on Land Preamble.
within this Colony should be subject to official inspection and control—that the duties and liabilities of the Owners of such Boilers should in certain respects be defined—and that provision
5 should be made for the holding of inquiries into accidents caused by Boiler Explosions Be it therefore enacted by the Queen'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:—

10 1. This Act may be cited as the "Land Boilers' Inspection Short title of Act.
Act of 1883."

2. In this Act if not inconsistent with the context the word— Interpretation.
"Boiler" means any boiler or vessel by means of which steam
15 is generated or applied to any manufacturing or other process or for the working of any engine or machinery used on land or in on or about any mine subject to the provisions of the "Coal Mines Regulation Act 1876" or for the working of any engine or machinery used on any hulk punt raft vessel or structure of any description whether afloat or not employed
20 in any harbour river inlet or lake.

Land Boilers Inspection.

- “Building” means any manufactory mill shop shed or premises in which any boiler is erected or where the same is kept or is in operation.
- 5 “Court” means in and for the Metropolitan Police District any Stipendiary Magistrate and elsewhere any Police Magistrate.
- “District” means any district proclaimed under this Act.
- “Governor” means the Governor with the advice of the Executive Council.
- 10 “Inspector” means any person appointed to be an Inspector of Boilers under this Act acting within any district or districts for which he is appointed.
- “Magistrate” means a Stipendiary or Police Magistrate.
- “Minister” means the Minister charged with the administration of this Act.
- 15 “Owner” means and includes as well the owner of any boiler as also the mortgagee or lessee of any boiler and any engineer overseer foreman agent or person in charge or having the control or management of any boiler.
- 20 “Premises” means and includes any building yard farm paddock field road place punt raft vessel or structure in which a boiler as hereinbefore defined is kept or is in operation.

ESTABLISHMENT.

3. The Governor may by Proclamation in the *Gazette* divide the Colony into districts for the purposes of this Act with such names and boundaries as he may think proper He may in like manner alter the boundaries of districts.

Governor may divide Colony into districts.

4. The Governor may appoint so many Inspectors of Boilers and for such district or districts as he may think necessary for the purposes of this Act.

Governor may appoint Inspectors.

5. Every Inspector shall be furnished with a certificate under the hand of the Minister to the effect that he has been appointed an Inspector of Boilers for the district or districts named therein and on his entering upon any premises in pursuance of this Act he shall if required produce the said certificate to the owner of such premises.

Inspectors' certificates of appointment.

6. Every person who forges any such certificate or makes use of any forged or false certificate or who falsely pretends to be an Inspector under this Act shall be guilty of a misdemeanour and be liable to be imprisoned for any period not exceeding twelve months with or without hard labour.

Penalty for forging certificate &c. or pretending to be an Inspector.

7. Every Inspector shall keep minutes of his proceedings and shall at least twice in every year or oftener if so required report the same to the Minister with such particulars as the Minister may require.

Inspector to keep minutes and report to Minister.

INSPECTION OF BOILERS.

8. Every owner of a boiler within the operation of this Act shall within sixty days after the commencement of this Act and every person who may hereafter become the owner of any such boiler shall within one month after he shall have become such owner send to the Inspector of the district where such boiler is or in which it is intended to keep or work such boiler a notice stating the name of such owner and the place where such boiler is erected kept or intended to be worked And if any such owner fails to give such notice he shall be liable to a penalty not exceeding ten pounds.

Owners of boilers to send notice to Inspector.

9. An Inspector may enter upon any premises within his district wherein any boiler may be placed erected or used and such entry may be made at any time either by day or by night and whether such boiler

Powers and duties of Inspectors.

Land Boilers Inspection.

boiler is in operation or not and then and there may examine such boiler and its appliances to ascertain whether the provisions of this Act have been complied with.

10. If any person shall wilfully impede any Inspector in the execution of his duty under this Act or if any owner of any boiler refuses to give such information as the Inspector may require for the purposes of this Act he shall for any such offence be liable to a penalty not exceeding twenty pounds nor less than five pounds.

Penalty for obstructing Inspectors.

SPECIAL PROVISIONS AS TO BOILERS.

11. The Minister shall cause every Inspector to be provided with proper standards gauges and tables of corrections by which all pressure gauges can at any time be compared and tested and with all other necessary appliances and shall from time to time issue to every Inspector such instructions and directions as he shall think fit Provided that no such instructions or directions shall be inconsistent with this Act or any regulation made hereunder.

Minister to provide Inspectors with standards &c.

12. Every boiler subject to this Act shall be furnished with two safety-valves of sufficient size with proper pipes and other necessary appliances and fittings And one of such safety-valves shall be so arranged that it shall be out of the power of the person in charge of such boiler to fasten down the valve or to increase the weight on it so as to increase the pressure at which it will allow steam to escape And every such boiler shall likewise be fitted with proper steam and water gauges to the satisfaction of the Inspector.

All boilers to be supplied with safety valves.

13. On the first inspection of any boiler the Inspector shall make and keep a complete record of all particulars which may be necessary to ascertain its condition Such record shall contain particulars respecting the nature and construction of the boiler the name of the maker the pressure it is calculated to sustain the mode of working it and generally as to its condition and the condition and fitness of all appliances used in connection therewith.

Record of first inspection of boilers.
Contents of record.

14. On every subsequent inspection of any boiler the Inspector shall compare it with his standards and shall record any changes which may have occurred since the last preceding inspection and—

Procedure on subsequent inspection.

(I.) If any change alteration or repairs have been made in such boiler he shall duly record the same in such manner as may be prescribed by any regulations made hereunder.

(II.) If no change or no material change has occurred in the condition of such boiler he shall record that fact in manner aforesaid.

15. Each Inspector shall be supplied with a record book to be kept by him in such manner as may be prescribed by any regulations made hereunder Every such book shall be open to inspection at such convenient place in the district as may be appointed for that purpose by the Minister without fee but no person other than the owner of the boiler shall be entitled to receive from the Inspector an extract or copy of any entry affecting such boiler If an Inspector shall fail to keep such record book in the prescribed manner he shall be liable to be dismissed from his office and in addition thereto be liable to a penalty not exceeding one hundred pounds nor less than twenty pounds.

Inspector to keep record-books which shall be open to inspection.

16. All boilers shall be inspected at least once in every year or oftener as occasion shall require Such inspection to be made so as not unnecessarily to impede the working or use of any boiler unless the Inspector shall see fit to exercise the powers hereinafter conferred upon him.

When boilers to be inspected.

Land Boilers Inspection.

17. If an Inspector considers any boiler to be unsafe or dangerous to life or property he shall give to the owner of such boiler a notice in the form or to the effect set forth in the First Schedule hereto and by such notice may either require such owner—

- 5 (I.) To wholly desist from working or using the boiler from a period to be fixed in such notice until certain repairs or alterations to be stated in the notice shall have been effected or
- (II.) To partially desist from working or using such boiler from such a period as aforesaid except at a minimum pressure to be stated in such notice until such repairs or alterations shall have been effected
- 10

And if any person to or upon whom any such notice shall have been delivered or served as hereinafter provided shall for a period exceeding that which shall be set forth by the Inspector in such notice fail either wholly or partially to desist from working such boiler pursuant to such notice such person shall be liable to a penalty not exceeding one hundred pounds nor less than twenty pounds.

15

18. Whenever an owner shall have effected any repairs to any boiler or shall have added to or taken away from any boiler any fittings or appliances of any kind or in any manner altered the construction thereof he shall forthwith give notice thereof to the Inspector of the district And if such owner fails to comply with the provisions of this section he shall be liable to a penalty of not more than twenty pounds nor less than five pounds Provided that this section shall not extend to cases where repairs have been effected in accordance with a notice given by an Inspector under the powers hereinbefore contained.

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19. Any person who by any means knowingly does anything to increase or which tends to increase the pressure in any boiler beyond that stated in the certificate then in force granted by an Inspector and any person who aids or abets in so increasing such pressure or procures such pressure to be so increased shall be guilty of a misdemeanour The person in charge of any boiler at the time when such increased pressure shall be discovered or who finding the boiler under such increased pressure allows the same to continue under such increased pressure shall be deemed *prima facie* to have committed an offence within the meaning of this section.

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20. Not less than twice in every year each Inspector shall prepare and forward to the Minister a full and true return of all boilers inspected by him during the preceding half-year and such return shall contain all such particulars and be in a form to be prescribed by the regulations.

40

21. No person other than a properly competent person of the full age of sixteen years shall have charge of or be allowed to exercise any control over a boiler And every owner of a boiler who shall knowingly employ or permit any person other than as aforesaid to have charge or exercise any control over a boiler shall for every such offence be liable to a penalty not exceeding fifty pounds.

45

GENERAL PROVISIONS AS TO BOILERS.

Fees for Inspection.

22. There shall be paid to each Inspector or to such other person as may be authorized by the regulations on the inspection of any boiler or before grant of any certificate as hereinafter provided the respective fees prescribed in the Second Schedule hereto If an Inspector makes any charge for inspection over and above the amount so prescribed or accepts any fee or receives any sum of money not authorized by law he shall be liable forthwith to be dismissed from office and in addition to pay a penalty not exceeding fifty pounds.

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*Land Boilers Inspection.**Certificates of Inspection.*

23. When an Inspector has inspected a boiler and is satisfied that it is in good repair and may be safely used for its actual or intended purpose and that it is furnished with two separate and independent safety-valves and with all other appliances in accordance with the provisions of this Act he shall give to the owner thereof a certificate in the form or to the effect in the Third Schedule hereto.

Inspector to give certificate.

24. After receiving such certificate the owner shall cause to be affixed on a conspicuous part of such boiler fitting or seating to be approved by the Inspector a metal plate bearing in legible characters the words "*Certified under the 'Land Boilers Inspection Act 1883' pressure lbs.*" (stating the pressure mentioned in the certificate) If any person shall cause such plate to be affixed to a boiler without having obtained such certificate or if the owner of such boiler shall neglect to keep any such plate so affixed so long as any certificate granted in respect thereof shall remain in force or shall keep the same so affixed when any such certificate has ceased to be in force such person or owner shall respectively be liable to a penalty not exceeding fifty pounds.

Boiler to have metal plate affixed.

25. The owner shall cause such certificate to be exhibited in some conspicuous place to be determined by the Inspector where it can be seen by all persons working at or with such boiler And if such owner neglects so to exhibit such certificate he shall be liable to a penalty not exceeding twenty pounds.

Certificate to be exhibited.

26. Subject to the provisions of the next following section such certificate shall remain in force for any period the Inspector shall think fit not exceeding one year which period shall be stated on the certificate.

Duration of certificates.

27. No such certificate shall have any force or effect if any material alteration or addition has been made in or to the boiler mentioned in such certificate Provided that the Inspector shall have power to cancel or suspend any such certificate in any case where he may deem it necessary for the purpose of giving due effect to this Act.

Further provision as to certificates.

28. Any owner working or using any boiler in respect of which a certificate shall not have been granted or for which a certificate shall not be in force under this Act shall be liable to a penalty not exceeding one hundred pounds No proceeding shall be instituted for a breach of this section except by an Inspector or person authorized by the Minister.

Penalty for working without certificate.

Duties and Liabilities of Owners of Boilers.

29. Any person who shall sell or let on hire any boiler shall within fourteen days after the sale or contract of hiring has been made give a written notice to the Inspector stating the name occupation and abode of the person to whom the boiler has been sold or let on hire And if default shall be made in giving any such notice the person in default shall be liable to a penalty not exceeding ten pounds.

Where boiler is sold or let notice to be given.

30. The owner of any boiler in respect of which an offence has been committed under this Act and for which a pecuniary penalty may be imposed shall in every case (save as hereinafter provided) be deemed in the first instance to have committed the offence and shall be liable to pay the penalty but any owner who shall have been proceeded against by an Inspector shall be entitled upon complaint or information duly made by such owner to have any agent servant or workman brought before the Court at the time appointed for hearing the complaint made against such owner If after the commission of the offence has been proved the owner shall prove to the satisfaction of the Court that he used due diligence to enforce the execution of this Act and that the said agent servant or workman had committed the offence in question without such

Owner liable to penalty in the first instance.

Land Boilers Inspection.

such owner's knowledge consent or connivance such agent servant or workman shall be convicted and shall be liable to the penalty provided by this Act which together with costs may be enforced against such agent servant or workman.

5 31. No person shall be liable under this Act as an owner of a boiler unless such boiler shall be under his immediate power or control nor shall any mortgagee of any boiler be so liable unless he shall be in actual possession thereof or have the same under his immediate power or control For the purposes of this Act the words "immediate
10 power or control" shall be applicable in every case where any boiler is worked or used by the owner of such boiler personally or his agents servants or others under his orders or directions and for his benefit or profit But nothing herein contained shall exempt any body corporate
15 only that such boiler was or is under the control of any director secretary manager or other person employed by such body corporate.

Owners and mortgagees when not liable.

32. In any case where it shall appear to an Inspector on the fact of an offence under this Act being brought under his notice that the owner had used all due diligence to enforce the execution of this
20 Act and that the offence was committed without the knowledge or consent of the owner and in contravention of his orders the Inspector may proceed against the actual offender in the first instance.

Actual offender may be proceeded against in certain cases.

Inquiries as to Accidents.

33. Whenever any person shall be killed or injured by the explosion of a boiler the owner of such boiler shall within twenty-four
25 hours after such explosion give notice of the fact to the Inspector of the district Any owner who neglects to send such notice as aforesaid shall be liable to a penalty not exceeding twenty pounds and not less than ten pounds.

Notice of every accident to be sent to Inspector.

30 34. The Minister may in any such case as aforesaid or in any case of a boiler exploding direct an inquiry to be held before a Magistrate together with a person skilled in the use and construction of boilers to be appointed by the Minister And such Magistrate together with such person as aforesaid shall have power to hold the inquiry at
35 such time and place as the Minister may appoint and shall report the results thereof to the Minister With respect to the summoning and attendance of witnesses at such inquiry and the examination of witnesses upon oath or as may be otherwise allowed by law every Magistrate shall have all the powers which he might lawfully exercise
40 in any case within his ordinary jurisdiction.

Magistrate to hold inquiry and report thereon to the Minister.

Miscellaneous Provisions.

35. All rights of parties and all liabilities of owners of boilers or other persons in respect of any boiler shall remain unaffected by this Act and by any certificate granted under its provisions.

Saving of liabilities &c.

45 36. Whenever any notice summons or other process is required to be served upon any owner under this Act service on the manager foreman or agent of such owner shall be good service And every notice required or authorized under this Act may be either written or printed or partly written and partly printed.

How notices &c. may be served.

50 37. All penalties incurred under this Act or any regulation made thereunder may be recovered in a summary way before any Stipendiary or Police Magistrate and wherever any person wilfully contravenes any provision of this Act for which no other penalty is by this Act imposed he shall for every such offence incur a penalty not
55 exceeding ten pounds.

Penalties to be recovered in a summary way.

Land Boilers Inspection.

38. The Court imposing any penalty under this Act may direct that a part not exceeding one moiety thereof shall be applied to compensate any person for any bodily injury or other damage which he may have sustained by reason of the offence or default in respect of which such penalty is imposed. And subject thereto the appropriation of all such penalties shall be subject to the provisions of the fifteenth section of the Act sixteenth Victoria number one.

Magistrate may allow proportion of penalty to other person injured &c.

39. All moneys paid to Inspectors by way of salary and all the costs and charges of carrying this Act into execution shall be paid out of moneys appropriated for that purpose by Parliament. All fees received under this Act shall be paid to the Colonial Treasurer and form part of the Consolidated Fund.

Expenses of Act.

40. The Governor may make regulations—
 15 Prescribing the duties of Inspectors
 Prescribing the mode of construction attachment and adjustment of safety valves
 Prescribing the forms of notices to be given under this Act in any case where the same are not therein provided for
 20 Prescribing a form of record-book to be kept for the entry of particulars as to inspection of boilers and the mode in which the same shall be kept and at what places and times the same shall be open to inspection
 Prescribing the time and place in each district at which fees shall be paid to an Inspector or to some other officer or person other than an Inspector
 25

Governor may make regulations.

And generally for carrying this Act into execution
 All such regulations may provide for their enforcement under penalties not to exceed in any case the sum of twenty pounds and shall be published in the *Gazette* and upon such publication shall have the force of law
 30 Copies of every such regulation shall be laid before Parliament within fourteen days after the publication thereof if then in Session otherwise within fourteen days after the commencement of the then next ensuing Session.

41. Nothing contained in this Act shall apply to or affect any
 35 boilers the property of the Government used on or employed in the working of any Government railway tramway or other public work by persons in the employ of the Government nor shall this Act prejudice or in any way interfere with the statutory powers of inspection and regulation of steam-vessels and their machinery.

Act not to extend to boilers under control of Government.

Land Boilers Inspection.

SCHEDULES.

FIRST SCHEDULE.

Notice to Owner that Boiler is dangerous.

To [name of owner] of

5 I HEREBY give you notice that I have this day inspected a boiler attached to [here describe boiler] and that the same appears to me to be dangerous and to require repairs [or is in such a dangerous state that it is unsafe to life and property to use the same] You are therefore hereby required to cause repairs to be effected in such boiler in the following particulars [here specify repairs to be effected] And you are hereby further within [here state period fixed] from the time this notice is served on you and until such repairs shall be effected to wholly desist from using or suffering the said boiler to be used [or if it is to be partially used state particulars fully].

This notice is given under the "Land Boilers Inspection Act of 1883."

15 Dated this day of 18 .
A.B.
Inspector &c.

SECOND SCHEDULE.

Fees on inspection of Boilers.

		£	s.	d.
20	For every boiler working up to 5-horse power	0	10	0
	For every boiler working over 5-horse power and up to 10-horse power	1	0	0
	For every boiler working over 10-horse power	2	0	0
25	Provided that when more than one boiler is attached to any machinery the maximum fee to be charged is not to exceed	4	0	0

THIRD SCHEDULE.

Certificate of Inspection.

30 THIS is to certify that in accordance with the "Land Boilers Inspection Act of 1883" I have this day inspected the boiler mentioned at the foot hereof and that I consider that the same is in good repair and fit to be used for the purpose stated below.

Dated this day of 18 .
A.B.
Inspector &c.

Description of Boiler.

35 Description of boiler.
 Motive power [or pressure of boiler].
 Maker's name.
 Purpose for which used.

40 Owner's name [if a lessee or temporary owner it should be so stated].
 Other particulars [if any stating whatever may be necessary to identify the boiler].