

15 GEO. VI. No. 33, 1951. *Inspection of Machinery Act.*

An Act to Consolidate and Amend the Law relating to the Inspection of Machinery and the Securing of Safety in the Operation of Machinery; and for other purposes.

15 GEO. VI.
NO. 33.
THE
INSPECTION
OF
MACHINERY
ACT OF 1951.

[ASSENTED TO 25TH OCTOBER, 1951.]

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

PART I.—PRELIMINARY.

PART I.—
PRELIMINARY.

1. (1.) This Act may be cited as "*The Inspection of Machinery Act of 1951.*" Short Title.

(2.) Except as herein otherwise provided, this Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*. Commence-
ment.

2. This Act, including every regulation hereunder, shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment hereof or provision of any regulation hereunder would but for this section have been construed as being in excess of that power, it shall nevertheless be a valid enactment or provision to the extent to which it is not in excess of that power. Construction
of Act.

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

Parts of
Act.

PART I.—PRELIMINARY ;

PART II.—ADMINISTRATION ;

PART III.—MEASURES FOR SECURING SAFETY IN
THE OPERATION OF MACHINERY ;

PART IV.—INSPECTION OF MACHINERY ;

PART V.—DUTIES AND LIABILITIES OF OWNERS ;

PART VI.—INQUIRIES AS TO ACCIDENTS ;

PART VII.—CERTIFICATES OF COMPETENCY ;

PART VIII.—OFFENCES AND PROCEEDINGS ;

PART IX.—GENERAL ;

SCHEDULES.

Repeals and
savings.

4. * “*The Inspection of Machinery Acts, 1915 to 1946*” (herein referred to as “the repealed Acts”) are hereby repealed.

Provided that, but without limiting the operation of † “*The Acts Shortening Acts*” —

- (a) Unless otherwise expressly provided, every regulation, certificate of inspection or of competency, order, requisition, notice, permit or other act of authority made, granted, issued, given or done under the repealed Acts and in force at the commencement of this Act, shall, subject as hereinafter provided, continue in force for the purposes of this Act until it expires by effluxion of time or is repealed, amended, or otherwise modified, revoked, cancelled, suspended or surrendered under this Act :

Provided that where any such certificate or permit is suspended at the commencement of this Act, it shall not be in force under this paragraph until the expiration of the period for which it was suspended, and then only if it has not expired during the period of its suspension, and it shall only continue in force thereafter for the remainder of the period during which it would have been in force if it had not been so suspended :

Provided further that every such regulation, certificate, order, requisition, notice, and permit shall be read and construed subject to this Act ;

- (b) All penalties and forfeitures imposed under the repealed Acts and not recovered at the commencement of this Act may be enforced and applied as if this Act had not come into operation ;
- (c) All inquiries, actions and proceedings of whatever nature commenced or pending at the commencement of this Act under the repealed Acts may be carried on and prosecuted as if this Act had not come into operation, and no such inquiry, action

* 6 G. 5 No. 24 and amending Acts.

† 31 V. No. 6.

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or proceeding shall abate or be discontinued or prejudicially affected by any thing in this Act contained ;

- (d) The Chief Inspector, all other inspectors and all other officers appointed under the repealed Act and in office at the commencement of this Act shall be deemed to have been appointed to their respective offices under and for the purposes of this Act and, subject to this Act, shall continue to hold those offices respectively without further or other appointment under this Act ;
- (e) When in any other Act reference is made to the repealed Acts, or to any provision thereof, it shall be taken, unless the context otherwise indicates or requires, that that reference is to this Act or, as the case requires, to the corresponding provision of this Act, and that reference shall be read and construed accordingly.

5. (1.) Unless otherwise expressly provided the provisions of this Act shall be in addition to and not in substitution for or diminution of the provisions of any other Act or of any regulation or rule thereunder :

Application
of and
exemptions
from Act.

Provided that where any act or omission is an offence both under a provision of this Act and under a provision of such other Act or of any regulation or rule thereunder, the offender may be prosecuted under either such provision but so that he shall not be twice punished for that offence.

(2.) Nothing in this Act shall prejudice or in any way interfere with the powers of inspection and regulation of—

- (a) Any ship or other vessel used in navigation, and the machinery thereof, contained in * “ *The Navigation Acts, 1876 to 1950* ” ; or
- (b) Any mine within the meaning of † “ *The Mines Regulation Acts, 1910 to 1945,*” or ‡ “ *The Coal Mining Acts, 1925 to 1950,*” and the machinery (other than the machinery above

* 41 V. No. 3 and amending Acts.

† 1 G. 5 No. 24 and amending Acts.

‡ 16 G. 5 No. 30 and amending Acts.

ground or in any place where mining is carried on by the method of mining commonly known as "open cut" mining) therein, contained in the Acts aforesaid :

Provided that the provisions of subsection one of this section shall apply with respect to the machinery above ground or in any place as aforesaid.

(3.) This Act shall not apply or extend to or with respect to any machinery—

- (a) Used on or employed in the working of any railway or tramway vested in or under the control of the Commissioner for Railways ; or
- (b) Used on or employed in the working of any other railway or tramway where worked by electric power, other than machinery used or employed in any power station or in any constructional or repairing workshop of that railway or tramway :

Provided that, subject to subsection one of this section, this Act shall apply and extend to and with respect to any machinery the property of the owner of any sugar-mill and used on or employed in the working of any railway or tramway.

(4.) Unless otherwise expressly provided, this Act shall apply and extend to and with respect to the several classes of machinery specified for the time being as subject to this Act in the First Schedule to this Act.

Power to
amend First
Sch.

6. The Governor in Council may from time to time by Order in Council published in the *Gazette* amend the First Schedule hereto by adding to that Schedule any other class or classes of machinery or by deleting from that Schedule any class or classes of machinery therein specified, or by altering, varying or otherwise modifying the description of any class or classes of machinery specified therein, and the said Schedule as so amended shall thereupon become for the time being the First Schedule to this Act and shall have effect accordingly.

Meaning of
terms.

7. (1.) In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings set against them respectively, that is to say—

Board.

"Board"—The Board of Examiners constituted under this Act ;

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- “Boiler”—Any vessel used or capable of being Boiler.
used under or subject to pressure from steam,
air, gas, or liquid: Without limiting the
generality of the foregoing definition the
term includes steam generating boilers, hot
water boilers, water heaters, economisers,
retorts other than those used for retorting
mercury from gold or silver amalgam,
autoclave sterilisers, all unfired pressure
vessels, digesters, montejus digesters, jacketed
pans, receivers and condensers in connection
with refrigerating systems, aerating cylinders
and gas cylinders in connection with aerated
waters, air receivers, pipes under pressure,
and all storage vessels under pressure, and
also all settings, fittings, mountings, steam
and other pipes, feed pumps, injectors, and
all other equipment and piping connected to
a boiler or necessary for the safe and efficient
working of such boiler: But the term does
not include piping used in connection with the
reticulation of a water supply or piping used
to supply a hydro-electric power station;
- “Certificate”—Any certificate granted and, in Certificate.
relation to any time in question, in force
under this Act;
- “Chief Inspector”—Includes a person Chief
Inspector.
occupying or performing for the time being
the duties of the office of Chief Inspector;
- “Crane”—Any machinery (including all equip- Crane.
ment thereof whether detachable therefrom
or not) fitted with a jib and used or designed
for use for the purpose of raising, lowering
or otherwise handling men, or goods, or
materials;
- “Engine”—Any machinery (including its Engine.
transmission machinery) used to convert
heat or some other form of energy into
mechanical work; or a machine (including
its transmission machinery) for the
development or utilisation of power from
some source of energy such as coal, gas, oil,
compressed air, electricity, or other source;

- Hoist.** “Hoist”—Any machinery, including all equipment thereof whether detachable therefrom or not (other than a crane or lift as herein defined), operated by any power including hand, foot, or animal power, and used or designed for use for the purpose of raising, lowering or otherwise handling men, or goods, or materials ;
- Inspector.** “Inspector”—The Chief Inspector and any other inspector appointed or deemed to be appointed under this Act, and any person appointed for the time being to perform the whole or any part of the duties of an inspector ;
- Lift.** “Lift”—Any machinery having a platform or cage the direction or movement of which is restricted by a guide or guides and used or designed for use for the purpose of raising or lowering men, or goods, or materials : The term includes any and all machinery, supports, and enclosures, and any and all equipment thereof whether detachable or not, used or designed for use for operating a lift ;
- Machine.** “Machine”—Any assemblage of inter-related movable parts, forming an appliance for transmitting and modifying forces and the motion produced by them, and in which the relative motions of the parts are definitely controlled or constrained ;
- Machinery.** “Machinery”—Any engine, boiler, motor, motor vehicle, crane, hoist, lift, machine, gearing, or appliance (or the parts of any of these) constructed of any material and worked or designed to be worked by any power, but not including any electric generator, electric convertor, electric transformer, or electric rectifier ;
- Minister.** “Minister”—The Secretary for Mines and Immigration or other Minister of the Crown for the time being charged with the administration of this Act ;
- Motor mechanic.** “Motor mechanic”—Any person who works at testing, examining, adjusting, or repairing motor vehicles or internal combustion engines ;

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- “Motor vehicle”—Any vehicle propelled or designed for propulsion wholly or partly by gas, motor spirit, oil, electricity, or any other mechanical power: The term includes a motor car, motor omnibus, motor truck, motor utility truck, service omnibus, trolley vehicle, and a trailer attached to or drawn by a motor vehicle, and the engine of any motor vehicle, but does not include any steam locomotive or steam traction engine or any engine of a motor vehicle used for a purpose other than that of propelling a vehicle; Motor vehicle.
- “Occupier”—The person in possession or occupation of any place or, if there is no such person, the owner of that place: The term includes an agent, manager, foreman, or other person acting or apparently acting in the general management or control of any place; Occupier.
- “Owner”—In relation to any machinery, the owner of that machinery and the mortgagee, lessee, hirer, and borrower thereof, and any engineer, overseer, foreman, driver, attendant, agent, and person having the control, charge, or management thereof; Owner.
- “Person”—Includes a body corporate; Person.
- “Place”—Any structure or area, enclosed or otherwise, and whether above or below ground, wherein or whereon any machinery is, or is erected, kept, used, worked, or in operation: Without limiting the generality of the foregoing definition, the term includes a mine, any road or street, any house or building, and any ship, raft, punt, hulk, or boat wherein or whereon any machinery is, or is erected, kept, used, worked, or in operation; Place.
- “Prescribed”—Prescribed by this Act; Prescribed.
- “Refrigerating machinery”—Any machinery used or designed for use for the purpose of reducing temperatures by compression or absorption or any other system of refrigeration. Refrigerating machinery.

The ton of refrigeration shall be computed from the volumetric displacements of the compressor or compressors and shall be for a system using carbon dioxide (CO₂) as a refrigerant 1·2 cubic feet per minute, for a system using ammonia as a refrigerant 4·25 cubic feet per minute, for a system using freon as a refrigerant 8·4 cubic feet per minute, for a system using methyl chloride as a refrigerant 8·5 cubic feet per minute, and for a system using carrene as a refrigerant 10·2 cubic feet per minute ;

- Regulations. “Regulations”—Regulations made under the authority of this Act ;
- Serious bodily injury. “Serious bodily injury”—An injury which is likely to incapacitate the sufferer from work for at least fourteen days ;
- This Act. “This Act”—This Act and any Proclamations, Orders in Council and regulations made hereunder ;
- Trailer. “Trailer”—Any vehicle without motive power attached or designed for attachment to another vehicle ;
- Transmission machinery. “Transmission machinery”—Every shaft, wheel, drum, pulley, system of fast and loose pulleys, coupling, clutch, driving-belt, or other device by which the motion of any engine is transmitted to or received by any other machinery or appliance.

(2.) Any reference in this Act to any other Act shall be taken to include a reference to any later Act amending or in substitution for that other Act and also to include any regulation or rule made under that other Act or later Act and for the time being in force.

PART II.—ADMINISTRATION.

Administra-
tion of this
Act.

8. This Act shall be administered by the Minister and, subject to the Minister, by the Chief Inspector, other inspectors and other officers appointed in pursuance of this Act.

Officers.

9. (1.) The Governor in Council may from time to time appoint under and for the purposes of this Act a Chief Inspector of Machinery and such other inspectors and other officers as he deems necessary for the effectual execution of this Act.

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The Chief Inspector, other inspectors and other officers shall be appointed and hold their respective offices under, subject to, and in accordance with * “*The Public Service Acts, 1922 to 1950.*”

(2.) The Governor in Council may from time to time by notification published in the *Gazette*—

- (a) Constitute parts of Queensland as districts for the purposes of this Act ;
- (b) Abolish, subdivide, or alter the boundaries of any district, or amalgamate any such districts or parts of such districts ;
- (c) If considered desirable, assign a name to any such district and vary any such name ;
- (d) Assign to any inspector or inspectors any district or districts or a part of any district or districts ;
- (e) Direct that any inspector to whom any district or districts or a part of any district or districts is or are assigned shall only exercise and discharge his powers and duties under this Act in that district or districts or, as the case may be, part ;
- (f) Cancel or vary any assignment referred to in paragraph (d) or direction referred to in paragraph (e) aforesaid,

and may include in any such notification all or any of such things.

Any district or districts assigned to any inspector at the commencement of this Act shall, subject to this Act, continue, without a further assignment, to be assigned to that inspector and shall be deemed to be constituted under and for the purposes of this Act.

Unless the Governor in Council has otherwise directed by a notification published in the *Gazette*, any inspector may exercise and discharge his powers and duties under this Act in any part of the State notwithstanding that any district or districts or a part of any district or districts may have been assigned to him.

Any and every provision of this subsection shall be read so as not to limit the powers and authorities of the Chief Inspector.

* 13 G. 5 No. 31 and amending Acts.

Judicial
notice of
notifications.(3.) Judicial notice shall be taken of every notification published in the *Gazette* under this section.Certificate of
appointment.
ment.

(4.) Every inspector shall be furnished with a certificate of appointment and upon applying for admission to any place shall, if required, produce such certificate to the occupier of the place.

Inspector
to keep
minutes,
and report.**10.** (1.) Every inspector shall keep full minutes of all his proceedings, and shall, from time to time, report the same to the Chief Inspector, with such particulars and information as the Chief Inspector requires.Inspectors'
record books.

(2.) The Chief Inspector shall provide each inspector with a record book relating to machinery, to be kept by him in the manner prescribed.

Such book shall be open to inspection, upon payment of the prescribed search fee, by any person at the office of the inspector or other convenient place appointed from time to time for that purpose by the Chief Inspector ; but no person other than the owner of any machinery shall be entitled to a copy of or extract from any entry relating to that machinery.

Every inspector who fails to keep such record book in the manner prescribed shall be liable to a penalty not exceeding fifty pounds, and in addition to forfeit his office.

Monthly
report of
machinery.

(3.) Every inspector shall make and furnish to the Chief Inspector during each month a report of the machinery inspected by him during the last preceding month. Such report shall be in such form and shall contain such particulars as the Chief Inspector directs.

Powers of
inspectors.**11.** (1.) Any inspector may at any time—

- (i.) Enter, inspect and examine any place where there is or where he has reason to believe there is any machinery, whether or not specified for the time being in the First Schedule to this Act ;
- (ii.) Inspect and examine any machinery found upon such entry and the appliances connected therewith or belonging thereto, if any ;
- (iii.) Call to his aid—
 - (a) Any member of the police force where he has reasonable cause to apprehend any obstruction in the exercise of his powers or in the execution of his duties ;

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- (b) Any person he may think competent to assist him in such inspection and examination ;
- (iv.) Make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act have been or are being complied with in respect of any machinery, the owner thereof, and the persons employed in connection therewith ;
- (v.) Question, with respect to matters under this Act, the occupier of any place, the owner of any machinery, every person whom he finds in any place, and every person who has been within the preceding six months employed in any place to ascertain whether this Act has been or is being complied with, and require any such person to answer the questions put and to sign a declaration of the truth of his answers ;
- (vi.) Require the production of any certificate of registration, or inspection, or competency, and of any book, notice, record, list, or writing which by this Act is required to be kept or exhibited, and inspect, examine, and take copies of or extracts from the same ; and
- (vii.) Exercise such other powers and authorities as may be prescribed.

(2.) Any person authorised by the Chief Inspector and, without prejudice to his powers and authorities prescribed by subsection one of this section, any inspector may at any time enter any place wherein or whereon machinery (whether or not specified for the time being in the First Schedule to this Act) is in use or working or is kept and require the production of any certificate required under this Act in respect of that machinery and any certificate required under this Act to be held by the person in charge of that machinery, and inspect, examine, and take copies of or extracts from the same.

12. The occupier of any place wherein or whereon there is any machinery (whether or not specified for the time being in the First Schedule to this Act) and every owner of any machinery shall furnish to any inspector all reasonable assistance and all such information which he is capable of furnishing as is required by that inspector

Power to enter and inspect certificates.

Occupiers to allow entry and inspection.

with respect to the exercise of his powers and the discharge of his duties under this Act in relation to that place or, as the case may be, machinery.

Obstructing
an
inspector,
&c.

13. A person shall not—

- (i.) Assault, resist, or obstruct an inspector in the exercise of his powers or in the discharge of his duties under this Act, or attempt so to do ; or
- (ii.) Fail to answer any question put to him in pursuance of this Act by an inspector or give any false or misleading answer to any such question ; or
- (iii.) Fail to comply with the lawful requisition or any part of the lawful requisition of an inspector ; or
- (iv.) When required by or under this Act to furnish any assistance or to furnish any information to an inspector, fail to furnish that assistance or information, as the case may be, or, in the latter case, furnish false or misleading information ; or
- (v.) Fail, without reasonable excuse the proof whereof shall lie upon him, to produce any certificate of registration, or inspection, or competency, book, notice, record, list, document, or writing which he is required under this Act by an inspector to produce, or fail to allow an inspector to take a copy of or extract from any such certificate, book, notice, record, list, document, or writing ; or
- (vi.) Directly or indirectly prevent any person from appearing before or being questioned by an inspector, or attempt so to do ; or
- (vii.) Use any threat or any abusive or insulting language to any inspector or to an employee with respect to any inspection or examination or questioning :

Provided that no person shall be required under this section or under section eleven or section twelve of this Act to answer any question, or give any information or evidence, or to sign any declaration tending to criminate himself.

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PART II.—
ADMINIS-
TRATION.

In this section the term “inspector” includes any person acting under lawful authority under or pursuant to this Act.

14. (1.) Every person including a maker of or dealer in machinery who becomes the owner of machinery shall, within fourteen days after he becomes such owner, deliver to the Chief Inspector a notice in writing in the form and containing such particulars as may be prescribed and signed by the owner.

Owners of machinery to send notice to Chief Inspector.

(2.) Whenever any machinery becomes subject to this Act upon amendment of the First Schedule hereto, the owner of that machinery shall, within one month from that amendment of the First Schedule, deliver to the Chief Inspector a notice in writing in the form and containing such particulars as may be prescribed and signed by the owner.

(3.) A person shall not deliver to the Chief Inspector a document purporting to be a notice under this section, which is false or misleading in any material particular.

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Persons Lawfully in Charge of Machinery.

15. (1.) Any engine or boiler or any other machinery to and with respect to which this section applies shall at any and every time when the same is under working conditions be in charge of a person who holds under this Act a certificate of competency authorising him to take charge of that machinery.

Machinery to be in charge of certificated persons.

(2.) The owner of an engine or boiler or of any other machinery to and with respect to which this section applies shall, at any and every time when the same is under working conditions, cause to be in charge thereof a person holding under this Act a certificate of competency authorising him to take charge of that machinery.

(3.) A person shall not, at any time when any machinery to and with respect to which this section applies is under working conditions, be in charge of, or act in the capacity of the person in charge of, that machinery unless he holds under this Act a certificate of competency authorising him to take charge of that machinery.

(4.) A person in charge of any machinery to and with respect to which this section applies shall not, at any time when that machinery is under working conditions, absent himself from that charge.

An owner of any machinery to and with respect to which this section applies shall not require, permit, or allow the person in charge of that machinery to absent himself from that charge at any time when the same is under working conditions.

(5.) For the purposes of this section a person shall be deemed to be not in charge of an engine or boiler unless—

- (a) In the case of a steam engine, that person is within sight and/or hearing distance of that engine ;
- (b) In the case of a boiler of less than eight horse power solely used for heating or sterilising purposes in a cheese factory or of a boiler of less than four horse-power and of low pressure or low rate of evaporation, that person is, to the satisfaction of the Chief Inspector, at all times within safe distance of that boiler ; or
- (c) In the case of any and every boiler (excepting those specified in paragraph (b) of this subsection) that person can, at any and every time when the boiler is under working conditions, both see the water in the water gauge and read the pressure gauge.

(6.) This section shall apply to and with respect to any and every one of the following classes of machinery (whether or not specified for the time being in the First Schedule to this Act) that is to say—

- (a) Any and every engine or steam boiler excepting—
 - (i.) Any stationary internal combustion engine or engines the area of cylinder or combined area of cylinders of which does not exceed sixty-four circular inches in measurement ;
 - (ii.) Any oil tractor the property of any agriculturalist or pastoralist and used by him on any farm or grazing property for agricultural, horticultural, viticultural, dairying or pastoral purposes, but so that

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this exception does not extend to any oil tractor supplied and used under a contract for the performance of any work on a farm or grazing property ;

- (iii.) Any hydraulic engine used in generating electricity ;
- (iv.) Any internal combustion engine installed in the powerhouse of any Electric Authority when in use between the hours of eleven o'clock in the afternoon of any day and seven o'clock in the forenoon of the next succeeding day and which—
 - (a) In any case where such engine was so installed before the twenty-first day of November, one thousand nine hundred and thirty-nine has a capacity not exceeding seventy-five horse-power ; or
 - (b) In any case where such engine is installed after such lastmentioned date, has a capacity not exceeding fifty horse-power ; and
- (v.) Any transmission machinery ;
- (b) All refrigerating machinery having a capacity exceeding five tons ;
- (c) Any and every crane excepting any crane which is operated by hand, foot, or animal power ;
- (d) Any and every hoist excepting any hoist which is worked by hand, foot, or animal power and any hoist for the taking charge of which the Board does not require the authority of any certificate of competency under this Act ;
- (e) Any and every other class of machinery that may be prescribed :

Provided that this section shall not apply to or with respect to—

- (i.) Any domestic hot water system while being used exclusively for domestic purposes in a private dwelling-house ;
- (ii.) Any motor vehicle ;
- (iii.) Any lift ;

- (iv.) Any machinery in any mine within the meaning of * “*The Mines Regulation Acts, 1910 to 1945,*” or † “*The Coal Mining Acts, 1925 to 1950*” when under either of those Acts, that machinery is required to be in charge of a person holding a winding license for the time being in force entitling him to have charge of that machinery ;
- (v.) Refrigerating machinery used for air conditioning and having a capacity not exceeding twenty tons, provided the refrigerant used is non-toxic ; or
- (vi.) Any other machinery that may be prescribed to be exempted from the application of this section.

Power of the Chief Inspector to require steam engine and its boilers to be in charge of separate persons.

16. If, upon the report of an inspector, the Chief Inspector is of opinion that it is impracticable or dangerous, or both impracticable and dangerous, for one and the same person to take sole charge of both any engine to and with respect to which section fifteen of this Act applies and its boiler or boilers, the Chief Inspector may by notice in writing require the owner, on and after a date to be stated in that notice, to employ in charge of that boiler or boilers a person additional to the person in charge of that engine.

An owner of any engine shall at any and every time when he is thereunto required by a notice under this section, employ in charge of that engine and of its boiler or boilers severally two persons :

Provided that either such person shall be deemed to be not in charge of that engine or, as the case may be, its boiler or boilers in compliance with the requirements of the aforesaid notice unless he holds under this Act a certificate of competency authorising him to be so in charge.

Power of the Chief Inspector to limit the number of engines in charge of one person.

17. If the Chief Inspector is of opinion that it is impracticable or dangerous, or both impracticable and dangerous, for one and the same person to take sole charge of two or more engines to and with respect to which section fifteen of this Act applies the Chief Inspector may by notice in writing require the owner, on and after a

* 1 G. 5 No. 24 and amending Acts.

† 16 G. 5 No. 30 and amending Acts.

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date to be stated in such notice, to employ in charge of such one or more of those engines as specified in that notice, a person additional to the person in charge of the remainder thereof.

An owner of a number of engines shall at any and every time when he is thereunto required by a notice under this section, employ in charge of such one or more of those engines as shall have been specified in that notice and of the remainder thereof severally two persons :

Provided that either such person shall be deemed to be not in charge of any such engine or engines unless he holds under this Act a certificate of competency authorising him to be so in charge.

18. A person who himself does not hold under this Act a certificate of competency authorising him to take charge of any machinery to and with respect to which section fifteen of this Act applies shall not, at any time when a person holding under this Act a certificate of competency authorising him to take charge of that machinery is in charge thereof, cause or attempt to cause that last mentioned person to do or omit to do, with respect to that machinery, an act, matter, or thing contrary to a provision of this Act.

Interference
with persons
lawfully in
charge of
machinery.

19. (1.) The Chief Inspector may determine the number and qualifications respectively (according to the several certificates of competency prescribed) of the persons who shall be employed in operating, at any one and the same time, any machinery to and with respect to which section fifteen of this Act applies.

Machinery
to be
adequately
manned by
qualified
operatives.

Such a determination shall, according to the situation and class of machinery in question, require to be employed in operating, at any one and the same time, that machinery so many persons respectively having such qualifications as will, in the opinion of the Chief Inspector, enable each and every one of those persons to discharge his respective duties efficiently and without danger to any person or risk to that machinery or any of it.

An owner of machinery shall comply in every respect with a determination as aforesaid made by the Chief Inspector with respect to that machinery.

(2.) For the purposes of safety, every engineer or engine-driver in charge of a plant in which two or more machines to and with respect to which section fifteen of this Act applies of an aggregate capacity of ten thousand horse-power or more are in operation during any shift shall for the whole period of that shift be provided with an assistant who shall be qualified under this Act to take charge of the whole of that plant in the event of an accident occurring to such engineer or engine-driver in charge. This subsection does not apply to periods of change over from one machine to another machine.

Self-acting Machinery.

Traversing
parts of
self-acting
machinery.

20. No traversing part of any self-acting machinery and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass, whether in the course of his employment or otherwise, be allowed on its outward or inward traverse to run within a distance of eighteen inches from any fixed structure not being part of the machinery.

This section applies to and with respect to any self-acting machinery, whether or not specified for the time being in the First Schedule to this Act.

Fencing of Machinery.

Engines.

21. (1.)—

- (a) Every fly-wheel directly connected with any engine, whether in an engine-house or not ;
 - (b) Every moving part of any engine likely to endanger any person liable to pass near-by, and every hoist or lift near to which any person is liable to pass, whether such person passes in the course of his employment or otherwise ; and
 - (c) Every wheel-race,
- shall be securely fenced.

Trans-
mission
machinery.

(2.) (a) Every part of any transmission machinery shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working with respect thereto as it would be if securely fenced.

(b) No driving-belt when not in use shall be allowed to rest or ride upon a revolving shaft which forms part of any transmission machinery.

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(c) Suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving-belts to and from fast and loose pulleys which form part of any transmission machinery, and such gear or appliances shall be so constructed, placed and maintained as to prevent the driving belt from creeping back on to the fast pulley.

(d) Where the Chief Inspector is satisfied that owing to special circumstances the fulfilment of any of the requirements of paragraphs (b) and (c) of this subsection is unnecessary or impracticable, he may by order direct that the requirement shall not apply in those circumstances.

(3.) (a) Every dangerous part of any machinery other than engines and transmission machinery shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working with respect thereto as it would be if securely fenced :

Machinery
other than
engines and
transmission
machinery.

Provided that, in so far as the safety of a dangerous part of any such machinery cannot by reason of the nature of the operation be secured by means of a fixed guard, the requirements of this subsection shall be deemed to have been complied with if a device is provided which automatically prevents the operator from coming into contact with that part.

(b) Where the Governor in Council is satisfied that there is available and suitable for use in connection with any machinery of any class any type or description of safety device which—

- (i.) Prevents the exposure of a dangerous part of machinery whilst in motion ; or
- (ii.) Stops any machinery forthwith in case of danger,

he may make regulations directing that the type or description of device shall be provided for use in connection with such class of machinery as may be specified in the regulations :

Provided that, in any proceedings in respect of any contravention of such regulations, it shall be a sufficient defence to prove that a device at least equally effective was being used in connection with the machinery in respect of which the contravention occurred.

(c) Any part of a stock-bar which projects beyond the head-stock of a lathe shall be securely fenced unless it is in a position as to be as safe to every person employed or working with respect thereto as it would be if securely fenced.

(d) The Governor in Council may, as respects any machinery or any process in which any machinery is used, make regulations requiring the fencing of materials or articles which are dangerous while in motion in the machinery.

Stopping
and starting
of
machinery.

(4.) Efficient devices or appliances shall be provided and maintained with respect to all machinery by which such machinery may be immediately stopped or started.

Construction
and main-
tenance of
fencing.

(5.) All fencing and other safeguards provided in pursuance of the provisions of this section shall be of substantial construction, and constantly maintained and kept in position while the parts required to be fenced or safeguarded are in motion or in use, except when any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by such examination to be immediately necessary, and all such conditions as may be prescribed are complied with.

Application
of section.

(6.) This section applies to and with respect to all machinery, whether or not specified for the time being in the First Schedule to this Act.

When
inspector
may require
machinery
to be fenced,
&c.

22. (1.) If an inspector is of opinion that any machinery or any part of machinery—

(a) Is not securely fenced or otherwise sufficiently guarded; and

(b) Is likely to cause loss of life or bodily injury to any person,

he shall give to the owner of the machinery a notice in writing in the prescribed form requiring that owner to, within the period of time stated in that notice, securely fence or otherwise sufficiently guard, as specified in that notice, the machinery or part of machinery in question.

(2.) An owner of machinery—

(a) Shall, within the period of time specified in a notice given to him under subsection one of this section, securely fence or otherwise sufficiently guard that machinery or any part thereof in compliance in every respect with the requirements of that notice; and

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MEASURES
FOR SECURING
SAFETY IN
THE OPERATION
OF MACHINERY.

(b) Shall, at all times after the expiration of the period of time specified in that notice, keep that machinery or any part thereof securely fenced or otherwise sufficiently guarded in compliance in every respect with the requirements of that notice.

(3.) If the fencing or other sufficient guard specified in such a notice is (at any time when the machinery or part of machinery, the subject of the notice, is in motion) not maintained in compliance in every respect with the requirements of the notice, then that machinery or part, as the case may be, shall be deemed as at that time to be not securely fenced or otherwise sufficiently guarded in compliance in every respect with the requirements of that notice.

23. (1.) A person shall not damage or remove any fence, guard, or other protection placed, erected, or maintained in pursuance of a requirement of a provision of this Act or of a notice, order, or direction by an inspector. Damaging or removing fence, &c.

Upon convicting for an offence under this section, the adjudicating court may, in addition to punishing that offence, order the offender to pay such sum as the court deems necessary to cover the cost of replacing or repairing the fence, guard, or other protection to which the conviction relates.

(2.) A person shall, at any and every time when he is working a machine, maintain in position any and every fence, guard, or other protection required to be maintained with respect to that machine pursuant to a provision of this Act or of a notice, order, or direction by an inspector.

Faulty, defective and dangerous machinery.

24. (1.) Where any machinery, or any part or arrangement thereof, is or appears to an inspector to be faulty or defective in any particular, or so dangerous as to be likely to cause loss of life or bodily injury to any person, he may give to the owner of that machinery a notice in writing to that effect, and such notice may require the owner either— Faulty or defective machinery.

(a) To wholly desist from working or using such machinery forthwith, or after a date to be stated in such notice, until certain replacements, repairs, or alterations as stated in the notice have been effected; or

- (b) To have certain replacements, repairs, or alterations as stated in the notice effected within the time specified in such notice.

In addition to the matters specified in this subsection, a notice under this subsection may require the owner of the machinery to refrain from selling, hiring, or otherwise disposing of, or parting with the possession of, such machinery until the requirements of the inspector as specified in such notice have been complied with.

(2.) A person to whom such notice has been given shall comply in every respect with the requirements of that notice.

Dangerous
machinery.

25. (1.) On complaint by an inspector, and on being satisfied that any machinery is in such a condition that it cannot be used without danger of loss of life or bodily injury, the Chief Inspector may by order in writing prohibit such machinery from being used, or, if it is capable of repair or alteration, from being used until it has been repaired or altered to the Chief Inspector's satisfaction on the report of the inspector :

Provided that in cases where urgent action is necessary an inspector may make an order as aforesaid under this subsection and such order shall be lawful unless and until it is revoked by the Chief Inspector.

(2.) An owner shall not use or permit or allow to be used any machinery at any time when the use of that machinery is prohibited by an order under this section.

Doorways, hoists, and lifts.

Doorways.

26. Any and every doorway above ground level and any and every opening in any floor in any place, used for hoisting or lowering goods or materials, whether by mechanical power or otherwise, shall be securely fenced.

The fencing shall be properly maintained and shall, except when the hoisting or lowering of goods or materials is being carried on at the doorway or opening, be kept in position.

Protection
of hoists
and lifts,
&c.

27. (1.) Every hoistway or liftway shall be efficiently protected by a substantial enclosure fitted with gates, being such an enclosure as to prevent, when the gates are shut, any person falling down the way or coming into contact with any moving part of the hoist or lift.

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FOR SECURING
SAFETY IN
THE OPERATION
OF MACHINERY.

(2.) Any such gate as aforesaid shall be fitted with efficient interlocking or other devices to secure that the gate cannot be opened except when the cage or platform is at the landing and that the cage or platform cannot be moved away from the landing until the gate is closed :

Provided that in any case where the Chief Inspector considers that it is not reasonably practicable to fit with such devices as aforesaid, it shall be sufficient if the gate is provided with such arrangements as will secure the aforesaid objects so far as is reasonably practicable, and in any event is kept closed and fastened except when the cage or platform is at rest at the landing.

(3.) Every hoist or lift and every such enclosure as aforesaid shall be so constructed as to prevent any part of any person or any goods carried in the hoist or lift being trapped between any part of the hoist or lift and any fixed structure or between the counterbalance weight and any other moving part of the hoist or lift.

(4.) There shall be marked conspicuously on every hoist or lift the maximum working load which it can safely carry and no load greater than that load shall be carried on that hoist or lift.

(5.) The provisions of this section shall not apply to any continuous hoist.

(6.) If it is shown to the satisfaction of the Chief Inspector that it would be unreasonable in the special circumstances of the case to enforce any requirement of this section in respect of any class or description of hoist, lift, hoistway or liftway, he may by order direct that such requirement shall not apply as respects that class or description.

(7.) If a lift or hoist in any place, or any machinery connected with any such lift or hoist, is considered by an inspector to be dangerous to use, he may by order in writing prohibit the occupier of the place and owner of the lift or hoist, or either of those persons, from using that lift or hoist until the same or that machinery has been made safe to the inspector's satisfaction.

Unsafe or
dangerous
lift.

An occupier or owner as aforesaid shall not use or permit or allow to be used a lift or hoist at any time when the use of that lift or hoist is prohibited by an order under this subsection.

Restrictions on employment of females and males.

Restrictions
on
employment
of females
and males.

28. (1.) A male person under eighteen years of age or a female under twenty-one years of age shall not have the care, custody, management, or working of any lift.

(2.) A person under sixteen years of age shall not work at or attend to any machinery or class of machinery operated by gas, steam, water, or other mechanical power.

(3.) A male person under eighteen years of age or a female shall not—

- (a) Clean such part of any machinery as is mill-gearing while the same is in motion for the purpose of propelling any part of any manufacturing machinery; or
- (b) Work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of gas, steam, water, or other mechanical power; or
- (c) Take charge of or have the control of any engine or steam generating boiler:

Provided that a female not under the age of twenty-one years may take charge of or have the control of a steam generating boiler not exceeding three horse-power and used for or in connection with dairying on a dairy farm.

(4.) No female worker, unless her hair is cut short or securely fixed and confined close to her head by a net or otherwise, and no worker wearing any apron or loose garment, shall work, or be allowed to work, in any position where the worker is likely to come into direct contact with any moving machinery.

PART IV.—INSPECTION OF MACHINERY.

When
machinery
to be
inspected.

29. (1.) Any and every boiler shall be inspected at least once in every prescribed period, or more often as directed by the Chief Inspector.

(2.) All steam gauges shall be inspected, tested, and corrected as often as directed by the Chief Inspector.

(3.) All other machinery shall be inspected at least once in every prescribed period, or more often as directed by the Chief Inspector.

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(4.) (a) Upon inspecting under and for the purposes of this Act any motor vehicle in respect of which an application shall have been made, or is intended to be made, for the issue or renewal of—

- (i.) A license to hire of any kind under * “*The Traffic Act of 1949*” ; or
- (ii.) A certificate of approval under † “*The State Transport Facilities Acts, 1946 to 1951,*” for use in carrying on any licensed service,

an inspector shall further inspect that motor vehicle for the purpose of determining whether or not the same is constructed and equipped in compliance in every respect with the requirements of—

- (iii.) In the case of such a license to hire the provisions applicable, according to the kind of that license, of * “*The Traffic Act of 1949,*” and the Regulations thereunder ; and
- (iv.) In the case of such a certificate of approval the provisions applicable, according to the description of the motor vehicle in question, of † “*The State Transport Facilities Acts, 1946 to 1951,*” and the Regulations thereunder.

(b) If upon such further inspection the inspector is satisfied that the motor vehicle in question complies in every respect with the applicable requirements as specified in paragraph (a) of this subsection of * “*The Traffic Act of 1949*” and the Regulations thereunder, or, as the case requires, of † “*The State Transport Facilities Acts, 1946 to 1951,*” and the Regulations thereunder, then the inspector shall certify accordingly in or to the effect of the prescribed form.

That certificate shall be proof of the compliance certified to therein and no person or authority empowered to issue or renew the license to hire under * “*The Traffic Act of 1949,*” or the certificate of approval under † “*The State Transport Facilities Acts, 1946 to 1951,*” in relation to which that certificate has been issued by the inspector shall require any further or other proof of that compliance.

* 13 G. 6 No. 26.

† 11 G. 6 No. 17 and amending Acts.

May be inspected at any reasonable time.

30. Unless there is reason to believe that the provisions of this Act are not being complied with, or that danger of accident exists, any and every inspection of machinery shall be made at any time between the hours of six o'clock in the morning and six o'clock in the evening of any day, and so as not unnecessarily to impede the working or use of any machinery.

Standards and appliances to be provided.

31. The Chief Inspector shall provide each inspector with proper standards and appliances by which all pressure gauges can at any time be compared and tested, and with all other appliances necessary with respect to carrying out inspections required by this Act to be made, and shall from time to time issue to each inspector such instructions (not inconsistent with this Act) as he thinks fit.

Fees for inspection.

32. (1.) For the inspection of machinery for the purpose of the granting of a certificate, there shall be paid by the owner, before the grant of such certificate, the fees prescribed.

(2.) Such fees may be different for different classes of machinery, but, save as aforesaid, shall be uniform throughout the State and shall be paid as prescribed.

(3.) An inspector shall not, in respect of any inspection made or other duty performed by that inspector under this Act, demand or receive (directly or indirectly) from any person any money or other valuable consideration.

Any inspector guilty of an offence against this subsection shall, in addition to the prescribed punishment, be liable to forfeit his office, and shall not be eligible for reappointment.

Notice of inspection of boilers.

33. (1.) An inspector who intends to make an internal inspection of any boiler shall give the owner at least fourteen days' prior notice in writing of the time at which that inspection will be made.

(2.) The owner shall for the purposes of that inspection cause—

(i.) The boiler to be emptied and cool and cleaned inside and outside ;

(ii.) All flues and uptakes connected with the boiler to be swept clean ;

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- (iii.) All fire bars and fire bridges and fusible plugs to be removed ;
- (iv.) All blow-off and other cocks to be cleared ;
- (v.) All safety valves and check valves and injectors to be opened up ; and
- (vi.) If required by the inspector, any brickwork or masonry in contact with the boiler to be removed.

(3.) The owner of a boiler shall keep that boiler effectively disconnected from any steam or hot water communication with any other boiler at all times—

- (i.) During any internal inspection of that boiler by an inspector ;
- (ii.) While any person who is sent by the owner into, or with the owner's consent enters, the boiler for any purpose connected therewith is in that boiler.

(4.) The inspector may, in addition to any other test, test any boiler by hydraulic pressure if he considers it necessary to do so, and shall send a record of, and the reasons for, and the result of, the test to the Chief Inspector : Provided that the hydraulic pressure shall not exceed the authorised working pressure of the boiler.

(5.) The inspector may also, if he deems it necessary so to do, cause such holes to be drilled in or through any part of any boiler as he deems necessary, in order to test the thickness thereof. The owner shall cause the holes to be screw-plugged and sealed to the satisfaction of the inspector.

(6.) The person who is the attendant upon or who is in charge of any boiler which is being inspected shall remain with the inspector during such inspection, and shall be held responsible for closing up the boiler preparatory to raising steam.

(7.) A person shall comply in every respect with a requirement binding upon him of this section.

34. (1.) On the first inspection of any and every boiler, the inspector shall make a record of the following particulars with respect to the same, namely :—

- (i.) The name and address of the owner ;
- (ii.) The type of the boiler ;

Record of
first
inspection.

- (iii.) The age, materials, dimensions, and construction of the boiler ;
- (iv.) The name of the maker (if known) ;
- (v.) The working pressure recommended by the inspector ;
- (vi.) The state and condition of the boiler generally, and of all appliances used in connection therewith ;
- (vii.) The fitness of the boiler and such appliances for the particular purpose for which they are used or are intended to be used ; and
- (viii.) Such other particulars as may be prescribed.

Subsequent
inspection.

(2.) On each inspection of a boiler after the first inspection thereof, the inspector shall carefully make a comparison with the records of preceding inspections, and shall record any changes which have occurred since the next preceding inspection.

If any change has occurred, or any alteration has been made, or any repairs have been effected in or to such boiler, he shall record the same in such manner as may be prescribed.

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

Certificate
of
inspection.

35. (1.) Where an inspector has inspected any machinery and is satisfied—

- (a) In the case of a boiler, that the same is in good repair and may be safely used for the purpose for which it is then used or is intended to be used ; or
- (b) In the case of any other machinery, that the same is securely fenced and guarded, and is also in good repair and may be safely used for the purpose for which it is then used or is intended to be used ;

he shall report to the Chief Inspector accordingly, who shall thereupon, and upon payment of the prescribed fee, cause to be granted to the owner thereof a certificate and, in the case of a first inspection of boiler, to be issued to that owner a metal plate in the prescribed form and stamped with the prescribed particulars.

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INSPECTION
OF MACHINERY.

(2.) The owner, upon receiving with respect to a boiler the aforesaid certificate and metal plate—

Metal plate
to be
affixed
to boiler.

- (a) Shall forthwith cause to be affixed, on such conspicuous part of that boiler as shall have been approved by the inspector, that metal plate ; and
- (b) Shall, until the date thereafter when a fresh such plate is issued by the Chief Inspector with respect to that boiler, keep that metal plate so affixed.

(3.) If upon the second or any subsequent inspection of a boiler, the inspector in his report recommends a reduction in the working pressure, the Chief Inspector shall with the certificate of that inspection issue to the owner a fresh metal plate as aforesaid.

Subsection two of this section shall, subject to any necessary adaptations thereof, apply with respect to any and every such fresh metal plate.

(4.) An owner shall not permit or allow a metal plate issued under this section with respect to any boiler to remain affixed in any manner whatsoever to that boiler at any time after a fresh such plate has been issued under this section with respect to that boiler unless that firstmentioned plate shall have been defaced by an inspector.

(5.) A person shall not affix or permit or allow to remain affixed to a boiler, any plate or other thing purporting to be, or capable of being taken to be, contrary to the fact, a metal plate issued under this section with respect to that boiler.

36. (1.) The owner of any boiler or other machinery shall cause to be exhibited and at all times kept exhibited in some conspicuous position as determined by the inspector where the same can be seen by all persons working at or with the machinery when so working the following, namely :—

Certificates
to be
exhibited.

- (i.) The certificate of inspection granted under this Act with respect to that boiler or other machinery ; and
- (ii.) A copy of the certificate of competency of the person in charge of that boiler or (where the authority of a certificate of competency under this Act is required for taking charge of any other machinery) that certificate.

The owner shall for the purposes of the exhibition as aforesaid of the said certificate of inspection and copy of the certificate of competency cause the same respectively to be framed and to be kept at all times framed to the satisfaction of the inspector in frames each having a clear glass front.

(2.) This section does not apply to travelling traction or portable machinery ; but the certificates in respect of the same shall be in the possession of the person in charge, who shall, upon demand by an inspector or by a person authorised by the Chief Inspector, produce the same.

Duration of
certificate
of inspection.

37. The certificate of inspection granted under this Act with respect to any boiler or other machinery shall, unless sooner cancelled or suspended under this Act, remain in force for such period (not exceeding the period prescribed) as the Chief Inspector thinks fit, which period shall be stated on the certificate :

Provided that—

- (a) No certificate of inspection shall have any force if after inspection and without the prior approval in writing of the Chief Inspector or of an inspector any material alteration or addition has been made in or to the boiler or other machinery mentioned therein ; and
- (b) The Chief Inspector may at any time cancel or suspend any such certificate of inspection where he deems it necessary for the safety of the public or of any person or persons so to do, and after such cancellation, or during such suspension, the certificate shall have no force.

Owner not
to use
machinery
without a
certificate.

38. The owner shall not—

- (i) Use or permit or allow to be used, any machinery unless with respect to that machinery a certificate of inspection under this Act has been granted and is in force ; or
- (ii.) In the case of a boiler, work or permit or allow to be worked, that boiler at a higher pressure than that stated in the certificate with respect to that boiler granted under this Act and in force.

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INSPECTION
OF MACHINERY.

39. (1.) If upon inspection it appears to the inspector that—

- (a) A boiler is not fitted with safety valves, appurtenances, fittings, and connections, as prescribed or required by the Chief Inspector ; or
- (b) The use or continued use of a boiler in its then existing state would be dangerous to life or property,

Notice
requiring
owner to
desist using
boiler either
wholly or
partially.

he shall give to the owner a notice in the prescribed form.

(2.) Such notice may either require the owner—

- (a) Not to use the boiler on and from a date to be fixed in the notice until certain repairs, additions, or alterations as specified in the notice have been effected ; or
- (b) Not to use the boiler on and from a date to be fixed in the notice, except below a pressure to be stated in the notice, until certain repairs, additions, or alterations as specified in the notice have been effected.

(3.) An owner shall not use or permit or allow to be used a boiler contrary in any respect to the requirements of a notice under this section.

40. Every boiler shall be fitted with—

- (i.) A safety valve of sufficient area or, if required by the Chief Inspector, two or more such valves : one of such valves or, if there is only one such valve, that valve shall be covered over and sealed, and shall be fitted with suitable lifting gear, so that the person in charge of the boiler may ascertain from time to time that the valve is in working order ;
- (ii.) Two protected gauge glasses, or one protected gauge glass and two test cocks ;
- (iii.) Such fusible plugs as may be necessary, so that in the event of the water becoming too low such plugs will melt and the escaping steam will extinguish the fire ;
- (iv.) A cock to fit the coupling of the inspector's test gauge ; and

Safety
valves, &c.,
for boilers.

(v.) Any other appurtenances, fittings, or connections that may be prescribed.

Such appliances as are approved by the Chief Inspector shall be provided in respect of any and every water gauge glass situated more than eight feet above ground level, so as to ensure that the correct water level shall be readily determinable.

The Chief Inspector may require that any boiler shall be fitted or provided with any appurtenances, fittings, or connections, in addition to those required under the foregoing provisions of this section, as he deems necessary.

The owner shall comply in every respect with a requirement under this section of the Chief Inspector.

When
owner to
obtain
approval
before
repairing
boiler,
&c.

41. (1.) The owner shall not, without the prior approval in writing of the Chief Inspector or of an inspector, effect, or permit or allow to be effected, to a boiler any work or repairs whereby the construction of that boiler is altered in any manner whatsoever, or whereby any fitting, appliance or thing is added to or taken away from that boiler.

(2.) This section does not apply to work or repairs ordered under this Act by the Chief Inspector or by an inspector to be effected to a boiler.

Authorised
working
pressure of
boilers
coupled
together.

42. When two or more boilers are coupled together, and the authorised working pressure of the boilers is not the same, the working pressure of none of the boilers shall exceed the working pressure of the boiler having the least authorised working pressure, unless a reducing valve and a relief valve of ample diameter (if two boilers) or reducing valves and relief valves of ample diameter (if more than two boilers) are used subject to the approval of the Chief Inspector.

Penalty on
increasing
pressure in
boiler.

43. A person who by any means does anything to increase or which tends to increase the pressure on any safety valve of a boiler beyond the working pressure stated in the certificate of inspection of that boiler (or, in the case of a boiler required by a notice under section thirty-nine of this Act not to be used except below a pressure stated in that notice, beyond that stated pressure) shall be liable to a penalty not exceeding one hundred pounds or to be imprisoned for any period not exceeding six months.

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INSPECTION
OF MACHINERY.

The person in charge of any boiler when such increased pressure is discovered shall be presumed to be guilty of an offence within the meaning of this section.

Pre-
sumption.

44. (1.) The Chief Inspector may by notice delivered to the owner of any motor vehicle, require that owner to produce that motor vehicle for inspection upon a day and at a time and place stated in that notice.

Inspection
of motor
vehicles.

(2.) An owner of a motor vehicle—

- (a) Who fails to produce that motor vehicle for inspection in terms of a notice as aforesaid ; or
- (b) Who in any way obstructs or interferes with the inspection by an inspector of that motor vehicle,

shall be guilty of an offence under this Act.

(3.) Where by a notice under this section the production for inspection of a motor vehicle shall have been required, sections twenty-four and twenty-five of this Act shall, by virtue of that notice and notwithstanding any provision of any other section of this Act, apply, subject to all necessary adaptations, with respect to that motor vehicle.

(4.) This section applies to any and every motor vehicle whether or not specified for the time being in the First Schedule to this Act.

PART V.—DUTIES AND LIABILITIES OF OWNERS.

PART V.—
DUTIES AND
LIABILITIES
OF OWNERS.

45. (1.) When the owner sells, leases, lets on hire, or otherwise, in any manner whatsoever, disposes of any machinery, he shall forthwith deliver a notice in writing of the fact to the Chief Inspector, stating the name, occupation and abode of the person, if any, to whom such sale, leasing, letting on hire, or other disposition has been made.

Notice of
sale or
letting of
machinery.

(2.) The owner of any boiler (other than a portable boiler) which has been removed from the situation stated in the notice in writing then latest delivered under section fourteen of this Act, or from the situation stated in the then latest notice in writing delivered under subsection one of this section in respect thereof, for a longer period than thirty days, shall, within seven days immediately succeeding the expiration of such thirty days, deliver a notice in writing to the Chief Inspector giving particulars of the removal.

Notice of
removal of
boiler.

Owner's name to be affixed to portable engine or machinery.

46. The owner of any portable steam engine or boiler or portable machinery which is travelled for hire shall have his name and residence legibly affixed or painted thereon.

No contracting out.

47. No owner of machinery shall contract with any employee against any liability under this Act.

Abstract of Act, &c., to be posted up.

48. Any and every owner of machinery shall cause to be affixed and maintained, in such place or places as the inspector directs, the prescribed abstracts of this Act.

When record book to be kept.

49. (1.) Any and every owner of machinery which is run continuously or for more than one watch or shift per day shall provide and maintain as directed by the Chief Inspector a record book for recording essential information regarding the running and repair of the machinery.

(2.) Any and every person who during a shift or watch is in charge of machinery to which this section applies, shall record in the record book provided for that purpose all essential information regarding the running and repair of that machinery.

(3.) Except as required under the next succeeding section of this Act a person shall not make in a record book provided under this section with respect to machinery any entry or record whatsoever unless he is qualified under this Act to take charge of that machinery and the entry or record made therein by him relates to a time when he is so in charge.

When engineer, &c., may require written instruction.

50. When a person authorised by a certificate of competency under this Act to be in charge of any machinery and so in charge is required by the owner to do or refrain from doing any act, matter, or thing with respect to that machinery and compliance with that instruction would, in his opinion constitute either a risk of accident to persons, or machinery, or to both persons and machinery, or a breach of any provision of this Act, that person may require that the requisition be given in writing, or, when a record book is required to be kept, be written in the record book and in either case to be signed by that owner.

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*Inspection of Machinery Act.*PART VI.—
INQUIRIES AS
TO ACCIDENTS.

PART VI.—INQUIRIES AS TO ACCIDENTS.

51. The provisions of this Part of this Act do not apply with respect to any mine subject to * “*The Mines Regulation Acts, 1910 to 1945,*” or † “*The Coal Mining Acts, 1925 to 1950,*” or with respect to any incident to which Part V. of ‡ “*The Traffic Act of 1949*” applies.

Limitation
of this Part.

52. Where loss of life or serious bodily injury to any person by reason of the explosion of a boiler, or by reason of an accident caused by machinery, occurs at or in any place where there is machinery (whether or not specified for the time being in the First Schedule to this Act), the owner of the machinery shall forthwith give notice to the Chief Inspector or an inspector specifying the cause of the accident, the precise locality where it occurred and the name of any and every person injured or killed.

Inspector to
be notified
of accident.

53. (1.) In the event of an accident happening to machinery (whether or not specified for the time being in the First Schedule to this Act), or where any loss of life or serious bodily injury to any person has occurred as in the last preceding section mentioned, the Minister may direct an inquiry to be held before a court constituted by a stipendiary magistrate and, if the Minister thinks fit, a person skilled in the use and construction of such machinery.

Inquiry into
cause of
accident.

(2.) The court shall have power to hold such inquiry at such times and places as the Minister appoints.

(3.) The Minister may obtain, for the use of the court, a report from a legally qualified medical practitioner or other competent person upon the cause of such death or the nature, extent, and cause of such injury.

(4.) Every such inquiry shall be held publicly in such manner and under such conditions as the court thinks most effectual for ascertaining the causes and circumstances of such accident, and for enabling the court to make the report hereinafter mentioned.

(5.) The fact of a person acting at such inquiry shall be sufficient evidence of his authority so to do.

* 1 G. 5 No. 24 and amending Acts.

† 16 G. 5 No. 30 and amending Acts.

‡ 13 G. 6 No. 26.

(6.) The court shall have, for the purpose of such inquiry including the summoning, attendance, and examination of witnesses thereat, all the powers which are possessed by any two justices under * “*The Justices Acts, 1886 to 1949,*” in the case of summary proceedings upon complaint and those lastmentioned Acts shall, subject to all necessary adaptations thereof, apply and extend accordingly.

(7.) The court or some person appointed by it may enter and inspect any place the entry or inspection whereof appears to the court to be requisite.

(8.) The court shall report to the Minister as far as possible the causes of the accident, and the circumstances attending the same, adding thereto such observations as it thinks fit.

(9.) Every person summoned shall be allowed such expenses as would be allowed to a witness attending on subpoena before a court of petty sessions: Provided that the court in its discretion may disallow in whole or in part the expenses of any such person.

(10.) The court may make such order as it thinks fit respecting the payment of the costs and expenses of the inquiry, and such order may, on the application of any party entitled to the benefit of the same, be enforced in a summary way by complaint under * “*The Justices Acts, 1886 to 1949.*”

(11.) Any costs and expenses ordered by the court to be paid by the Minister, and any remuneration paid to persons forming the court, shall be paid out of moneys provided by Parliament for the purposes of this Act.

(12.) Legal or other representation at such court shall be allowed.

PART VII.—CERTIFICATES OF COMPETENCY.

54. (1.) Subject to this Act, examinations for certificates of competency under this Act shall be conducted, controlled and regulated by a Board of Examiners constituted by four members as follows, namely:—

- (a) The Chief Inspector who shall be chairman;
- (b) A holder of an engineer's certificate;

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COMPETENCY.

- (c) A holder of a first class engine driver's certificate ; and
- (d) A holder of an "A" grade motor mechanic's certificate who is qualified to hold that certificate both by examination and by having served the specified apprenticeship.

(2.) The Governor in Council shall by notification published in the *Gazette*, and may upon the passing of this Act, appoint the members of the Board which shall be deemed to be constituted upon the first such appointment of the members thereof.

(3.) Each and every member of the Board, except a member appointed to fill a casual vacancy thereon, shall hold office as a member thereof for the period specified in the notification of his appointment unless he shall be sooner removed from that office by the Governor in Council (the Governor in Council being hereby authorised to remove any such member from office) upon the grounds of incompetency, incapacity by reason of bodily or mental ill-health, loss of his qualification for such membership, or other prescribed cause.

Subject to the liability to be removed from office by the Governor in Council as aforesaid, a member appointed to fill a casual vacancy on the Board shall hold office thereon for the remainder of the term of the member in whose room he shall have been appointed.

(4.) Subject as may be otherwise prescribed, at a meeting of the Board two members shall form a quorum.

55. Subject to this Act, such Board shall have power to grant the following certificates of competency, namely :—

1. Engineer's certificate ;
2. First class engine-driver's certificate ;
3. Second class engineer's certificate ;
4. Second class engine-driver's certificate ;
5. Locomotive and traction engine-driver's certificate ;
6. Third class engine-driver's certificate ;
7. Crane-driver's certificate ;
8. Hoist-driver's certificate ;
9. First class internal combustion certificate ;

Classes or
grades of
certificates
of
competency.

10. Second class internal combustion certificate ;
11. First class refrigeration certificate ;
12. Second class refrigeration certificate ;
13. "A" grade motor mechanic's certificate ;
14. "B" grade motor mechanic's certificate ;
15. Any other prescribed certificate.

Board to
observe
this Act.

56. (1.) Subject to the rules set out in the Second Schedule to this Act, a person shall be entitled to be granted by the Board, and the Board shall grant to a person, any certificate of competency under this Act if, but only if, that person proves to the satisfaction of the Board—

- (a) That he is resident in Queensland and is of good repute ;
- (b) (Except in the case of such a person with respect to whom the said rules expressly state that the certificate in question may be granted without examination) that he has duly passed the qualifying examination prescribed with respect to that certificate ;
- (c) That he is otherwise qualified in every respect as prescribed in respect of that certificate by the said rules ; and

that person has paid the fee prescribed in respect of that certificate and, where thereunto required by the said rules, has produced to the Board a medical certificate as prescribed.

(2.) The onus of satisfying the Board in every respect that he is entitled under this Act to any certificate shall lie upon the applicant therefor and the Board shall not grant such a certificate until it is so satisfied.

Rules
relating to
certificates
of
competency.

57. (1.) The rules set forth in the Second Schedule to this Act shall apply to and with respect to the granting, suspension, and cancellation, and the status of all certificates of competency under this Act, and shall be observed by the Board and all persons concerned. But those rules shall not be construed to prevent or limit the making of regulations (not inconsistent with those rules) for the purpose of giving full effect to this Act.

(2.) The Governor in Council may from time to time by Order in Council published in the *Gazette* amend the said Second Schedule by revoking, amending,

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varying, altering or otherwise modifying any of the rules therein set out or by adding to that Schedule any other rules (whether in addition to or substitution for any rules set out therein) and the said Schedule as so amended shall thereupon become for the time being the Second Schedule to this Act and shall have effect accordingly :

Provided that—

- (a) Such an amendment shall not have effect until the expiration of a period of three months next succeeding the publication in the *Gazette* of a notice of intention to make same and setting out particulars thereof ; and
- (b) Such an amendment shall not be made so as to exempt from qualifying by examination any applicant for a certificate of competency who is required by rules set out in the said Schedule as enacted in this Act to so qualify.

58. (1.) Where it appears to the Board that the holder of a certificate granted under, or continued in force by this Act is guilty of any offence under this Act, or of misconduct, or inefficiency, or has developed any symptom of epilepsy or other serious complaint which would render him unfit to be trusted to efficiently perform his duties as such holder, the Board may call upon him to show cause why his certificate should not be cancelled.

Suspension
or
cancellation
of certificate.

(2.) The Board may, if he fails to show cause as aforesaid to its satisfaction, by order published in the *Gazette*, suspend his certificate for such period as they think fit, or cancel such certificate ; and the order of the Board shall be final and conclusive.

(3.) Cause as aforesaid may be shown in writing but the Board shall not cancel or suspend under this section any certificate unless and until the holder thereof has been given by it opportunity to appear in person before the Board and to be heard.

PART VIII.—OFFENCES AND PROCEEDINGS.

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OFFENCES AND
PROCEEDINGS.

59. (1.) Where, with respect to any machinery, an act, matter or thing required by a provision of this Act to be done is omitted to be done, or an act matter or thing the doing of which is prohibited by a provision of

Liabilities
of owners.

this Act is done, then the owner shall be deemed to have omitted to do the act, matter or thing so required to be done or, as the case may be, to have done the act, matter or thing so prohibited from being done, and shall be liable to be charged and, upon conviction, punished therefor as an offence by him under this Act except in the case of such a provision which specifies that some person other than the owner is thereby required or prohibited as aforesaid :

Provided that where an offence under this Act with respect to machinery is committed under such circumstances that any owner under and within the meaning of this Act of that machinery did not know, and could not by the exercise of due diligence have known, of the commission thereof, then that owner shall not be liable to be punished for that offence unless when it was committed the machinery in question was under his immediate power and control :

Provided further that a lessor, hirer, lender, or mortgagee of machinery shall not be liable to be punished for an offence under this Act with respect to that machinery unless when that offence was committed he was in actual possession of that machinery or it was under his immediate power or control.

The term " immediate power or control " means, in relation to any of the persons specified in the foregoing provisoes to this subsection, that the machinery in question was at the relevant time being worked or used by that person personally or by another person or other persons under his orders or directions and for his sole or joint benefit or profit.

(2.) Nothing in this section shall exempt or be deemed to exempt any body corporate from liability under this Act by reason only that any machinery is under the control of any directors, secretary, manager, or other person elected or employed by that body corporate for the benefit of or on behalf of that body.

(3.) Where a contravention of or failure to comply with a provision of this Act for which an owner or occupier is liable under that provision or under a provision of this section is in fact the act or omission of some agent, employee, worker or other person, that owner or occupier shall, notwithstanding any instruction or limitation of authority be deemed to have committed that offence and shall be liable accordingly :

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Provided that nothing in this subsection shall limit or affect the liability of the person who actually committed the offence.

60. Nothing in this Act, or in any certificate granted under this Act, shall relieve the owner of any machinery or any person driving or in charge of any machinery from liability to or in any action or matter, or from liability to any civil or criminal proceedings; but all rights of parties and all liabilities of all such owners and persons and of all other persons in respect of any machinery shall, except as expressly provided by this Act, remain unaffected by this Act.

Responsi-
bility of
owner, &c.,
maintained.

61. (1.) Any person who obtains or attempts to obtain any certificate of competency under this Act by fraud or fraudulent means shall be guilty of an offence and liable to a penalty of not more than one hundred pounds or to imprisonment with or without hard labour, for any period not exceeding six months.

Obtaining
certificate
improperly.

(2.) Every such certificate obtained by fraud or fraudulent means, or which for any other reason whatsoever has not been properly obtained or granted, whether obtained or granted before or after the passing of this Act, may be cancelled by the Board of Examiners, and the holder thereof shall, when called upon by that Board, return such certificate.

(3.) A person shall not use any such certificate after notice by the said Board that the same has been cancelled.

(4.) When under this Act a certificate of inspection or of competency is cancelled or suspended, then the person to whom that certificate was granted shall, if requested by a notice in writing served upon him, deliver forthwith to—

Return of
cancelled or
suspended
certificates.

- (i.) The Chief Inspector, in the case of a certificate of inspection; or
- (ii.) The Board, in the case of a certificate of competency,

that cancelled or suspended certificate and any copy of that certificate which had been issued to him for exhibition purposes.

If default in delivering any such certificate or copy is continued by any person who has been convicted of the offence of failing to deliver that certificate or copy, then that person shall be deemed to commit a continuing offence and shall be liable to a penalty of not more than five pounds for each and every day during which that offence is continued: Provided that the continuing offence in respect of such non-delivery shall not be deemed to commence until the expiration of fourteen days from the date of conviction as aforementioned.

Forgery of
certificates,
false entries,
and false
declarations.

62. (1.) A person shall not—

- (i.) Forge or counterfeit any certificate required by, under, or for any purpose of this Act; or
- (ii.) Give or sign any such certificate knowing it to be false in any material particular; or
- (iii.) Knowingly utter or make use of any such certificate so forged, counterfeited, or false as aforesaid; or
- (iv.) Knowingly utter or make use of as applying to any person or to any machinery any such certificate which does not so apply; or
- (v.) Personate any person named in any such certificate; or
- (vi.) Falsely pretend to be an inspector; or
- (vii.) Connive at any such forging, counterfeiting, giving, signing, uttering, making use, personating, or pretending as aforesaid; or
- (viii.) Make a false entry in any register, record book, other record, notice, certificate, or document required by, under, or for the purposes of this Act to be kept, exhibited, or delivered, served, or sent; or
- (ix.) Make or sign a false declaration required by, under, or for any purpose of this Act; or
- (x.) Knowingly make use of any such false entry or declaration as aforesaid.

(2.) Any person guilty of an offence against this section shall be liable to a penalty of not more than one hundred pounds or to imprisonment, with or without hard labour, for any period not exceeding six months.

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63. When an offender is punishable under the provisions of this Act and also under the provisions of some other Act or law, he may be prosecuted and convicted under the provisions either of this Act or of such other Act or law, but so that he is not twice punished for the same offence.

Offender
may be
prosecuted
under this
Act or any
other Act.

64. (1.) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence.

Offences.

(2.) Any person guilty of an offence against any provision of this Act shall be liable, if no specific penalty is provided for that offence, to a penalty not exceeding one hundred pounds.

General
penalty.

(3.) All offences against this Act may be prosecuted and all amounts of fees payable under this Act and not paid may be recovered in a summary way under * “*The Justices Acts, 1886 to 1949,*” on complaint by any person authorised by the Minister.

Summary
proceedings.

(4.) A prosecution for an offence against this Act may be instituted at any time within twelve months after the commission of the offence or within four months after the commission of the offence comes to the knowledge of the complainant, whichever is the later period.

Time for
commence-
ment of
prosecutions.

(5.) In any proceedings on a complaint any order which the court is empowered to make may be made without an application or complaint being made in respect thereof, notwithstanding anything to the contrary in this or any other Act.

65. (1.) Where the owner of any machinery is convicted of an offence under this Act, the court may, in addition to or instead of inflicting a penalty, order him, within the time specified in the order, to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred, and may, on application, enlarge the time so specified.

Power of
court to
order cause
of contra-
vention to
be remedied.

(2.) Where such an order is made, the owner shall not be liable under this Act in respect of the continuation of the contravention during the time allowed by the court, but if, after the expiration of the time as originally specified or enlarged by subsequent order, the order is

* 50 V. No. 17 and amending Acts.

not complied with, the owner shall be liable to a fine not exceeding five pounds for each day on which the non-compliance continues.

(3.) The power of the court under this section shall include power to adjourn the matter of the punishment to be imposed for the offence until the expiration of the time or any enlargement of the time specified in an order made under this section but in that event the offender shall not be punished if he shall have duly complied with that order.

Fees to be also recoverable by action as for a debt.

66. Any amount of fees payable under this Act and not paid shall be recoverable by the Chief Inspector or by a person authorised by the Minister by action (in his official name, or, as the case may be, in the name of that authorised person), as for a debt in any court of competent jurisdiction.

The remedies for the recovery of amounts of fees payable under this Act and not paid provided by this section and by section sixty-four of this Act shall be alternative and neither such remedy shall prejudice or otherwise affect the other excepting that resort shall not be had to both those remedies in respect of any one and the same amount of fees.

Jurisdiction in proceedings for the recovery of fees.

67. Proceedings in a summary way under * “*The Justices Acts, 1886 to 1949*,” or by way of an action as for a debt as prescribed by this Act to recover the amount of any fees payable under this Act and not paid may be taken, heard and determined by a court of petty sessions at Brisbane or within the petty sessions district within or within twenty miles of the boundaries whereof the inspection or other service with respect to which that amount became so payable was made or done or, in the case of an action as aforesaid, before a court competent to hear and determine such an action either at Brisbane or in respect of the place where the inspection or other service with respect to which that amount became payable was made or done.

Facilitation of proof.

68. In a proceeding under or for a purpose of this Act—

(a) It shall not be necessary to prove the appointment of the Chief Inspector or of any other inspector ;

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- (b) A signature purporting to be that of the Chief Inspector or of any other inspector shall be taken to be the signature it purports to be until the contrary is proved ;
- (c) It shall not be necessary to prove the limits of any district or part of a district or that any place or locality is within a district or part thereof, or the authority of the Chief Inspector or any other inspector to do any act or take any proceeding, but this shall not prejudice the right of any defendant to prove the limits of the district or part of a district or the extent of such authority ;
- (d) A document purporting to be a duplicate or copy of a notice or order given or made under this Act by the Chief Inspector or by any other inspector shall, upon its production in evidence, be evidence of that notice or order, and in the absence of evidence in rebuttal thereof shall be conclusive evidence of that notice or order ;
- (e) A document purporting to be signed by the Chief Inspector and stating that at any specified time there was or was not in force a certificate under this Act as described therein issued to a specified person, or in respect of specified machinery, or that any such certificate was or was not subject to terms, conditions or restrictions, or was or was not issued subject to the terms, conditions and restrictions set out in that document shall, upon its production in evidence, be evidence of the matter or matters in the document, and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matter or matters ;
- (f) A document purporting to be signed by the Chief Inspector and certifying that the amount of fees specified therein is payable under this Act and has not been paid by a specified person shall, upon its production in evidence, be evidence of the matter or matters certified to therein, and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matter or matters ;

- (g) Any and every provision of this Act relevant to the proceeding shall be presumed to apply with respect to any machinery the subject of the proceeding unless and until the contrary is proved ;
- (h) Where the age of a person is material, the adjudicating court may, if that person is charged or present before it, decide, upon its own view and judgment, whether he has or has not attained the prescribed age, but nothing in this paragraph shall be construed to prevent the age of that person being proved ; and
- (i) In any proceeding for an offence under this Act alleged to have been committed with respect to a motor vehicle, and in any proceeding or action for the recovery of any amount of fees alleged to be payable and not paid in respect of a motor vehicle, a certificate purporting to be under the hand of the Secretary of the Commissioner of Main Roads or any person thereunto authorised by that Commissioner that the particulars in the register of motor vehicles kept by the said Commissioner under the provisions of * “ *The Main Roads Acts, 1920 to 1943,* ” show that any person was the owner of that motor vehicle at any time shall be received in evidence and shall be evidence that that person was the owner of that motor vehicle at that time and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such ownership at that time, and the authority of the person giving such certificate to give the same shall be presumed until the contrary is proved.

PART IX.—
GENERAL.

Garages to exhibit information of the qualifications of motor mechanics employed thereat.

PART IX.—GENERAL.

69. (1.) The occupier of any garage or other place where all or any of the following work, namely, the testing, examining, adjusting, repairing, or servicing of motor vehicles, is carried on shall exhibit—

- (a) (At any and every time when no person working at that garage or other place holds

* 10 G. 5 No. 26 and amending Acts.

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a certificate of competency as a motor mechanic under this Act) a notice stating that "This garage does not employ qualified motor mechanics";

- (b) (At any and every time when no persons other than persons holding certificates of competency under this Act as motor mechanics are working at that garage or other place) a notice stating that "This garage employs exclusively qualified motor mechanics"; or
- (c) (At any and every time when some only of the persons working at that garage or other place hold certificates of competency under this Act as motor mechanics) a notice stating "This garage employs (*state number*) persons working as motor mechanics of whom (*state number*) are qualified motor mechanics".

In the case of a notice specified in paragraph (b) or paragraph (c) of this subsection, that notice shall also state for the information of the public, beneath the statement required to be exhibited thereby, the respective numbers of "A" and "B" grade motor mechanics working at the garage or other place in question.

(2.) Unless at any and every time when a notice as aforesaid is purported to be exhibited by the occupier of a garage or other place—

- (a) That notice is exhibited so that it can be seen and read by any and every member of the public immediately upon his arrival at that garage or other place or, if an inspector has directed the occupier where to exhibit the same, it is exhibited where so directed;
- (b) If the dimensions of that notice and of the words and figures setting out the statement and information, if any, required to be exhibited thereby, or either of those dimensions are prescribed by the regulations, those regulations are, with respect to the notice, complied with in every respect; and

- (c) All words and figures setting out the statement and the information, if any, required to be exhibited thereby are clearly legible and visible,

that notice shall be deemed to be not exhibited in compliance with this section and that occupier shall be liable accordingly.

(3.) This section does not apply with respect to any apprentice or learner performing under the supervision of a motor mechanic any work as specified in subsection one of this section, or any other person who does not perform any such work.

(4.) This section applies to any and every garage or place where any work as specified in subsection one of this section is carried out and every provision of any other section of this Act shall be construed so as not to limit or otherwise affect or prejudice the application of this section.

Services of
notices and
orders.

70. (1.) Where a provision of this Act requires a notice or other document to be served upon, or given or delivered to, the Chief Inspector or any other inspector, that notice or other document shall be deemed to be so served, given or delivered upon the receipt by the Chief Inspector or other inspector in question of a prepaid post letter addressed to him and containing the same, or if the person responsible for so serving, giving or delivering that notice or other document produces the proper receipt from a post office for a prepaid registered letter addressed to the Chief Inspector or other inspector in question, as the case requires, and containing the same then, until the contrary is proved, when that letter would have been received in the ordinary course of post :

Provided that this subsection shall be construed so as not to prejudice the power to serve, give or deliver such a notice or other document by personal delivery.

(2.) A notice, order or other document empowered, authorised or required by a provision of this Act to be served upon, or given or delivered to, an owner, occupier or other person by the Chief Inspector or any other inspector may be so given, delivered or served—

- (a) By delivering the same to that owner, occupier, or other person (or his manager, foreman, or agent) personally ;

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- (b) By prepaid post letter containing that notice, order or other document and addressed to that owner or occupier or person at his business or residential address, in which case it shall be deemed to be so served, given or delivered upon the receipt by that person of that letter ;
- (c) By prepaid registered letter containing that notice, order or other document and addressed as aforesaid, in which case the production in evidence of the proper receipt from a post office for that letter shall, until the contrary is proved, be sufficient proof that it was so served, given or delivered upon the date when that letter would have been received by the person concerned in the ordinary course of post ; or
- (d) By affixing that notice, order or other document to the door or some other conspicuous part of the place, or as the case may be, machinery to which it relates.

(3.) An owner or his manager, foreman, or agent shall, if thereunto required by an inspector, acknowledge, by signing a duplicate copy thereof, a notice, order or other document under this Act requiring that owner to do or to refrain from doing any act, work or thing relating to any machinery and served upon, or given or delivered to that owner by that inspector.

71. Notwithstanding anything to the contrary in this Act, if an inspector has issued any requisition or given any direction or granted any approval or made any determination under this Act, whether upon or subject to any conditions or not, the same or any other inspector who is empowered by this Act to issue, give, grant, or make a like requisition, direction, approval, or, as the case may be, determination, may at any time withdraw or revoke or from time to time vary the requisition, direction, approval, or determination, or any condition upon or subject to which it has been given, or take further steps thereon.

Matters may be completed by different inspectors.

72. Suspension under this Act of any certificate—
- (a) Shall, whilst such certificate is so suspended have the same effect as the cancellation of the certificate ;

Effect of suspension of a certificate.

- (b) In the case of a certificate of competency shall, whilst such certificate is so suspended, disqualify the person who held that certificate from holding or obtaining a certificate of the same grade, class, or description ; and
- (c) (If the period of such suspension is less than the period during which that certificate ordinarily would have remained in force) shall not, upon the termination of that suspension, extend the period during which that certificate thereafter remains in force beyond the period during which that certificate would have remained in force if it had not been so suspended.

Power to
define
certain
terms used
in this Act.

73. The Governor in Council may from time to time by Order in Council prescribe all such definitions as he deems necessary or expedient to define the meaning of terms used in this Act to describe classes or descriptions of machinery referred to herein.

Regulations.

74. (1.) The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act.

Without limiting the generality of the foregoing provisions of this section, regulations may be made for or in respect of all or any of the following purposes, matters, and things—

- (a) Prescribing, providing for, regulating and controlling the powers and duties of the Chief Inspector, other inspectors and other officers including the exercise and discharge of those powers and duties so as not to unreasonably or unduly interfere with the work or processes being carried on in any place ;
- (b) Prescribing, providing for, regulating and controlling the qualifications for appointment to the office of an inspector, the giving by applicants for those offices of proof by competitive examination of qualification therefor, and those examinations including the conduct thereof ;

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- (c) Providing for, regulating and controlling the registration of (including the assignment of an official number to) all or any class of lifts, the periodical inspection of lifts so registered, certificates of those inspections, in prescribed cases the conditions subject to which such registrations or certificates of inspection or any class thereof shall remain in force, the cancellation or suspension of such registrations or of any class thereof for any contravention of or failure to comply with any provision of this Act or any condition as aforesaid ;
- (d) Prescribing, providing for, regulating and controlling the procedure and standards to be observed with respect to the construction, erection, alteration, and repair of any prescribed machinery, including the prohibition of the construction, erection, alteration, repair, or use of any prescribed machinery in respect of which the procedure or standard prescribed as aforesaid has not been complied with in every respect ;
- (e) Prescribing, regulating, and controlling requirements and conditions to be complied with by owners of and persons in charge of or working machinery in order to secure the safe working or use thereof ;
- (f) Prescribing, providing for, regulating and controlling the guarding by fencing off or otherwise as prescribed of any prescribed machinery or specified parts thereof, standards and such other matters and things with respect to such fencing or other prescribed guards as will ensure the adequacy and security and the maintenance, at all times, thereof ;
- (g) Providing for, regulating and controlling the compulsory provision by owners of any specified class of machinery of face, hand or arm guards for use by employees, the compulsory use by employees of the same, and such standards and other matters and things with respect to those face, hand and arm guards as will ensure the adequacy and security in use thereof ;

- (h) Prescribing, providing for, regulating and controlling the registration of boilers and other machinery, mode of ascertainment of the pressure which boilers and the appurtenances, fittings and connections proper for boilers are calculated to sustain, and the method of ascertaining the horse-power thereof;
- (i) Providing for, regulating and controlling the entry by persons into any engine-room while any machinery therein is in motion including prohibiting or restricting unauthorised persons from entering or being in any engine-room while machinery therein is in motion and the conditions subject to which persons may be permitted to enter or to be in any engine room;
- (j) Prescribing, providing for, regulating and controlling the examinations respectively qualifying examinees for certificates of competency under this Act, standards and other matters and things with respect to such examinations respectively and the conduct thereof, and the granting of such certificates;
- (k) Prescribing, providing for, regulating and controlling the form and manner of serving, giving, delivering, furnishing, granting, or keeping orders, notices, applications, plans records, certificates, registers, exemptions, and other documents required under this Act to be served, given, delivered, furnished, granted or kept;
- (l) Prescribing, providing for, regulating and controlling—
 - (i.) The fees to be paid in respect of the inspection of machinery and the grant of certificates of inspection or of exemption with respect thereto, which fees may differ in amount in respect of different kinds or classes of machinery or different certificates as aforesaid with respect to different kinds or classes of machinery;

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- (ii.) The fees to be taken by legally qualified medical practitioners for examinations, certificates and reports under this Act;
- (iii.) The fees to be paid in respect of the inspection of lifts;
- (iv.) The fees to be paid in respect of examinations for and the grant respectively of certificates of competency under this Act;
- (v.) The fees to be paid in respect of searches made of the record books of inspectors;
- (vi.) Other matters and things in respect whereof fees shall be payable under this Act and the respective amounts of those fees; and
- (vii.) The persons by whom and the places and times when and where all such fees as aforesaid are to be paid;
- (m) Prescribing the times and places and all other matters relating to the conduct and holding of examinations for certificates of competency, and providing for the giving of public notice by advertisement of the exact time and place for the holding of any and every such examination;
- (n) Prescribing, providing for, regulating and controlling the conditions upon which certificates of competency may, after due investigation, be cancelled or suspended on the ground of misconduct, negligence, intemperance, unfitness, or successive offences under this Act; and the conduct of investigations as aforesaid;
- (o) Prescribing the abstracts of this Act to be affixed and maintained by owners of machinery or of any specified class of machinery;
- (p) Providing for, regulating and controlling the proceedings of inquiries under this Act into accidents, and the manner of defraying and the recovery of the costs thereof;
- (q) Prescribing, regulating, and controlling meetings, quorum at meetings, and the business and procedure of the Board of Examiners;

- (r) Forms under this Act and the respective purposes for which such forms shall be used ;
- (s) Prescribing the amount of any pecuniary or other penalty for any offence against any regulation, provided that any such pecuniary penalty shall not in any case exceed one hundred pounds or in the case of a daily penalty five pounds per day.
- (t) All matters required or permitted by this Act to be prescribed excepting such a matter so required to be prescribed otherwise than by regulation.

(2.) The power to make with respect to machinery any regulation under this Act shall include power to make that regulation so that it shall be limited in its application to any prescribed class of machinery or otherwise as is prescribed.

The power to make regulations with respect to any matter shall include power to make regulations under this section prohibiting that matter either generally or to meet particular cases.

The power to make regulations under this Act shall include power to repeal, amend, or otherwise modify any regulation in force at the commencement of this Act and continued in force by virtue of any provision of this Act.

(3.) Regulations may be made under this Act at any time after the passing hereof.

Publication
of Proclama-
tions, Orders
in Council,
regulations,
&c.

75. (1.) Every Proclamation, Order in Council, and regulation made under this Act shall—

- (a) Be published in the *Gazette* ;
- (b) Upon its publication in the *Gazette*, be judicially noticed and such publication shall be conclusive evidence of the matters contained therein ;
- (c) Take effect from the date of such publication, unless, in the case of any such regulation, a later date is specified in that or any other regulation for its commencement when in such event it shall take effect from that later date ; and

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(d) Be laid before Parliament within fourteen sitting days after such publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(2.) If Parliament passes a resolution of which notice has been given at any time within fourteen sitting days after any such Proclamation, Order in Council, or regulation has been laid before Parliament disallowing such Proclamation, Order in Council, or regulation or part thereof, that Proclamation, Order in Council, or regulation or part shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the making of a further Proclamation, Order in Council, or regulation.

(3.) In this section the term "sitting days" means days upon which the House actually sits for the despatch of business.

76. The Chief Inspector shall furnish annually to the Minister a report upon the operation of this Act. Annual report.

SCHEDULES.

SCHEDULES.

THE FIRST SCHEDULE.The First
Schedule.**MACHINERY SUBJECT TO THIS ACT.**

All machinery used or designed for use for the purpose, process, preparation, or manufacture, of— (SECTION 5
(4.))

Foods, Drinks, Perfumes, Drugs, Medicines, Chemicals ;
Plaster, Cements ;
Wearing Apparel ;
Furniture ;
Metal Ware, Cutlery, Grindery ;
Bricks, Tiles, Pottery, Glass, Pipes ;
Machinery, Tools, Instruments ;
Arms, Ammunition ;
Paper, Linoleum, Oilcloth, other Textile Materials ;
Harness, Saddlery ;
Metal, Wood, Stone, Leather, Rubber ;
Vehicles ;
Hoisting, Lifting, Elevating, Hauling, Driving, Propelling ;
Weighing ;
Refrigerating ;
Scouring, Cleansing, Washing ;
Rolling, Pressing ;
Plastics ;
Planing, Sawing ;

Building, Ventilating ;
 Milling, Drilling, Founding ;
 Forcing, Pumping ;
 Ploughing, Planting, Cutting, Harvesting ;
 Shearing ;
 Moulding, Stamping, Crushing, Tearing, Shredding, Separating ;
 Excavating, Boring, Sinking, Dredging ;
 Printing ;
 Illuminating, Electrical Generation :

But not including—

- (a) The following machinery while being used on any farm or grazing property for agricultural, horticultural, viticultural, dairying, or pastoral purposes, or in any mine for mining purposes, namely:—
- Oil tractors ;
 Engines the area of cylinder or combined area of cylinders of which does not exceed sixty-four circular inches in measurement ;
 Implements ;
 Machinery (other than sheep-shearing machinery) where the motive power is obtained from an electric motor or electric motors of a capacity up to and including twenty-five horse-power ;
- (b) Machinery, tools, or instruments which are directly worked by hand or foot power ;
- (c) Vehicles propelled, hauled, or moved by direct hand, foot, or animal power ;
- (d) Motor vehicles which are not used at any time for carrying passengers, or goods, or both passengers and goods for hire or reward, or in the course of or for any purpose of any business or work ; and
- (e) Any machinery while being used exclusively for domestic purposes in a private dwelling-house.

The Second
 Schedule.

[SECTION 57.]

Recognised
 authority.

THE SECOND SCHEDULE.

RULES RELATING TO CERTIFICATES OF COMPETENCY.

1. In these rules the term " recognised authority " relates to a State or country outside Queensland and means an authority duly authorised under the law of that State or country to grant, in respect of that State or country, any certificate or certificates corresponding in grade and class to any of the certificates of competency prescribed by this Act, and which authority grants such a certificate after due examinations corresponding in status to the relative examinations under this Act.

2. The Board may, without examination but subject otherwise to the provisions of section fifty-six of this Act, grant certificates of competency under this Act as follows, that is to say, to—

- (a) A holder of any certificate corresponding to a certificate under this Act and granted after due examination by a recognised authority—the corresponding certificate of equal grade thereto under this Act ;

When
 certificate
 may be
 granted
 without
 examina-
 tion.

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- (b) A holder of a certificate as an engineer or engine-driver granted without examination by a recognised authority—a certificate of such class as the Board deems fit ;
- (c) A holder of a certificate as an engineer granted by a recognised authority who shall have been in charge of and shall have driven an internal combustion engine for a period of at least one year—an internal combustion certificate of the class deemed appropriate by the Board in his case ;
- (d) A holder of a certificate as an engineer granted by a recognised authority who shall have been in charge of refrigerating machinery for a period of at least one year—a refrigeration certificate of the class deemed appropriate by the Board in his case ;
- (e) A holder of a certificate as an engineer, or of a certificate corresponding to an engineer's certificate and granted by a recognised authority who shall have had at least twelve months experience as a motor mechanic in a workshop where motor vehicles are made or repaired—a motor mechanic's certificate of the class deemed appropriate by the Board in his case.

3. On production of a certificate granted after due examination by the Board of Trade of the United Kingdom of Great Britain and Northern Ireland, or by any Board in any part of the British Commonwealth of Nations having lawful authority to grant, subject to due examination, certificates corresponding to those granted by the said Board of Trade, the Board shall, without examination but subject otherwise to section fifty-six of this Act, grant the following certificates :—

To the holder of a certificate as a first-class marine engineer—
an engineer's certificate ;

To the holder of a certificate as a second-class marine engineer—
a first-class engine-driver's certificate ;

To the holder of a certificate as a third-class marine engineer—
a second-class engine-driver's certificate.

4. Any and every application to sit for the qualifying examination for a certificate under these rules shall be delivered to the chairman of the Board, accompanied by the prescribed fee.

A candidate shall not be eligible to sit for the examination qualifying for any certificate until he satisfies the Board that, subject to passing that examination, he is entitled in every respect as required by this Act in his case, to that certificate.

5. Notwithstanding anything to the contrary in this Act, every applicant for the grant to him (with or without examination) of any certificate of competency shall be a British subject, and shall satisfy the Board that he can speak and write the English language sufficiently to be able to perform the duties required of him as the holder of that certificate under this Act :

Provided that nothing herein contained shall prejudice the rights of any of the subjects of a foreign power between which and His Majesty in right of the Commonwealth of Australia there is a subsisting treaty whereby reciprocal civil rights to the subjects of such treaty powers are reserved, granted, or declared.

When
entitlement
to certificate
to be proved.

6. (1.) Any and every—

- (a) Candidate for examination for any certificate under this Act ;
- (b) Applicant for the grant to him without examination of any certificate under this Act,

shall, with his application to sit for that examination, or, with his application for that certificate, as the case may be, produce to the Board documentary evidence proving to the satisfaction of the Board that (subject in the case of such a candidate to passing the examination in question) he is entitled in every respect as provided by this Act, including the rules for the time being set out in this Schedule, in his case to be granted the certificate in question, all of which documents shall be in or to the effect of the forms and contain the information and particulars respectively prescribed or, in so far as not prescribed, required by the Board and all of which documents shall, if prescribed or, in so far as not prescribed, required by the Board, be verified in the manner prescribed or, as the case may be, so required.

(2.) Except in the case of a candidate for examination for or an applicant for the grant without examination of an "A" or a "B" grade motor mechanic's certificate, every candidate or applicant shall accompany the documentary evidence produced by him as aforesaid with a medical certificate signed by a legally qualified medical practitioner certifying that he does not suffer from defective hearing or defective sight, fits, giddiness, or other infirmity likely to interfere with the efficient discharge of his duties :

Provided that in the case of an applicant for a second-class internal combustion certificate the Board may dispense with the production of a medical certificate if the applicant produces a statutory declaration that he does not suffer from defective hearing or defective sight, fits, giddiness, or any other infirmity likely to interfere with the efficient discharge of his duties.

Particulars
to be set out
in
certificates.

7. (1.) Every certificate, other than a motor mechanic's certificate, and the registration entry relating thereto shall state upon the face thereof the class or classes of engines of which the holder is thereby authorised to take charge.

(2.) Every certificate shall bear the full Christian name and surname and the usual signature of the holder.

(3.) No engineer's or first-class engine-driver's or second-class engineer's or motor mechanic's certificate shall be granted to any person under twenty-one years of age.

(4.) No certificate shall be granted to any person under eighteen years of age.

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*Inspection of Machinery Act.***8. (1.) An applicant for an engineer's certificate—**

Qualifications for applicant for engineer's certificate.

- (a) Shall have worked as an apprentice or learner or fitter and turner for at least five years in a workshop or workshops where steam engines are manufactured or repaired, or where work of a similar character is performed ; and
- (b) Shall have been at least twelve months in charge of steam engines and boilers ;

or alternatively to having the experience specified in paragraphs (a) and (b) of this rule—

- (c) Shall have been the holder of a first-class engine-driver's certificate for at least five years and been during that time in charge of machinery, the required authority for taking charge of which is a first-class engine-driver's certificate, and shall have had at least two and a half year's engineering workshop experience in a shop where steam engines are manufactured or repaired ; or
- (d) Shall have been the holder of a second-class engineer's certificate for at least twelve months and has been during that time and for at least twelve months in charge of machinery and boilers, the required authority for taking charge of which is a second-class engineer's certificate or during that time and for at least one hundred and four weeks assisting the engineer in charge of machinery the required authority for taking charge of which is a first-class engine-driver's certificate.

(2.) An applicant for a second-class engineer's certificate shall have worked as an apprentice or learner or fitter and turner for at least five years in a workshop or workshops where steam engines are manufactured or repaired, or where work of a similar character is performed, and must show to the satisfaction of the examiner that he has had practical experience in working boilers or engines, or boilers and engines, or be the holder of a degree in mechanical engineering from a recognised University or Technical College, and in addition shall have had at least sixteen months' additional engineering workshop practice where steam engines are manufactured or repaired or where work of a similar character is performed.

Qualifications for applicant for second-class engineer's certificate.

9. An applicant for a first-class engine-driver's certificate shall have been the holder of a second-class engine-driver's certificate for a period of at least twelve months, and since the grant of such last-mentioned certificate—

Qualifications for applicant for first-class engine-driver's certificate.

- (i.) Shall have been in charge of a steam engine or steam engines the required authority for taking charge of which is a second-class engine driver's certificate for a period of not less than fifty-two weeks, computed according to a working time of forty hours per week :

Provided that in computing the aforesaid period of fifty-two weeks any period of weeks during which a candidate shall have been actually in charge of a steam generating boiler or boilers including its or their feed water pumps, the required authority for taking charge of which is a second-class engine-driver's certificate, up to a maximum of thirty-two weeks, computed according to a working time of forty hours per week shall be and be

deemed to be a period of time in weeks during which such candidate shall have been in charge of a steam engine or steam engines the required authority for taking charge of which is a second-class engine driver's certificate ; or

- (ii.) Shall have worked actually assisting the engineer or engine-driver in charge of a steam engine or steam engines, the required authority for taking charge of which is a first-class engine-driver's certificate, for a period of not less than one hundred and four weeks, computed according to a working time of forty hours per week :

Provided that in computing the aforesaid period of one hundred and four weeks any period of weeks during which a candidate shall have been actually in charge of a steam generating boiler or boilers including its or their feed water pumps, the required authority for taking charge of which is a second-class engine-driver's certificate, up to a maximum of thirty-two weeks, computed according to a working time of forty hours per week shall be multiplied by two and the figure thereby arrived at shall be and be deemed to be a period of time in weeks during which that candidate shall have worked actually assisting the engineer or engine-driver in charge of a steam engine or steam engines, the required authority for taking charge of which is a first-class engine-driver's certificate.

Qualifica-
tions for
applicant
for second-
class engine-
driver's
certificate.

10. An applicant for a second-class engine-driver's certificate shall have been the holder of a third-class engine-driver's certificate for a period of at least twelve months and since the grant of such last-mentioned certificate—

- (i.) Shall have been in charge of a steam engine or steam engines, the required authority for taking charge of which is a third-class engine-driver's certificate, for a period of not less than fifty-two weeks, computed according to a working time of forty hours per week ; or
- (ii.) Shall have been in charge of a steam generating boiler or boilers including its or their feed water pumps, the required authority for taking charge of which is a third-class engine-driver's certificate, for a period of not less than fifty-two weeks, computed according to a working time of forty hours per week ; or
- (iii.) Shall have worked actually assisting the engineer or engine-driver in charge of a steam engine or steam engines, the required authority for taking charge of which is either a first-class or a second-class engine-driver's certificate, for a period of not less than one hundred and four weeks, computed according to a working time of forty hours per week.

Qualifica-
tions for
applicant
for
locomotive
and traction
engine-
driver's
certificate.

11. An applicant for a locomotive and traction engine-driver's certificate shall have had at least six months' experience with steam locomotive or traction engines and boilers.

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12. An applicant for a third-class engine-driver's certificate shall have had experience with steam generating boilers and steam engines for a period of not less than twenty-six weeks, computed according to a working time of forty hours per week.

Qualifications for applicant for third-class engine-driver's certificate.

That experience shall be proved by the evidence of the certificated engine-driver or engine-drivers under whose direct supervision the candidate has served, but the Board may in its discretion accept the evidence of any other person or persons proving that the candidate has had such experience in cases where for some good reason it is not possible for the candidate to produce that evidence by the certificated engine-driver or engine-drivers as aforesaid.

When an applicant applies to a certificated engine-driver for evidence for the purpose of this Rule, that engine-driver shall furnish him with that evidence as prescribed by this Act, unless he has good grounds for refusing to do so :

Provided that the holder of a third-class engine-driver's certificate granted in pursuance of the provisions of Rule 19 of these rules, and restricted to a particular steam engine or a class of steam engine, who shall have been, since the grant of such restricted certificate, in charge of the particular steam engine, or class of steam engines, to which his certificate is restricted, for a period of not less than fifty-two weeks, computed according to a working time of forty hours per week, shall, subject to qualifying therefor by examination, be entitled to be granted, without restriction, a third-class engine-driver's certificate :

Provided further that the holder of a third-class engine-driver's certificate granted in pursuance of the provisions of Rule 19 of these rules, and restricted to a particular steam generating boiler and its feed water pumps or to a class of steam generating boilers and their feed water pumps who shall have been, since the grant of such restricted certificate, in charge of the particular steam generating boiler and its feed water pumps or class of steam generating boilers and their feed water pumps to which his certificate is restricted, for a period of not less than fifty-two weeks, computed according to a working time of forty hours per week, and who also shall have had experience with a steam engine or steam engines other than feed water pumps for not less than thirteen weeks, computed according to a working time of forty hours per week shall, subject to qualifying therefor by examination, be entitled to be granted, without restriction, a third-class engine driver's certificate.

13. An applicant for a crane-driver's certificate shall have had at least six months' experience on the class of crane for which that certificate is applied for during at least twelve hours per each and every week for the said period. A reference signed by the certificated person under whom he has gained that experience shall be received as evidence of the facts therein set forth :

Qualifications for applicant for crane-driver's certificate.

Provided that the foregoing provisions of this Rule shall not apply in the case of an applicant for a crane-driver's certificate who is the holder of a general winding license granted under the provisions of "The Mines Regulation Acts, 1910 to 1945," or "The Coal Mining Acts, 1925 to 1950," or the holder of a winding engine-driver's certificate granted under the provisions of "The Inspection of Machinery and

Scaffolding Acts, 1908 to 1912," or in the case of an applicant for a crane-driver's certificate restricted to electric cranes who is the holder of a special winding license (electrical) of general application granted under the provisions of "*The Mines Regulation Acts, 1910 to 1945,*" or "*The Coal Mining Acts, 1925 to 1950.*"

Qualifications for applicant for hoist-driver's certificate.

14. An applicant for a hoist-driver's certificate shall have had at least six months' experience (during at least twelve hours for each and every week for the said period) in connection with machinery used for the purpose of raising or lowering or otherwise handling men or goods or materials.

Qualifications for applicant for internal combustion certificate.

15. (1.) An applicant for a first-class internal combustion certificate shall—

(a) Have been the holder of a second-class internal combustion certificate for a period of at least twelve months, and either—

(i.) Since the grant of that second-class internal combustion certificate shall have been in charge of internal combustion engines, a required authority for taking charge of which is a second-class internal combustion certificate, for a period of not less than fifty-two weeks, computed according to a working time of forty hours per week ; or

(ii.) Since the grant of that second-class internal combustion certificate shall have worked actually assisting the engineer or engine-driver in charge of internal combustion engines, a required authority for taking charge of which is a first-class internal combustion certificate, for a period of not less than one hundred and four weeks, computed according to a working time of forty hours per week ; or

(b) Shall have been in charge, either outside the State of Queensland or aboard ship, of internal combustion engines, a required authority for taking charge of which within this State is a first-class internal combustion certificate, for a period of not less than fifty-two weeks, computed according to a working time of forty hours per week.

(2.) An applicant for a second-class internal combustion certificate shall have had experience with an internal combustion engine or internal combustion engines the area of cylinder or combined area of cylinders of which exceed sixty-four circular inches, actually assisting the certificated engineer or certificated engine-driver in charge for a period of not less than twenty-six weeks, computed according to a working time of not less than twenty hours per week, such experience to be proved by the evidence of the certificated engineer or engineers or the certificated engine-driver or engine-drivers under whose direct supervision the applicant has served ; but the Board may in its discretion accept the evidence of any other person or persons proving that the candidate has had such experience in cases where for some good reason it is not possible for the candidate to produce the evidence of the certificated engineer or engineers or certificated engine-driver or engine-drivers as aforesaid.

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16. (1.) An applicant for a first-class refrigeration certificate shall—

Qualifications for applicant for first-class refrigeration certificate.

- (a) Have been the holder of a second-class refrigeration certificate for a period of at least twelve months and, either
 - (i.) Since the grant of that second-class refrigeration certificate shall have been in charge of refrigerating machinery, a required authority for taking charge of which is a second-class refrigeration certificate, for a period of not less than fifty-two weeks, computed according to a working time of forty hours per week ; or
 - (ii.) Since the grant of such second-class refrigeration certificate shall have worked actually assisting the engineer or engine-driver in charge of refrigerating machinery, a required authority for taking charge of which is a first-class refrigeration certificate, for a period of not less than one hundred and four weeks, computed according to a working time of forty hours per week ; or
- (b) Shall have had charge, either outside the State of Queensland or aboard ship, of refrigerating machinery; a required authority for taking charge of which within this State is a first-class refrigeration certificate, for a period of not less than fifty-two weeks, computed according to a working time of forty hours per week.

(2.) An applicant for a second-class refrigeration certificate shall have had experience with refrigerating machinery of not less than five tons capacity actually assisting the certificated engineer, or certificated engine-driver in charge for a period of not less than twenty-six weeks computed according to a working time of not less than twenty hours per week ; such experience shall be proved by the evidence of the certificated engineer or engineers or certificated engine-driver or engine-drivers under whose direct supervision the candidate has served ; but the Board may in its discretion accept the evidence of any other person or persons proving that the candidate has had such experience in cases where for some good reason it is not possible for the candidate to produce evidence by the certificated engineer or engineers or certificated engine-driver or engine-drivers as aforesaid.

Qualifications for applicant for second-class refrigeration certificate.

17. (1.) An applicant for an "A" grade motor mechanic's certificate—

Qualifications for applicant for an "A" grade motor mechanic's certificate.

- (a) Shall have held a "B" grade motor mechanic's certificate for a period of at least twelve months, and during that time shall have been employed as a motor mechanic in a reputable motor garage or workshop where internal combustion engines are made, repaired, or serviced ; or
- (b) Shall have worked for at least nine years as a motor mechanic in a reputable motor garage or workshop where internal combustion engines are made, repaired, or serviced.

(2.) An applicant for a "B" grade motor mechanic's certificate shall have served an apprenticeship to motor engineering for a period of at least four years or shall have worked for a period of at least four years as a motor mechanic in a reputable motor garage or workshop where internal combustion engines are made, repaired, or serviced.

Qualifications for applicant for a "B" grade motor mechanic's certificate.

Status of
certificates
of
competency.
Engineer's
certificate.

18. (1.) An engineer's certificate shall authorise the holder thereof to drive and have charge of any machinery (including any boiler or boilers) to and with respect to which section fifteen of this Act applies, provided that such machinery is so situated that the Chief Inspector or his representative is satisfied the engineer can from such situation efficiently discharge his duties without danger to any person or risk to such machinery or the attendant plant.

First-class
engine-
driver's
certificate.

(2.) A first-class engine-driver's certificate shall authorise the holder thereof to drive and have charge of any steam engine or steam engines and steam machinery (including any boiler or boilers) to and with respect to which section fifteen of this Act applies, provided that such steam machinery is so situated that the Chief Inspector or his representative is satisfied the engine-driver can from such situation efficiently discharge his duties without danger to any person or risk to such steam machinery or the attendant plant.

Second-class
engineer's
certificate ;
Second-class
engine-
driver's
certificate.

(3.) A second-class engineer's or second-class engine-driver's certificate shall authorise the holder thereof to drive and have charge of—

- (i.) Any steam engine or steam engines to and with respect to which section fifteen of this Act applies and its or their attendant steam machinery (including the steam generating boiler or boilers and feed water pumps attached to such machinery) where the area of cylinder or combined area of cylinders of such engine or engines and its or their machinery, does not exceed five hundred circular inches ; or
- (ii.) Any steam engine or steam engines to and with respect to which section fifteen of this Act applies and its or their attendant steam machinery (including the feed water pumps attached to such machinery but not including the steam generating boiler or boilers) where the area of cylinders or combined area of cylinders of such engine or engines and its or their machinery does not exceed seven hundred and fifty circular inches ; or
- (iii.) Any boiler or boilers to and with respect to which section fifteen of this Act applies the area or aggregate area of the heating surface of which does not exceed nineteen thousand square feet.

Locomotive
and
traction
engine-
driver's
certificate.

(4.) A locomotive and traction engine-driver's certificate without any restriction expressed therein shall entitle the holder thereof to drive and have charge of any steam locomotive or steam traction engine and of its boiler propelled or moved from place to place by its motive power or machinery, and of any stationary steam engine or steam engines and of its or their boilers the required authority for taking charge of which is a third-class engine-driver's certificate as by this Act prescribed.

Third-class
engine-
driver's
certificate.

(5.) A third-class engine-driver's certificate shall entitle the holder thereof to drive and have charge of any steam engine or steam engines (or of any boiler or boilers the area or aggregate area of heating surface of which does not exceed five thousand seven hundred square feet) to and with respect to which section fifteen of this Act applies and its or their attendant steam machinery including feed water pumps, the area of cylinder or combined area of cylinders of which does not exceed one hundred and fifty circular inches, and also of the boiler or boilers supplying steam to such steam engine or steam engines.

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(6.) The grade of a certificate of competency required to authorise the holder thereof to take charge of any steam turbine shall be determined by reference to the horse power of the boiler or boilers supplying that machine with steam as follows :—

Grades of certificates of competency required in respect of steam turbines.

An engineer's or first-class engine-driver's certificate shall authorise the holder thereof to take charge of any steam turbine or steam turbines, and of its or their attendant machinery and of its or their boilers.

A second-class engineer's or second-class engine-driver's certificate shall authorise the holder thereof to take charge of any steam turbine or steam turbines, and of its or their attendant machinery and of its or their boilers, the horse power of which does not exceed fifty.

A third-class engine-driver's certificate shall authorise the holder thereof to take charge of any steam turbine or steam turbines, and of its or their attendant machinery and of its or their boilers, the horse power of which does not exceed fifteen.

(7.) The grade of a certificate of competency required to authorise the holder thereof to take charge of any steam boiler and its feed pumps in any case where such boiler is fed by electrically driven feed pumps shall be determined by reference to the electrical horse-power of the motor or motors driving such pumps, and for the purposes of such determination one electrical horse-power shall be considered to be equal to three and three-tenths circular inches of steam cylinder area.

Grades of certificates of competency required in respect of steam boilers fed by electrically driven feed pumps.

The number of such boilers that any one certificated person may safely take charge of shall be determined by the Chief Inspector.

(8.) The grade of a certificate required to authorise the holder thereof to take charge of any steam boiler or boilers, where he is not also in charge of the feed water pump, shall be determined by the area or areas of the heating surface of such boiler or boilers, and for the purpose of such determination thirty-eight square feet of heating surface shall be considered to be served by one circular inch.

Grades of certificates of competency required in respect of steam boilers where holders of certificate not also in charge of feed water pumps.

(9.) The number of boilers that one certificated person may safely have charge of shall, subject to this rule, be determined by the Chief Inspector.

Number of boilers in charge of one person.

(10.) A crane-driver's certificate shall authorise the holder thereof to take charge of and operate any crane of the class specified in that certificate and any hoist.

Crane-driver's certificate.

(11.) A hoist-driver's certificate shall authorise the holder thereof to take charge of and operate any hoist of the class specified in that certificate.

Hoist-driver's certificate.

(12.) A first-class internal combustion certificate shall authorise the holder to take charge of any internal combustion engine.

Internal combustion certificates.

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A second-class internal combustion certificate shall authorise the holder to take charge of internal combustion engines whose area of cylinder or combined area of cylinders does not exceed two hundred and twenty-five circular inches.

Refrigeration certificates. (13.) A first-class refrigeration certificate shall authorise the holder to take charge of any refrigerating machinery.

A second-class refrigeration certificate shall authorise the holder to take charge of refrigerating machinery the capacity of which does not exceed thirty tons refrigeration.

Persons in charge of machinery to satisfy Chief Inspector as to their competency. (14.) All persons in charge of machinery shall satisfy the Chief Inspector that they are competent to be in that position by reason of their knowledge of such machinery.

(15.) Notwithstanding anything to the contrary in this Act, no person shall be authorised to take charge of any machinery (other than a lift) used for the purpose of raising or lowering men or goods or materials unless he is the holder of a certificate prescribed under this Act for that purpose.

This subrule does not apply to any machinery used in a mine within the meaning of **"The Mines Regulation Acts, 1910 to 1945,"* or †*"The Coal Mining Acts, 1925 to 1950."*

Restricted certificates. 19. Notwithstanding anything in this Act contained, where it appears to the Board from the evidence submitted to it by any applicant for any certificate of competency under this Act that the experience of such applicant has been limited to any particular engine or machinery or class of engine or class of machinery so that the certificate to be granted to him should in the meantime be a certificate restricted to certain engines or machinery or a certain class of engines or machinery the Board may grant such certificate of whatever class, restricted as the Board deem proper under the circumstances. Any such restriction shall be denoted by endorsement upon the certificate, and the Board, upon being satisfied at any future time that the person holding such a restricted certificate has acquired further or other experience, may either wholly delete such restriction or vary the same so as to enlarge the scope of such certificate. Any such deletion or variance of a restriction shall be denoted by a further endorsement upon the certificate, and for that purpose the holder thereof shall produce the certificate to the Board. Every endorsement upon a certificate, whether in the first instance or at any subsequent time, shall be signed by the chairman of the Board and bear the date on which such endorsement was made.

Medical certificate when raising or lowering men. 20. (1.) Every holder of a crane-driver's certificate or a hoist-driver's certificate or other certificate granted under or continued in force by this Act, who is at any time engaged in the raising or lowering of men shall biennially, after the grant of such certificate and also at such times as the Board of Examiners may require, deliver to the Board a medical certificate, signed by a legally qualified medical practitioner, certifying that he does not suffer from defective hearing or defective sight, fits, giddiness, or any other infirmity likely to interfere with the efficient discharge of his duties.

* 1 G 5 No. 24 and amending Acts.

† 16 G. 5 No. 30 and amending Acts.

15 GEO. VI. No. 30, 1951. *Inspection of Scaffolding, Etc., Act.*

(2.) If the holder of a crane-driver's certificate or a hoist-driver's certificate or other certificate fails or omits to deliver to the Board a medical certificate at any time as hereinbefore required, the Board may, by notice in writing to such holder, call upon him to show cause why his certificate should not be cancelled or suspended for such period as the Board may determine, and if after consideration of the representations (if any) made by such holder the Board is satisfied that such certificate should be cancelled or suspended, the Board may cancel or suspend the same for such period as the Board may determine. Such cancellation or suspension shall take effect at such time as the Board shall determine and the Board shall give notice of such cancellation or suspension to such holder. The Board shall in such notice require such holder to deliver to it on or before a day specified in such notice the crane-driver's certificate, hoist-driver's certificate, or other certificate (as the case may be) granted to such holder.

An Act to Amend "The Inspection of Scaffolding Acts, 1915 to 1930," in certain particulars.

15 GEO. VI.
No. 30.
THE
INSPECTION OF
SCAFFOLDING
ACTS
AMENDMENT
ACT OF 1951.

[ASSENTED TO 18TH OCTOBER, 1951.]

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

1. This Act may be cited as "*The Inspection of Scaffolding Acts Amendment Act of 1951*," and shall be read as one with * "*The Inspection of Scaffolding Acts, 1915 to 1930*," herein referred to as the Principal Act.

Short title
and
construction.

The Principal Act and this Act may be cited collectively as "*The Inspection of Scaffolding Acts, 1915 to 1951*."

Collective
title.

2. Section three of the Principal Act is amended as follows:—

Amendments
of s. 3.

(a) The definition of the term "Gear" appearing in that section is repealed and, in lieu of that repealed definition, the following definitions are inserted, namely:—

" "Building work"—Includes any work in or in respect of building, rebuilding, erecting, re-erecting, constructing, reconstructing, equipping, finishing, altering, repairing,

Building
work.

* 6 G. 5 No. 25 and amending Acts.